

1 DECEMBER 2020

NOTICE OF MEETING

You are advised of the following meeting:

THURSDAY 10 DECEMBER 2020.

City of Ryde Local Planning Panel Meeting No. 10/20

Virtual Meeting held over Microsoft Teams - 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 Ryde، 1 Pope Street (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 Ryde، 1 Pope Street (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 10 December 2020
Location: Virtual Meeting held over Microsoft Teams
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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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATIONS

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| 1 | 5 Aeolus Avenue, Ryde - Construction of a two (2) storey child care centre catering for fifty-nine (59) children between the ages of 0-5 years of age and one (1) level of basement car parking for thirteen (13) car spaces - LDA2020/0167 | 3 |
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DEVELOPMENT APPLICATIONS

- 1 5 Aeolus Avenue, Ryde - Construction of a two (2) storey child care centre catering for fifty-nine (59) children between the ages of 0-5 years of age and one (1) level of basement car parking for thirteen (13) car spaces - LDA2020/0167**

Report prepared by: Senior Town Planner

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

Report dated: 01 December 2020

File Number: GRP/09/6/12/1/2 - BP20/1250

City of Ryde Local Planning Panel Report

DA Number	LDA2020/0167
Site Address and Ward	5 Aeolus Avenue, Ryde Central Ward
Zoning	R2 – Low Density Residential under RLEP 2014
Proposal	Construction of a two (2) storey child care centre catering for fifty-nine (59) children between the ages of 0-5 years of age and one (1) level of basement car parking for thirteen (13) car spaces.
Property Owner/Applicant	S and N Navasardian
Report Author	Peggy Wong – Senior Town Planner
Lodgement Date	9 June 2020
No. of Submission	17 Submissions
Cost of Works	\$1,148,598
Reason for Referral to Local Planning Panel	<u>Contentious Development</u> Development is the subject of ten (10) or more unique submissions by way of objection.
Recommendation	Refusal

ITEM 1 (continued)

Attachments	Attachment 1 – Proposed Architectural & Landscape Plans
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1. Executive Summary

The subject development application is for the construction of a two (2) storey child care centre for 59 children and 11 staff, with one (1) level of basement car parking consisting of 13 car spaces at No. 5 Aeolus Avenue, Ryde.

The hours of operation for the child care centre are between 7.00am and 6.00pm Monday to Friday. The proposal also seeks for additional hours of operation between 9.00am and 5.00pm on four (4) Saturdays in a calendar year for special events.

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 the number of submissions received relating to the proposal is 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 including sixteen (16) letters of objection and one (1) letter of support for the proposed development.

The concerns raised relate to the site not being suitable for a child care centre use as the proposal:

- Will significantly increase traffic volumes in local streets;
- Increase demand for on-street parking;
- Increase hazards to pedestrian safety;
- Have adverse acoustic and visual privacy impacts on adjoining residential properties; and
- Detract from the low density residential character of the area.

The proposed child care centre has a gross floor area of 513.6m², a floor space ratio of 0.42: 1 and a building height of 8m which is consistent with the height of buildings control of 9.5m and maximum floor space ratio of 0.5:1 under Clauses 4.3 and 4.4 of Ryde Local Environmental Plan 2014 (Ryde LEP 2014), respectively.

ITEM 1 (continued)

The proposal is satisfactory under State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) and the site is considered suitable for the proposed use without need for remediation.

The proposal is inconsistent with a number of requirements when assessed against the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In particular the proposal is not consistent with the requirements of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Child Care Planning Guideline, as well as with key development controls contained within the Ryde Development Control Plan 2014 (Ryde DCP 2014) .

The proposal (as amended) has not satisfactorily addressed Council's concerns with regard to:

- Internal amenity concerns in regard to access to natural ventilation for children;
- The design of the outdoor play area which does not provide sufficient unencumbered outdoor play area per child as required by the Child Care Planning Guideline and Part 3.2 of the Ryde DCP 2014;
- Provision of adequate supervision of children between indoor and outdoor spaces;
- The additional vehicular movements and demand for parking that cannot be reasonably accommodated within the existing local street network without significant congestion and queuing;
- The shortfall in off-street car parking spaces and inadequate vehicular access to the basement car park;
- Reduction in the availability of parking spaces for surrounding properties and increase pedestrian traffic seeking to cross Aeolus Avenue from on-street parking pressures;
- The visual amenity impacts caused by the proposed 2.7m acoustic barriers (required by the Acoustic Report to minimise noise impacts); and
- Acoustic and privacy impacts from the proposed elevated rear outdoor decks.

Further to this, the amended proposal has submitted insufficient information including the following:

- Architectural plans are inconsistent with landscape plans and lack adequate details demonstrating high quality interior and external design;

ITEM 1 (continued)

- No amended acoustic assessment report addressing the proposed air conditioning units;
- Overshadowing diagrams have not been submitted to enable a proper assessment of amenity impacts on adjoining properties;
- The proposal has not satisfactorily demonstrated acceptable two-way vehicular movements to and from the site in a forward direction;
- No amended stormwater management plan has been submitted demonstrating compliance with Council's DCP requirements for downstream connections and suitable location for the OSD tank;
- No amended Waste Management Plan has been submitted demonstrating waste storage and collection in accordance with requirements in the Ryde DCP 2014; and
- Insufficient long section showing the steepest portion of the driveway to demonstrate compliance with the ramp grade requirements of AS2890.1.

For the reasons outlined above, the subject application is recommended for refusal.

2. The Site and Locality

The site is legally described as Lot 10 in DP 7159 and is known as No. 5 Aeolus Avenue, Ryde.

The site is located on the southern side of Aeolus Avenue and is a regular shaped allotment with a 20.115m frontage to Aeolus Avenue and a total site area of 1,206m². The northern side boundary has a length of 60.75m and the southern side boundary has a length of 59.145m.

The site has a slope of approximately 4.5m from the north-western boundary (front) to the south-eastern (rear) corner of the site.

The site currently contains a three (3) bedroom single storey brick dwelling, detached garage and covered patio to the rear.

Surrounding developments are characterised by residential dwellings, including a multi-dwelling development (three (3) single storey dwellings) to the north-east at No. 7 Aeolus Avenue, two (2) storey single dwellings to the east at Nos. 49 and 49A Wolger Road, a single storey residential dwelling to the south-west (No. 3A Aeolus Avenue) and a mix of single and two storey dwellings to the north and north-west, on the opposite side of Aeolus Avenue. The south-eastern (rear) boundary of the site adjoins a public reserve known as Adventure Park. Adventure Park extends north-east to south-west, from Wolger Road to Blaxland Road.

ITEM 1 (continued)

Further to the south-west of the site at Nos. 1 and 3 Aeolus Avenue, are 2 x three (3) storey residential flat buildings with ground level car parking accessed via Aeolus Avenue, and the St Antonio da Padova Nursing Village located at the intersection of Aeolus Avenue, North Road and Blaxland Road. Vehicular access to basement car parking for the nursing village is also accessed via Aeolus Avenue.

The surrounding locality contains a mixture of detached single and two (2) storey dwelling houses.

The site is not a heritage item and is not located in a conservation area under Schedule 5 of the Ryde LEP 2014. The site is not in the vicinity of identified heritage items under Schedule 5 of the Ryde LEP 2014.

Aeolus Avenue is classified as a local road providing a north-east to south-west connection between North Road and Quarry Road. Aeolus Avenue accommodates one lane of traffic in each direction and paved footpaths are available on both sides of the street. Adjacent to the site, the road bends towards North Road to the west. An aerial photograph of the site and surrounding developments is provided at **Figure 1**. Photographs of the site and surrounding developments are provided at **Figures 2 to 11**.



ITEM 1 (continued)

Figure 1: Aerial view of subject site and surrounding properties



Figure 2: View of site from Aeolus Avenue



Figure 3: View of existing dwelling and outbuilding from rear yard

ITEM 1 (continued)



Figure 4: Looking south-east towards rear boundary of site



Figure 5: View of adjoining properties to the east and south-east of site



ITEM 1 (continued)

Figure 6: Multi dwelling development at No. 7 Aeolus Avenue



Figure 7: No. 3A Aeolus Avenue



Figure 8: Residential apartment buildings at Nos. 1 and 3 Aeolus Avenue located to the south-west of the site

ITEM 1 (continued)



Figure 9: Residential dwellings on the northern side of Aeolus Avenue



Figure 10: Adventure Park viewed from Wolger Road



Figure 11: View of site from Adventure Park

ITEM 1 (continued)**3. The Proposal (As Amended)**

The proposal (as amended) seeks approval for the construction of a two (2) storey child care centre accommodating a maximum of 59 children between 0-5 years of age and 11 staff members, and a basement car park for 13 car spaces.

Proposed hours of operation are between 7.00am and 6.00pm, Monday to Friday, inclusive. The proposal also seeks consent to operate between 9.00am and 5.00pm, on four (4) Saturdays in a calendar year for special events.

The details of the proposal are as follows:

Basement

The basement level of the proposed development contains:

- 13 car parking spaces consisting eight (8) child care car spaces (including 1 accessible space) and five (5) staff car spaces in tandem with child care spaces;
- Lift and stair access to child care centre above;
- Accessible bathroom;
- Storage rooms; and
- Pedestrian access from car park to outdoor play area.

Ground Floor

The ground floor of the proposed development contains:

- Main pedestrian entry with sign in area;
- Office and staff rooms including accessible bathroom;
- Kitchen and laundry;
- Three (3) separate indoor areas including cot rooms, children toilet facilities and nappy changing areas for children aged between 0-2 years, 2-3 years and 3-5 years;
- Two (2) outdoor deck areas with stair access to the outdoor play area located below;
- Lift access from basement car park;

ITEM 1 (continued)

- Garbage storage area and air conditioning condenser unit adjacent to driveway;
- New 1.5m high front fence consisting of face brick base and columns and horizontal battens;
- 1.8m high lapped and capped timber fence along part of the north-eastern and south-western side boundaries;
- 2.7m high acoustic barrier along all property boundaries adjacent to the rear outdoor play area; and
- Three (3) skylights.

First Floor

The first floor of the proposed development contains:

- One (1) activity room with a front balcony;
- An office;
- A store room;
- One (1) bathroom (for staff); and
- An air conditioning condenser unit on the roof of the ground floor.

Landscaping

New landscape works are proposed within the front setback, rear open space and along the side boundaries including the following:

Front Setback

- 2 x lawn areas surrounded by low lying shrubs and hedge planting with mature heights ranging between 1m to 3m along the front and side boundaries;
- Plantings comprising of Dwarf Lilli Pilli and Sacred Bamboo, with mature heights ranging between 1m to 2m, are to be planted adjacent to the front elevation of the child care centre;
- 1 x Sydney Red Gum to be planted adjacent to the northern side boundary within the front setback;
- 1 x Water Gum adjacent to the front boundary; and

ITEM 1 (continued)

- 3 x Blueberry Ash trees to be planted along the southern side boundary adjacent to the driveway.

Outdoor Open Space

- Perimeter planting consisting of 31 x Nepalese Blue bamboo along the northern side boundary and part of the north-eastern corner;
- 10 x Dwarf Lilli Pilli plants, 1 x Tupelo tree and 1 x Sydney Red Gum along the eastern (rear) boundary;
- 24 x Dwarf Lilli Pilli plants along the southern boundary;
- Sandstone stepping stone area with mix of bamboo and low scale shrubs along the northern and north-eastern boundary;
- 2 x sandpits;
- A concrete cycling path with a raised timber seating area around a 1 x Ornamental Pear tree and a garden consisting of low scale shrubs and 1 x Water Gum tree and 1 x Paperbark tree; and
- Synthetic grass covering throughout open space.

Carparking and Vehicular Access

The applicant has not made any changes to the layout of the basement car park (as shown on the originally lodged plans) and maintains a proposal with 13 car parking spaces. The applicant has provided clarification that the child care centre will employ a total of eleven (11) employees and provide five (5) staff car parking spaces.

The width of the vehicular access from Aeolus Avenue has been increased to 5.5m to provide simultaneous two-way vehicular traffic to and from the car park. The driveway narrows in part with a width of 4.6m adjacent to the garbage storage area and 4.2m at the opening to the car park.

Building Siting and Design

The proposed child care centre consists of setbacks as follows:

- A staggered front setback of 6.5m at the south-western corner and 8m at the northern corner;
- Northern and southern side setbacks measuring 1.5m at ground level;

ITEM 1 (continued)

- First floor side setbacks between 1.5m and 4.2m to the northern boundary and 3.5m to 7.2m to the southern boundary; and
- A rear setback ranging between 16.9m and 18.4m.

The proposal as a gross floor area of 513.6m² (FSR of 0.42:1) and a maximum building height of 8m.

The two storey form of the child care centre is generally consistent with the two storey dwellings in the vicinity of the site.

Proposed External Materials and Finishes

The external materials and finishes of the proposed building comprise face brick and metal roofing.

No details have been provided for the design or finishes to the balustrade of the first floor front balcony or ground floor rear outdoor decks.

The base and columns of the front fence comprises face brick. No details have been provided regarding the materials or finishes of the horizontal elements of the front fence as shown on the architectural plans.

Part of the northern and southern side boundary fence, adjacent to the length of the child care centre building, consists of 1.8m high lapped and capped timber fencing. The fencing at the rear of the site along the perimeter of the outdoor play area consists of 2.7m high acoustic barriers. The 2.7m high acoustic barriers will consist of 1.8m high solid fencing being either colourbond, lapped and capped timber or masonry fencing. The top 900mm would be transparent, of either glass or acrylic. The upper 900mm of the fence will be angled 45 degrees towards the subject site. A base rail and vertical side posts supporting the panels would be proposed.

Within the rear outdoor area, retaining walls with 1.2m high pool fencing are proposed between the changes in levels and between the acoustic barriers and the open space.

4. Background

On 14 February 2018, a Development Application (LDA2018/0069) for the construction of a two storey child care centre for 49 children and 8 staff members, a basement car park for 11 car spaces (consisting of 4 staff car spaces and 7 visitor car spaces) and 1 at grade car parking space was lodged with Council. The application was refused on 3 December 2018 as the proposed child care centre is not suitable for the site, for reasons as follows:

ITEM 1 (continued)

- The proposed development is inconsistent with the design quality principles of the Child Care Planning Guideline under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 relating to:
 - suitability with the local character of the area and impacts on adjoining residential properties;
 - inadequate outdoor play area and landscape design;
 - inadequate natural ventilation to indoor activity areas as windows and doors must remain closed to achieve acceptable noise levels for adjoining properties;
 - poor connectivity between indoor and outdoor play areas due to level changes at the rear of the site; and
 - insufficient information submitted to adequately address passive surveillance and Crime Prevention Through Environmental Design (CPTED).
- The proposal is inconsistent with matters for consideration in the Child Care Planning Guideline relating to:
 - Part 3.1 – Site selection and location;
 - Part 3.2 – Local character, streetscape & public domain interface;
 - Part 3.3 – Building orientation, envelope, building design and accessibility;
 - Part 3.4 – Landscaping; and
 - Part 3.8 – Traffic, parking & pedestrian circulation.
- The proposal will exacerbate traffic congestion in the local road network and increase demand for on street parking.
- Insufficient information has been submitted to demonstrate that the proposal will not result in adverse loss of visual and acoustic privacy for adjoining residential properties.
- The proposed 2.7m acoustic barrier is out of character with the low density residential area and will impact on the visual amenity of adjoining properties.

ITEM 1 (continued)

- The proposal has failed to demonstrate the landscape design for the front setback is consistent with and compliments the character of the streetscape.
- Insufficient waste management plan does not demonstrate satisfactory servicing of the site as a commercial premises.

The subject application was lodged with Council on 20 May 2020.

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

The proposed development is similar in built form and configuration to the scale of the proposal refused under Development Application LDA2018/0069 and has not adequately addressed the reasons for refusal relating to site suitability, appropriate child care centre design, visual and acoustic privacy of adjoining properties and children, traffic implications and waste management. In particular, the subject proposal seeks to further intensify the use of the site with an additional 10 children and 3 staff members, and 1 additional car parking space compared to LDA2018/0069.

The application was notified to owners of adjoining properties between 15 June and 13 July 2020. As a result, 17 submissions were received consisting of 1 letter of support and 16 letters in objection.

On 12 August 2020, a letter was sent to the applicant outlining significant issues with the proposal. Having regard to the proposal and its inconsistencies with relevant planning controls, Council officers recommended the applicant consider withdrawing the application.

On 7 September 2020, the applicant advised that the proposal would not be withdrawn and additional information would be submitted for consideration.

On 10 September 2020, the applicant submitted additional information to address the issues raised in Council's letter dated 12 August 2020 including:

- Amended architectural plans showing additional details of the front, side and rear boundary fences, widening of part of the driveway to 5.5m, correction of window details;
- Amended landscape plans to improve accessibility between previously separated spaces within the outdoor play area;
- An Addendum to the originally submitted Traffic Impact Assessment;
- A preliminary Site Investigation Report; and

ITEM 1 (continued)

- A statement in response to supervision of children in the outdoor play area having regard to the change in levels between the ground floor level and the outdoor play area.

An assessment of the amended proposal indicates that the submitted information remains insufficient for the reasons as follows:

- No amended stormwater management plans have been submitted to address the issues raised in Council's letter dated 12 August 2020. In particular, the proposal does not identify existing drainage systems and public infrastructure in the vicinity of the site, and the provision of an On-Site Detention (OSD) tank within the basement is contrary to Council's stormwater provisions as the OSD is not located at the lowest point of the site to direct overflow away from property.
- The basement car parking arrangement has not been amended to achieve compliance with Part 9.3 of the Ryde DCP 2014 and has a shortfall of one (1) staff car parking space.
- The accessible parking space in the car park does not provide a width of 3.6m as required under Clause 5.5(b)(iii) in Part 3.2 of the Ryde DCP 2014.
- The width of the driveway access from the front property boundary to the entrance of the basement car park ranges between 5.5m and 4.2m and does not provide adequate width to safely accommodate simultaneous two-way vehicular traffic. The amended proposal does not include a swept path analysis to demonstrate that vehicles are able to simultaneously enter and exit the car park and will not result in traffic queuing and congestion during peak pick up and drop off times.
- No long section of the steepest portion of the driveway was submitted demonstrating ramp grade compliance with Australia Standard requirements in AS2890.1.
- No additional information has been submitted addressing compliance with waste management provisions under Part 7.2 of the Ryde DCP 2014. In particular, the number of required garbage and recycling bins, the design of the waste storage area and adequate vehicular access to accommodate waste collection has not been submitted. The amended proposal is not supported by an amended waste management plan identifying the need to engage a private waste contractor to collect waste from within the site.

ITEM 1 (continued)

- The amended proposal is inconsistent with the objectives and provisions for the indoor and outdoor areas for child care centres in accordance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the associated Child Care Planning Guideline, and relevant requirements in Part 3.2 of the Ryde DCP 2014. The proposal will provide poor amenity for children as indoor areas are not provided with natural ventilation and the outdoor deck does not comprise of privacy screening to protect overlooking between the site and adjoining properties.
- The acoustic report has not been amended to include assessment of the impacts of air conditioning units on adjoining properties, as air conditioning is required for the duration of the hours of operation for the child care centre.
- Insufficient information has been provided demonstrating that adequate solar access is provided to indoor areas.
- The amended proposal maintains a significant level change between the indoor areas and outdoor play area to the rear of the site and does not satisfy the requirement for surveillance of outdoor areas by staff within the indoor areas. The design of the outdoor play area does not provide sufficient unencumbered outdoor play area per child or sufficient space within the sandpit per child as required by the Child Care Planning Guideline and Part 3.2 of the Ryde DCP 2014.

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 No. 55 – Remediation of Land**

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.

The application was submitted with a Preliminary Environmental Site Investigation Report prepared by Land and Groundwater Consulting Pty Ltd dated 22 January 2018, to identify if the site can be made suitable for the proposed use. The report concluded the following:

ITEM 1 (continued)

- *Prior to the current layout the site appeared to have comprised mainly vacant crown land between 1790's and 1920's. Residential structures are likely to have occupied the site since sometime the late 1920's. Therefore, it is estimated that the site has been in its current warehouse configuration for over 90 years. No significant changes were observed on the site during this period;*
- *Given that no evident sources of mobile contamination could be visually identified on site, it is considered that potential contaminants associated with past and present land uses are minimal;*
- *The site condition and the past and current site activities described in this PESI indicate a low potential for significant or gross contamination; and*
- *Based on the above findings the site subject to this PESI is suitable for the proposed childcare and low residential land use, consistent with a R2 Low Density Residential zoning.*

Council's Environmental Health Officer has reviewed the Preliminary Environmental Site Investigation Report and raise no objection to the findings that the site does not contain contaminants and is suitable for the proposed use without need for remediation. It is also noted that the site is not listed on the EPA contaminated land register.

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.

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 has not been satisfied as the proposal has not provided a sufficient stormwater management plan demonstrating drainage is capable of

ITEM 1 (continued)

compliance with relevant provisions of Part 8.2 of the Ryde DCP 2014 and will not have any adverse impacts on adjoining properties or the public domain.

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

The development is subject to Part 3 – Early Education and Care Facilities – Specific Development Controls under the SEPP.

Clause 22 - Centre-based child care facility - concurrence of Regulatory Authority required for certain development

Clause 22 states that the consent authority must not grant development consent for development without the concurrence of the Department of Education for a proposal that does not comply with the minimum requirements for unencumbered indoor or outdoor space. The proposal was not referred to the Department of Education for concurrence as the site area is capable, subject to appropriate design, of providing sufficient unencumbered indoor and outdoor spaces in accordance with Regulations 107 and 108 of the Education and Care Services National Regulations, respectively.

The proposed provides a total of 425.9m² of outdoor space accessible for children, however detailed assessment of the design of the outdoor play areas including exclusions such as pathways, thoroughfares and landscaping along side boundaries, results in a total of 382.32m² of unencumbered outdoor space which does not achieve the minimum required area of 413m² for 59 children under Regulation 108. The proposed 382.32m² of unencumbered outdoor space equates to the proposal providing 6.52m² of outdoor space per child. The shortfall of outdoor space of 0.48m² per child is not acceptable and will provide poor amenity for children.

The amended landscape plan was reviewed by Council's Consultant Landscape Architect/Arborist who maintains concerns that the proposed outdoor play area comprises inadequate landscaping and does not optimise visual interest, stimulation or encourage exploration within the outdoor space. The proposal (as amended) is inconsistent with development controls that require design to achieve good internal and external amenity for children. For these reasons, the proposal was not referred to the Department of Education for concurrence as the proposal is recommended for refusal.

To achieve compliance with the outdoor space requirements under Regulation 108 and enable the consent authority to grant consent without the concurrence of the Department of Education under Clause 22, the proposal must reduce the capacity of the child care centre from 59 to 55 children. The applicant has not sought a reduction in capacity of the child care centre as part of the amended proposal.

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Clause 23 Centre-based child care facility – matters for consideration by consent authorities

Clause 23 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 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 child care 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

Clause 25 of the SEPP stipulates development standards relating to location, indoor or outdoor space, site area and dimensions and heritage considerations for child care centres that prevails development control plans under Ryde DCP 2014.

An assessment of the proposal against the relevant clauses of the Guidelines is detailed in the compliance table below

Guideline	Compliance with standard/provision
Part 2 Design Quality Principles	
<p>Principle 1. Context Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and</p>	<p>The proposed development is not considered to complement the low density residential character of the surrounding area due to the traffic impacts, increase hazards for pedestrians and impact the amenity of surrounding properties that the proposed development will cause.</p>

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Guideline	Compliance with standard/provision
<p>being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	
<p>Principle 2. Built Form 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>The proposed building envelope is consistent with the built form controls for the site and the scale of 2 storey dwellings in the surrounding area. Whilst the built form is generally consistent with the character of residential dwellings within the street, the design of the building is not suitable for the child care centre use as the setbacks between the use and adjoining properties do not mitigate visual and acoustic impacts and require design treatments that reduces the amenity for children occupying indoor and outdoor spaces.</p> <p>The proposed excavation to accommodate a basement car park to service the car parking demand generated by the child care centre use results in a ground floor level that significantly elevated at the rear. The height of the ground floor level including outdoor deck areas is inconsistent with the design of immediately adjoining properties which do not comprise of open space above the natural ground level. Any additional treatments to the rear of the ground floor level to minimise visual and acoustic impacts on adjoining properties will likely contribute to additional visual bulk.</p> <p>The proposed 2.7m acoustic barrier required to be erected along the rear boundary is inconsistent with the height of existing boundary fences adjacent to the public park and will detract from the amenity of the park.</p>

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Guideline	Compliance with standard/provision
<p>Principle 3. Adaptive learning spaces 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>The design of the building particularly to accommodate the basement car park results in a substantial level changes between proposed ground level of the child care centre and ground level of adjoining properties. Accordingly, the proposed ground level does not provide direct sightlines from indoor spaces to the outdoor areas and is not acceptable as it does not allow for surveillance of the outdoor play area by staff from indoor areas.</p> <p>The two storey design also includes an activity room on the first floor orientated to the front of the property which is disconnected from the remainder of the indoor spaces on the ground floor. The function of the first floor activity room and adjoining balcony has not been clarified and is likely to result in children being moved between floors and require staff to be split between the floors. The Plan of Management does not address how the use of the first floor will accommodate children or staff with mobility issues as there is no lift access to the first floor.</p>
<p>Principle 4. Sustainability Combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposed child care centre does not provide natural ventilation to indoor areas as all windows and external doors are required to be kept closed during hours of operation, except for access and egress, to minimise acoustic impacts on adjoining residential properties.</p> <p>The windows to the main indoor play areas are located along the northern and southern elevations and consists of highlight windows measuring 2m x</p>

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Guideline	Compliance with standard/provision
	<p>0.5m. Whilst the acoustic report requires either fixed glazing to the windows or the windows are to be kept closed at all times of operation, the amended plans do not provide sufficient window details for proper assessment.</p> <p>The amended proposal includes air conditioning units for the ground and first floor indoor areas. The air conditioning units will need to be operated while the child care centre is open.</p> <p>The proposal includes the provision of 3 skylights, one per activity room on the ground floor level. However, no details have been submitted demonstrating the level of solar access provided to the indoor activity areas or design solutions to minimise reliance on mechanical ventilation for heating and cooling.</p> <p>Having regard to the above, the proposal has provided insufficient information to demonstrate the design of the child care centre achieves sustainability objectives.</p>
<p>Principle 5. Landscape 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</p>	<p>The proposed landscaping within the front setback provides new trees, shrubs and lawn and is generally consistent with the landscaped character of front yards in the surrounding area.</p> <p>The proposed landscaping within the outdoor play area is limited with new plantings primarily around the perimeter of the outdoor play area and species selection does not provide adequate visual interest or stimulation.</p>

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Guideline	Compliance with standard/provision
<p>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 tree species in the outdoor play area will not achieve a canopy cover of between 50-60% within 5 years and is inconsistent with Section 6.2.2 of the Ryde DCP 2014.</p> <p>The proposal does not provide sufficient landscaping to enhance the amenity of outdoor play areas for children and is not supported.</p>
<p>Principle 6. Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	<p>The proposal is not considered to provide good internal and external amenity for children as identified in the Principles 3, 4 and 5 above.</p> <p>The proposal provides inadequate vehicular access and insufficient car parking which will have an adverse impact on traffic volumes, traffic movements, pedestrian safety and demand for on street parking. The proposal will impact on the amenity of adjoining properties and does not satisfy the provisions of the Guideline.</p>
<p>Principle 7 - Safety 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 proposal provided limited opportunities for passive surveillance to the public domain with a window to an office, and the main entrance does not contain a staffed reception area. All other indoor areas on the ground floor that will be occupied by staff and children during hours of operation are not orientated to the street.</p> <p>The activity room on the first floor consists of openings to the street, however insufficient information has been provided regarding the use of this space by children or employees as it is separated from the main indoor areas on the ground floor. As such, the</p>

ITEM 1 (continued)

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> Traffic and parking impacts of the proposal on residential amenity. 	<p>and 8m and is consistent with the setback of immediately adjoining properties to the north-east and south-west.</p> <p>The proposal is consistent with the side and rear setback controls under the Part 3.3 of the Ryde DCP 2014 with ground floor side setbacks of 1.5m and a rear setback between 16.54m and 18.15m. The first floor is setback 1.5m from the north-eastern side boundary, 6.7m from the south-western side boundary and 45.95m from the rear boundary.</p> <p>A Traffic Impact Assessment Report prepared by ParkTransit and dated 23 April 2020, was submitted with the original development application and was considered insufficient. An addendum to the Traffic Impact Assessment was submitted to Council on 10 September 2020. Council's City Work – Traffic Section reviewed the amended proposal and the Addendum and maintained concerns that the information submitted contains insufficient and inconsistent traffic data that reflects existing traffic conditions and potential impacts of the proposal. Given the proposed intensification of use of the site and existing traffic conditions, the proposal is likely to increase traffic volume, congestion and demand for on street parking in the local area.</p>
<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> The location and surrounding uses are compatible with the proposed development or use 	<p>The site is located within a low density residential area and is immediately adjoining residential dwellings to the</p>

ITEM 1 (continued)

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • The characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • There are suitable drop off and pick up areas, and off and on street parking • The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>north, south and west. The eastern (rear) boundary of the site adjoins a public park.</p> <p>The site is not subject to flooding, bushfire or landslip hazards.</p> <p>The site is not considered to be affected by contamination as it has historically been occupied for residential purposes.</p> <p>Whilst the size of the site is capable of accommodating the proposed 2 storey built form, the site is not considered suitable for use as a child care centre having regard to the operational and servicing needs of the development.</p> <p>The proposed traffic and pedestrian impacts will adversely affect amenity impacts on the neighbourhood and the low density character of the area.</p> <p>The proposed vehicular access and car parking arrangement does not achieve minimum parking requirements for a child care centre and is likely to increase demand for on street parking during drop off and pick up times, exacerbating traffic congestion in surrounding streets.</p> <p>The site is located in a low-density residential area and not in close proximity to incompatible uses such as restricted premises and the like.</p>
<p>C3. A child care facility should be located:</p> <ul style="list-style-type: none"> • Near compatible social uses such 	<p>The proposed development is located within proximity to the following:</p>

ITEM 1 (continued)

Guideline	Compliance with standard/provision
<p>as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</p> <ul style="list-style-type: none"> • Near or within employment areas, town centres, business centres, shops • With access to public transport including rail, buses, ferries • In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<ul style="list-style-type: none"> • Adjoins Adventure Park to the rear (eastern) boundary; • 120m to St Antonio da Padova Nursing Village (at the corner of Aeolus Avenue and North Road); • 300m from the Sovereign Grace Bible Church (No. 327 Blaxland Road); • 230m Clermont Ages Care (corner of Aeolus Avenue and Clermont Avenue); • 210m from medical centre (corner of North Road and Blaxland Road); • 350m to TAFE NSW Ryde Campus (No. 250 Blaxland Road); • 1.2km from Top Ryde Shopping Centre; and • 2.2km from West Ryde Town Centre. <p>The closest bus stop and train station to the site are located as follows:</p> <ul style="list-style-type: none"> • 220m to south bound (Circular Quay bound) bus stop on Blaxland Road; • 240m to north-west bound (Eastwood Station) bus stop on Blaxland Road; • 550m to bus stop at intersection of Quarry Road and Aeolus Avenue (Gladesville to Circular Quay bus route); and • 1.9km from West Ryde train station. <p>The site is predominantly in a low-density residential area and is within walking distance to some services such as a medical centre and a church. Other services provided within the Top Ryde Shopping Centre and West Ryde Town Centre are between 1.2km to 2.2km from the site.</p>

ITEM 1 (continued)

Guideline	Compliance with standard/provision
<p>C4</p> <p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • Proximity to: <ul style="list-style-type: none"> – Heavy or hazardous industry, waste transfer depots or landfill sites – LPG tanks or service stations – water cooling and water warming systems – odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. 	<p>The proposed development is located within an established low-density residential area, as such children, staff and visitors will not be exposed to environmental risks from heavy or hazardous industries, service stations or other land uses that generate noise and odour pollutants.</p>
3.2 Local Character, streetscape and the public domain interface	
<p>C5</p> <p>The proposed development should:</p> <ul style="list-style-type: none"> • Contribute to the local area by being designed in character with the locality and existing streetscape • Reflect the predominant form of surrounding land uses, particularly in low density residential areas • Recognise predominant streetscape qualities, such as building form, scale, materials and colours • Include design and architectural treatments that respond to and integrate with the existing streetscape • Use landscaping to positively contribute to the streetscape and neighbouring amenity 	<p>The proposed built form is consistent with the general bulk and scale of surrounding residential developments. However, the child care centre use requires car parking provisions that cannot be adequately accommodated within the development and will exacerbate traffic conditions in the local area impacting on the amenity and safety of surrounding residents, visitors and occupants of the child care centre.</p> <p>Refer to assessment of Design Quality Principles.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> Integrate car parking into the building and site landscaping design in residential areas. 	
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> Fencing to ensure safety for children entering and leaving the facility Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community Integrating existing and proposed landscaping with fencing. 	<p>Insufficient architectural details have been provided to demonstrate secure fencing, including any gates at the pedestrian and vehicular entrances along the front property boundary.</p> <p>The front entrance and adjacent office have window openings orientated to the public domain, however opportunities for passive surveillance is minimised as there is no staffed reception area. Additional windows oriented to the street include windows to the internal stairs and first floor activity area. As discussed in the report above, the first floor area is segregated from the primary indoor spaces on the ground floor and insufficient information has been submitted to determine if effective passive surveillance will be provided from the first floor.</p> <p>The proposed landscape plan and plantings, particularly along the side boundaries and at the rear of the site, are inconsistent with the architectural plans and do not clearly demonstrate that pedestrian access can be provided along the side boundaries.</p>
<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> Clearly defined street access, pedestrian paths and building entries 	<p>The site adjoins a public park along the rear boundary. The proposal includes a 2.7m high acoustic barrier along the rear boundary and perimeter planting. Whilst privacy is desired between private and public spaces, the 2.7m high acoustic barrier is out of character with the standard 1.8m high boundary fences commonly used in</p>

ITEM 1 (continued)

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Low fences and planting which delineate communal/ private open space from adjoining public open space • Minimal use of blank walls and high fences. 	residential areas. The 2.7m high barrier is inconsistent with the design solution of the guideline and will have a detrimental amenity impact on the park.
<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>The proposed front fence measures 1.5m in height and consists of a solid brick base to a height of 750mm and piers measuring 350mm. Horizontal infill panels are shown on the architectural plans however, insufficient information has been submitted to determine if the fence achieves a minimum of 50% openness.</p> <p>No details have been submitted to show if the front fence returns to the side boundaries and if any fencing is proposed between the front fence and the 1.8m high lapped and capped timber fences proposed along the northern and southern boundaries.</p> <p>The site is not adjacent to or in the vicinity of heritage items.</p> <p>Insufficient information has been provided to enable a proper assessment of the proposed front fence to determine if the fence is compatible with the character of the streetscape.</p>
<p>3.3 Building orientation, envelope and design</p>	
<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing 	<p>The orientation of the building results in outdoor play spaces at the rear of the site which is consistent with the location of private open spaces for residential developments, however given the proposed child care centre</p>

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Guideline	Compliance with standard/provision
<p>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</p> <ul style="list-style-type: none"> <li data-bbox="280 927 823 999">• Optimise solar access to internal and external play areas <li data-bbox="280 1397 836 1469">• Avoid overshadowing of adjoining residential properties <li data-bbox="280 1765 639 1800">• Minimise cut and fill 	<p>use, the orientation of outdoor spaces, will result in additional visual and acoustic impacts on adjoining properties.</p> <p>Having regard to the slope of the site and levels of adjoining properties, the rear ground floor decks are elevated above the height of the boundary fences. No details have been provided to demonstrate that overlooking of adjoining properties will be minimised from the elevated deck areas.</p> <p>The proposal has not demonstrated that the use of high light windows and skylights to the principal indoor areas will optimise solar access and internal amenity.</p> <p>The indoor room for children between 0-2 years have south facing high light windows. The proposal has not provided sufficient information demonstrating that adequate solar access is provided to the indoor areas.</p> <p>The submitted shadow diagrams do not provide sufficient information to satisfactorily demonstrate the solar access impacts on adjoining properties. The proposal has not clearly identified existing and proposed shadow impacts on private open space and north facing windows of adjoining properties.</p> <p>The maximum amount of excavation proposed is 2.4m to the underside of the concrete slab to accommodate the basement car park. Fill within the rear of the site ranges between 200mm to 800mm.</p> <p>The proposal exceeds the maximum 1.2m excavation permitted under</p>

ITEM 1 (continued)

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Ensure buildings along the street frontage define the street by facing it • Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Clause 2.6.2(b) in Part 3.3 of the Ryde DCP 2014. The extent of excavation and provision of a basement car park is out of character with immediately surrounding low density dwellings and results in an elevated ground floor level that will have visual and acoustic impacts on adjoining properties.</p> <p>The extent of fill proposed is consistent with the maximum 900mm fill permitted under Clause 2.6.2(b)(iii) of the Ryde DCP 2014.</p> <p>The primary entrance to the building fronts Aeolus Avenue and is consistent with the orientation of surrounding developments.</p> <p>The rear ground floor decks are exposed to south-easterly winds during the winter months. The submitted architectural plans do not provide sufficient details of the balustrades on the south-eastern elevation to enable a proper assessment of wind protection for children occupying the outdoor deck areas.</p>
<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • Building height should be consistent with other buildings in the locality • Building height should respond to the scale and character of the street • Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<p>The proposed building height is consistent with the height control for the site under the Ryde LEP 2014. The two storey form is generally consistent with the scale of surrounding residential dwellings.</p> <p>Whilst the proposed building setbacks are consistent with setback controls of residential dwellings within the predominantly residential locality, the proposed use will result in unacceptable amenity impacts for children and adjoining properties.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Setbacks should provide adequate access for building maintenance • Setbacks to the street should be consistent with the existing character. 	<p>The proposed building is setback 1.5m from the north and south side boundaries and would satisfactorily accommodate building maintenance except for the extensive landscape planting proposed along the length of the side boundaries. The proposed landscape plan is also inconsistent with the architectural plans and does not include pedestrian access gates between the rear outdoor play area and the side setbacks. As such, any access to the rear outdoor play area for maintenance purposes will require access through the building and/or the basement car park which does not include a car spaces for service vehicles.</p> <p>As discussed in the report above, the proposed setbacks are generally consistent with the requirements under the Ryde DCP 2014 and existing surrounding developments.</p>
<p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>Aeolus Avenue is not a classified road.</p> <p>The proposed front setback does not extend beyond the front setback of immediately adjacent developments.</p>
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The side and rear setbacks of the proposed development are consistent with the surrounding residential developments in the area.</p>
<p>C15 The built form of the development should contribute to the character of the local area, including how it:</p>	<p>The proposed building bulk and scale is contextually appropriate with the built form of residential developments in the vicinity of the site, except for the</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • Retains and reinforces existing built form and vegetation where significant • Considers heritage within the local neighbourhood including identified heritage items and conservation areas • Responds to its natural environment including local landscape setting and climate • Contributes to the identity of place 	<p>basement car park which requires excessive excavation and is out of character with the topography and landscaped setting of the streetscape.</p> <p>The proposed child care centre use is not considered suitable for the site and is inconsistent with the character of the predominantly low density residential area.</p>
<p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • Located to allow ease of access, particularly for pedestrians • Directly accessible from the street where possible • Directly visible from the street frontage • Easily monitored through natural or camera surveillance • Not accessed through an outdoor play area. 	<p>The proposal consists of a single pedestrian entrance directly from the street. The entrance contains a small lobby area that is visible from the public domain.</p> <p>Vehicular access is provided adjacent to the southern boundary and is physically separated from the pedestrian access.</p> <p>Access to the child care centre is not provided through an outdoor play area.</p>
<p>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • Providing accessibility to and within the building in accordance with all relevant legislation • Linking all key areas of the site 	<p>The proposal provides satisfactory pedestrian access from the public domain to the main entrance to the building.</p> <p>A lift is proposed to provide access</p>

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Guideline	Compliance with standard/provision
<p>by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</p> <ul style="list-style-type: none"> • Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>from the basement car park level to the ground floor level. The lift can also be used to provide access to the rear outdoor play area. No lift access is proposed to the first floor level. Insufficient information has been submitted to identify the intended use of the first floor activity area and how accessibility to the first floor particularly for children with mobility issues will be managed.</p>
3.4 Landscaping	
<p>C18 Appropriate planting should be provided along the boundary integrated with fencing.</p> <p>Screen planting should not be included in calculations of unencumbered outdoor space.</p>	<p>Planting is proposed along the front, side and rear boundaries, adjacent to fencing and acoustic barriers.</p> <p>Within the outdoor play area, planting is proposed between the 2.7m acoustic barrier and the 1.2m fencing above the retaining wall.</p>
<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • Taking into account streetscape, local character and context when siting car parking areas within the front setback 	<p>The proposal consists of basement car parking and does not include any at grade car parking or car parking within the front setback.</p>

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3.5 Visual and acoustic privacy	
Guideline	Compliance with standard/provision
<p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout • Suitably locating pathways, windows and doors • Permanent screening and landscape design. 	<p>Insufficient information has been submitted to determine if the internal layout and use of the first floor activity room will be affected by any overlooking from the public domain.</p> <p>The ground floor rear outdoor decks also contain insufficient design details to adequately address visual privacy and overlooking impacts between the site and adjoining properties.</p> <p>The proposed landscape plan contains insufficient plantings that will assist in adequate screening of the outdoor spaces.</p>
<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout • Suitable location of pathways, windows and doors • Landscape design and screening 	<p>The elevated rear decks are likely to result in overlooking of adjoining properties.</p> <p>All windows to child care rooms along the side boundaries are highlight windows to minimise direct sightlines to adjoining properties.</p> <p>No screening has been provided to the rear ground floor decks. Proposed planting along the perimeter of the rear outdoor play area is unlikely to mature to a height that exceeds the height of the 2.7m acoustic barrier given the 45 degree angle of the barrier. Given the elevation position of the rear outdoor decks, the acoustic barrier and landscaping will not effectively minimise overlooking of adjoining properties.</p>
<p>C23 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>	<p>A 2.7m high acoustic barrier is proposed along the rear and side boundaries along the perimeter of the outdoor play area as recommended by the Acoustic Report. Whilst the 2.7m</p>

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<ul style="list-style-type: none"> provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). 	<p>high acoustic barrier will minimise acoustic impacts on adjoining properties, the height of the barrier is out of character with 1.8m high boundary fences between properties in the low density residential area and will contribute to visual impacts on adjoining properties</p> <p>The remainder of the side boundary fence consists of 1.8m high lapped and capped timber fencing.</p>
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3.6 Noise and Air Pollution

C25

Adopt design solutions to minimise the impacts of noise, such as:

- Creating physical separation between buildings and the noise source
- Using landscaping to reduce the perception of noise
- Limiting the number and size of openings facing noise sources
- Locating cot rooms, sleeping areas and play areas away from external noise sources.

Whilst the proposed building setbacks are consistent with setback controls for residential developments within the locality, the proposal does not provide sufficient physical separation between the child care centre use and adjoining properties to minimise noise and amenity impacts.

The proposed landscaping along the side and rear boundaries have not demonstrated if it will reduce the perception of noise.

As note by the Acoustic Report, the proposal will exceed acceptable noise impacts on adjoining properties and require all windows and doors to indoor child care rooms to be closed to minimise noise impacts. This results in poor internal amenity as no natural ventilation is provided to indoor spaces.

The rear outdoor deck and outdoor play areas will be primary sources of noise affecting adjoining properties. Whilst acoustic barriers are proposed around the perimeter of the outdoor play area, no acoustic treatment is proposed along the south-eastern elevation to minimise noise from the

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	<p>rear decks.</p> <p>Sleeping areas and cot rooms are located away from the outdoor deck and play areas.</p>
<p>C26</p> <p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • On a major or busy road • Other land that is impacted by substantial external noise 	<p>The subject site is located within the R2 zone and is not located within an ANEF contour. The site is not located along a railway or mass transit corridor however it is located in close proximity to North Road which is a higher order collector road.</p> <p>An Acoustic Report was submitted with the application and has been reviewed by Council’s Environmental Health Officer. The acoustic report does not contain accurate background noise reading criteria, is insufficient and cannot be relied upon to identify existing and proposed noise levels.</p>
<p>C27</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 not affected by external sources of air pollution as it is not on a major road or in the vicinity of industrial developments.</p>
<p>C28</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"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, 	<p>An Air Quality Assessment prepared by SLR Consulting Australia Pty Ltd dated 13 January 2020 was submitted with the application. The report identified a water storage facility (Hermitage Reservoir No. 2) located approximately 370m northwest of the subject site and emissions from traffic on Blaxland Road (approximately 40m from the site) and Aeolus Avenue as sources of potential air pollution.</p> <p>Hermitage Reservoir No. 2 does not operate as a water treatment facility and is not identified as a major source</p>

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<p>sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</p> <ul style="list-style-type: none"> • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility 	<p>of air pollution.</p> <p>Blaxland Road is a classified road comprising 4 lanes of traffic. Emissions from traffic travelling along Blaxland Road are not considered to have adverse impacts on air quality for the site having regard to the separation of Blaxland Road from the site by North Road.</p>
<p>3.7 Hours of Operation</p>	
<p>C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>The proposed hours of operation are between 7:00am to 6:00pm Monday to Friday and is consistent with the Guideline.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	
<p>C31. 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"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be</p>	<p>The required number of car parking spaces to be provided by a child care centre is to be calculated in accordance with Part 9.3 of the Ryde DCP 2014.</p> <p>The proposal is required to provide a total of 14 car parking spaces, including 6 staff car spaces. However, the proposal comprises a total of 13 car space including 5 staff car parking spaces and is inconsistent with Part 9.3 of the Ryde DCP 2014.</p> <p>The basement car park does not provide any loading area for servicing of the development.</p> <p>Having regard to the existing traffic and parking conditions in Aeolus</p>

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<p>considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high-density business or residential zone • the site is in proximity to high frequency and well-connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>Avenue and immediately surrounding streets, the short fall in car parking and servicing provisions is not acceptable as it is likely to exacerbate traffic congestion, increase hazards for pedestrians and increase demand for on street parking.</p>
<p>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	<p>A Traffic Impact Assessment Report prepared by ParkTransit and dated 23 April 2020 was submitted with the application.</p> <p>Amended plans and a revised Traffic Impact Assessment Report were required to be submitted to address inconsistencies with provisions under Part 9.3 of the Ryde DCP 2014 and insufficient information regarding queue length surveys.</p> <p>The amended proposal is still inconsistent with vehicular access requirements and will not adequately accommodate simultaneous, two-way vehicle entry and exit to the basement car park.</p> <p>The Addendum to the Traffic Impact Assessment prepared by ParkTransit does not provide supporting traffic volume data or surveys. The assessment of parking generated by the number of trips during the peak</p>

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	<p>period is contrary to the traffic generation rates specified in the <i>Guide to Traffic Generating Developments</i> for child care centres. As such, the proposal has not adequately demonstrated that the scale of the development and insufficient off street parking will not have adverse impacts on the surrounding road network.</p>
<p>C35. 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 not located in a cul-de-sac or a narrow road, however, as observed by Council's Traffic Team, Aeolus Avenue and the surrounding road network is subject to congestion particularly during afternoon peak period. As the proposed vehicular access does not sufficiently accommodate two way simultaneous traffic entering and exiting the site, the design has not adequately demonstrated that safe access to and from the site can be achieved in the event of an emergency.</p>
<p>C36. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in 	<p>Separate vehicular and pedestrian access from the street are provided. A separate pedestrian access path has been provided from the car park to the facility within the basement.</p> <p>The car parking area is not considered large and is not required to define pedestrian crossings.</p> <p>Pedestrian pathways from the street and from the carpark at 1.5m wide and will allow two prams to pass each other.</p> <p>The proposal does not include a designated loading or service bay within the site.</p> <p>The proposal seeks to accommodate vehicles entering and leaving the site</p>

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<p>clearly designated, separate facilities</p> <ul style="list-style-type: none"> vehicles can enter and leave the site in a forward direction. 	<p>in a forward direction. However, the width of the driveway, which does not accommodate simultaneous two-way traffic may result in a vehicle needing to reverse out of the site or back into the car park to allow another vehicle to pass. Such vehicle movements are unsafe and not acceptable.</p>
<p>C38. Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>Child safe fencing has not been provided to separate car parking areas from the lift lobby in the basement.</p> <p>Clearly marked accessible parking has been provided within the basement. However, the width of the accessible car parking space is inconsistent with the minimum width required under Part 3.2 of the Ryde DCP 2014.</p>
<p>Part 4 Applying the National Regulations to development proposal</p>	
<p>4.1 Indoor Space Requirements</p>	
<p>Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² 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 should indicate how these needs will be</p>	<p>As calculated on the plans a total of 226.3m² of unencumbered indoor space is provided for 59 children. The proposal satisfies the requirements for a minimum 191.75m² (3.25m² per child) of unencumbered indoor space that is secure and allow for safe supervision.</p> <p>The proposal provides cot rooms for sleeping adjacent to the indoor areas for children aged between 0-3 years and is appropriate.</p>

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<p>accommodated.</p> <p>Storage It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. 	<p>A minimum of 17.1m³ of external storage and 11.8m³ of internal storage is required to be provided for 59 children.</p> <p>The amended plans indicate some internal storage within each age group room and a storage area adjacent to the outdoor play area. However the proposal does not clearly identify internal or external storage capacity. As such, insufficient information has been submitted to demonstrate the proposal provides satisfactory storage.</p>
<p>4.2 Laundry and hygiene facilities</p> <p>Regulation 106 Education and Care Services National Regulations 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>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2) <p>External laundry service A facility that does not contain on site laundry facilities must make external</p>	<p>The proposal provides laundry facilities on the ground floor comprising a sink, washing machine and dryer. Suitable storage of soiled items can be accommodated within the laundry. The proposed laundry facility is consistent with the requirements for an on site laundry.</p>

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laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.	
<p>4.3 Toilet and hygiene facilities</p> <p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. 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"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	<p>Toilet and nappy change facilities appropriate for each age group are proposed adjacent to the indoor areas to be occupied by children.</p> <p>The location and general layout of the toilet and nappy change areas are directly accessible from indoor areas. There are no toilet facilities directly accessible from outdoor areas.</p> <p>Adequate facilities including toilet pans, sinks and hand washing facilities are provided. However insufficient information has been provided to demonstrate that the design of toilet facilities, such as inclusion of windows, will allow adequate supervision by staff.</p> <p>Windows adjacent to toilet facilities for children comprise of highlight window and will not be overlooked by adjoining properties.</p>
<p>4.4 Ventilation and natural light Regulation 110 Education and Care</p>	

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<p>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>Ventilation To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p>Natural Light Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations • using skylights as appropriate • ceiling heights. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest. 	<p>Windows are provided to all internal areas, with highlight windows to activity rooms along the side boundaries. However, the windows and doors to the activity rooms cannot be opened during hours of operation as a result of unacceptable noise impacts on adjoining properties. As such, the indoor activity areas are not provided with natural ventilation.</p> <p>Windows are provided on all elevations of the building and to activity rooms and staff areas. The activity rooms catering for children aged between 0-2 years and 3-5 years have openings to the side boundaries and to the rear.</p> <p>Three (3) openable skylights are located above the indoor activity rooms. The skylights will contribute to natural light for indoor areas. However, clarification has not been provided to demonstrate the extent of solar access and natural light that can be achieved within the indoor areas.</p> <p>Insufficient information has been submitted to address any noise impacts resulting from potential opening of the skylights during hours of operation. In particular, the Acoustic Report does not address the proposed</p>
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	<p>skylights and potential noise impacts on adjoining properties. In this instance, it cannot be determined whether operable skylights can be used as part of the development.</p> <p>The proposal has ceiling heights of 2.7m which are proportional to room sizes and are acceptable.</p>
<p>4.5 Administrative Space</p> <p>Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>The proposal includes office spaces for administration purposes on the ground and first floors. The office areas provide adequate privacy for staff to carry out administrative functions of the child care centre and consultations with parents.</p>
<p>4.6 Nappy change facilities</p> <p>Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of hand cleansing facilities for adults in the 	<p>The proposal provides nappy change areas adjacent to the indoor activity rooms for children aged between 0-2 years and 2-3 years.</p> <p>The nappy change areas in the room occupied by children aged between 2-3 years allows appropriate supervision of children by staff. However insufficient details of the change area has been provided, in particular, the plans do not indicate the provision of a bench type baby bath within one metre from the nappy change bench or hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>The nappy change area within the room for children aged between 0-2 years appears to be enclosed on all sides except for a door way. No details have been provided regarding the</p>

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<p>immediate vicinity of the nappy change area</p> <ul style="list-style-type: none"> positioning to enable supervision of the activity and play areas. 	<p>design of the room demonstrating that staff can provide adequate supervision from within the nappy change area or from the activity room into the nappy change area.</p>
<p>4.7 Premises designed to facilitate supervision</p> <p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. 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"> solid walls in children’s toilet cubicles (but no doors) to provide dignity whilst enabling supervision locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing 	<p>Refer to assessment of nappy change areas and toilet facilities above.</p> <p>The proposed level difference between the indoor activity rooms on the ground floor and the outdoor play area restricts the ability for staff to provide direct and indirect supervision between indoor and outdoor spaces.</p> <p>The proposed toilet facilities for children do not include any cubicles that provide a balance between dignity for children and maintaining supervision.</p> <p>The toilets and nappy change areas are not located in direct view of visitors and are not visible from the public domain or from adjoining properties.</p> <p>The layout of the indoor activity rooms do not have hidden corners and supervision of children within the room, excluding the toilet facilities, is achieved.</p> <p>The proposal contains activity spaces across two floor levels, where the activity room on the first floor is segregated from the principle activity rooms on the ground floor. The stairs providing access from the ground floor</p>

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<p>areas that can be closed off and used only under supervision for controlled activities.</p> <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"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service <p>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"> • independent emergency escape 	<p>to the first floor also provides stair access to the basement car park. Whilst a child proof gate restricting access from the ground floor to the stairs, there is no gate restricting access from the first floor to the stairs leading to the basement car park. As such, the first floor activity room is not considered adequately closed off to enable appropriate supervision of children at all times.</p> <p>The Plan of Management (including a risk assessment identifying potential emergencies) and Evacuation Plan submitted with the proposal provides procedures in the event of an emergency and evacuation.</p> <p>There is only one escape route provided through the front of the site.</p> <p>No alternative evacuation route is provided from the outdoor play area to the assembly point, without traveling through the building.</p> <p>No details have been provided addressing how 59 children and 11 staff will be contained within the lawn area within the front setback.</p> <p>No details have been provided addressing procedures to evacuate children with mobility issues.</p>
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<p>routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</p> <ul style="list-style-type: none"> • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. An emergency and evaluation plan should be submitted with a DA and should consider: <ul style="list-style-type: none"> • the mobility of children and how this is to be accommodated during an evacuation • the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings • how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios. 	
<p>4.9 Outdoor Space requirements</p> <p>Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p>	<p>The child care centre is required to provide 413m² of unencumbered outdoor space. An assessment of the outdoor play area identifies a total of 382.32m² of unencumbered outdoor space (excluding walls, ramps and perimeter planting) and is insufficient. The proposal provides open space at a rate of 6.48m² per child which is inconsistent with the minimum area of 7.0m² per child.</p>

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<p>Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements. 	<p>The proposal provides two elevated outdoor decks to the rear with areas of 41.m² adjacent to the activity room for children aged between 3-5 years and 28.m² adjacent to the activity room for children aged between 0-2 years.</p> <p>The decks are open on at least one third of its perimeter along the south-eastern elevation and achieves a clearance of greater than 2.1m, however due to acoustic requirements the outdoor deck areas are required to have full height solid walls adjacent to the northern and southern side boundaries (with windows consisting of fixed glazing). Full height glazing is also proposed between the two deck areas. The outdoor deck areas are substantially enclosed with the exception of the south-eastern elevation. No details have been submitted relating to the architectural treatment of the balustrade to determine if it will contribute to a further sense of enclosure.</p>
<p>4.10 Natural Environment Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to 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"> • are known to be poisonous, produce toxins or have toxic leaves or berries 	<p>Substantial planting is limited to the perimeter of the outdoor play area between the 1.2m high fence and 2.7m acoustic barrier and does not optimise stimulation, exploration and visual interest for children. The landscape design of the outdoor play area provides limited opportunities for exploration amongst a variety of plant species.</p> <p>The layout of the outdoor play area enables staff to provide supervision to most of the outdoor area, except the sandpit at the south-western corner of the outdoor area which is also located underneath the ground floor deck and</p>

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<ul style="list-style-type: none"> • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • assist supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 	<p>partially obstructed from view by the external stair case.</p>
<p>4.11 Shade</p> <p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Solar access</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> • 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. • 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 	<p>A shade sail is proposed over the sand pit adjacent to the northern side boundary. No other shade sails have been proposed over the synthetic grass area in the central part of the outdoor play area.</p> <p>The outdoor play area achieves adequate solar access on 21 June with no overshadowing at 9.00am and solar access to approximately 70% of the outdoor play area at 12.00noon. The proposed building overshadows the outdoor play area by 3.00pm, however given the extent of solar access available in the morning and early afternoon, solar access is acceptable.</p>

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<p>Natural Shade Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> • placing appropriately scaled trees near the eastern and western elevations • providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter. <p>Built shade structures Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. 	<p>Insufficient information has been provided demonstrating adequate shade in the form of trees or built structures to at least 30% of the outdoor play area. Council's Consultant Landscape Architect/Arborist has raised concerns that selected tree species within the outdoor play area will not achieve sufficient canopy cover within 5 years to contribute to shade as required under Part 3.2 of the Ryde DCP 2014.</p>
<p>4.12 Fencing</p> <p>Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. 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"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence 	<p>The proposal provides a 2.7m high acoustic barrier along the rear and side boundaries of the outdoor play area.</p> <p>The architectural plans indicate child proof gates between the outdoor play area and the setback along the northern and southern side boundaries. However, detail of these gates have not been provided and are not shown on the landscape plans. The proposal includes 1.8m high lapped and capped timber fencing between the outdoor play area and the front building setback. No details have been provided showing fencing along the northern and southern side boundaries within the front setback or any return of the proposed front fence to the side boundaries.</p>

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<ul style="list-style-type: none"> • Design considerations for side and rear boundary fences could include: • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11).</p>	<p>Whilst the acoustic report has recommended options for the design of the acoustic barrier, insufficient details have been provided on the architectural and landscape plans to enable a proper assessment of the boundary fences and any amenity impacts on adjoining properties.</p> <p>No gates have been shown on the proposed front fence that would prevent children from leaving the premises.</p>
<p>4.13 Soil Assessment</p> <p>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"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>Preliminary Environmental Site Investigation Report prepared by LG Consulting dated 22 January 2018 and supplementary letter dated 10 September 2020 concludes that the site is unlikely to be contaminated having regard to the historic residential use. The site is not considered to contain contaminants that poses any unacceptable risk to children.</p>

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5.2 Ryde LEP 2014

Under Ryde LEP 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 Low Density Residential zone.

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 proposed child care centre use is not inconsistent with the objectives of the R2 Low Density Residential zone, however the impacts of the proposal, for reasons outlined in this report, will result in adverse impacts and affect the low density residential environment the objectives aim to protect. As such, the proposed child care centre use is not considered appropriate for the site.

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 8 metres, measured to the ridgeline and complies with the building height control under Ryde LEP 2014.

Clause 4.4 Floor Space Ratio

The maximum permitted FSR for the site is 0.5:1. The proposal seeks approval for an FSR of 0.42:1 which complies with the FSR control under Ryde LEP 2014.

Clause 5.10 – Heritage Conservation

The site is not identified as a heritage item, is not located in a conservation area or in the vicinity of a heritage item under Schedule 5 of the Ryde LEP 2014.

Clause 6.2 – Earthworks

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.

The proposed extent of excavation (up to 2.4m) to accommodate the basement car park exceeds the maximum permitted excavation of 1.2m under Clause 2.6.2 in Part

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3.3 of the Ryde DCP 2014. The proposed excavation is setback from the property boundaries to minimise the impact of excavation works on adjoining properties.

However, the extent of excavation will result in an elevated ground floor level and rear decks that will have unacceptable visual and acoustic impacts on adjoining properties. The proposal is inconsistent with the objectives of this clause as excavation and construction of the basement car park level will result in adverse amenity impacts on adjoining properties and insufficient information has been submitted to demonstrate the proposal will not impact on drainage and stormwater management in the local catchment, and is not supported.

Clause 6.3 – Flood Planning

The site and immediately surrounding properties are not identified as a site affected by flooding hazards.

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 proposal has provided insufficient stormwater management plans and Council's Senior Development Engineer has advised the application has failed to demonstrate that stormwater management of the premises will not have any adverse environmental impacts on adjoining properties and will minimise stormwater runoff impacts on the public domain. The submitted stormwater management plan is inconsistent with the requirements under Part 8.2 of the Ryde DCP 2014 and Clause 6.4 of the Ryde LEP 2014 and is not supported.

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:

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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 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 Development Control Plans

The relevant parts of Ryde DCP 2014 are outlined below.

Part 3.2 Child Care Centres

Clause 26(1) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* specifies that a DCP requirement in respect to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- a) operational or management plans or arrangements (including hours of operation),*
- b) demonstrated need or demand for child care services,*
- c) proximity of facility to other early education and care facilities,*
- d) any matter relating to development for the purpose of a centre-based child care facility contained in:*

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- i. *The design principles set out in Part 2 of the Child Care Planning Guideline, or*
- ii. *The matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

As a result of this clause, the majority of Council's DCP controls under Part 3.2 are not relevant. The proposal is consistent with relevant development controls for the design of child care centres under Part 3.2 of the Ryde DCP 2014, with the exception of the requirements identified in the assessment table below.

RYDE DCP 2014	PROPOSED	COMPLIANCE
Part 3.2 – Child Care Centres		
Clause 1.7 - Child Care Centre Design		
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 not been submitted demonstrating that the proposed centre-based child care facility has been designed comply with the Children's Services Regulation 2004 before being able to trade/gain the appropriate licence.	No
Clause 2.1 - Suitability of Location and Site for Child Care		
Clause 2.1.1 Preferred Locations		
(b) Site not subject to undue overlooking from existing or future adjoining development	The rear ground floor outdoor decks are elevated above the height of the proposed side and rear boundary fences. No screening has been provided on the south-eastern elevation of the rear decks to minimise overlooking from adjoining properties.	No

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RYDE DCP 2014	PROPOSED	COMPLIANCE
Clause 5.0 - Car Parking, Traffic and Access		
Clause 5.1 Car Parking		
All child care centres		
<p>(a) All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.</p>	<p>The proposed driveway access width to accommodate two-way vehicular traffic to and from the car park is partially 5.5m and narrows to 4.2m at the entrance of the car park. The proposal does not provide sufficient vehicular access for simultaneous vehicles entering and exiting the car park and does not satisfy the requirement in accordance with AS2890.</p>	<p>No</p>
<p>(b) 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</p>	<p>The proposal provides 8 parking spaces for visitors and 5 staff car parking spaces (all tandem parking spaces located behind visitor parking spaces). The proposal has a shortfall of 1 staff car parking space and is not supported by Council's Senior Development Engineer and Traffic Section as insufficient car parking and inadequate vehicular access will exacerbate traffic congestion and parking impacts in surrounding local streets.</p>	<p>No</p>
<p>(c) 1 accessible space located close to the continuous path of travel and where a minimum height clearance of 2.5 metres can be achieved</p>	<p>An accessible parking space has been provided in close proximity to the lift lobby with a height clearance of 2.7m. However, the width of the</p>	<p>Yes</p>

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RYDE DCP 2014	PROPOSED	COMPLIANCE
	accessible car space is insufficient and does not satisfy accessibility requirements under Clause 5.5(c)(v) in Part 3.2 of the Ryde DCP 2014.	
Low Density Residential (f) Underground parking is not permitted	The proposal includes a basement car park in accordance with the definition of a 'basement' within Ryde LEP 2014, being: <i>the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).</i> The proposed car park requires excavation exceeding the maximum cut permitted under the Ryde DCP 2014.	No
(g) Parking and driveway areas are not to dominate the streetscape	The driveway and entrance to the car park will not dominate the frontage of the site or the streetscape. However, the driveway does not sufficiently accommodate simultaneous two-way traffic to and from the car park and is not acceptable.	Yes
(h) Consideration may be given to reducing the on-site parking	Council's investigations of the traffic conditions in	No

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RYDE DCP 2014	PROPOSED	COMPLIANCE
requirements, in terms of drop off/ pick up component, where convenient and safe on-street parking is available (e.g. indented parking bays) in streets which experience low traffic volumes. This is subject to not adversely affecting the safety and amenity of the adjacent area or causing traffic problems.	Aeolus Avenue and surrounding local streets have concluded that the proposal is likely to exacerbate traffic congestion and increase demand on limited on street parking. As such, the shortfall of 1 car parking space is not acceptable as it will contribute to additional traffic and parking impacts in the locality.	
Clause 5.2 On Site Manoeuvrability		
(b) Variation on the requirement for a "U" shaped driveway meets following criteria <ul style="list-style-type: none"> i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other ii. To enable vehicles to leave the site in a forward gear; iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; iv. To ensure the front setback is not given over to traffic circulation and parking requirements which may unduly impact on streetscape and impact on the opportunity for landscaping to meet the requirements of Section 6 of this Part. 	The site does not provide a U-shaped one way driveway system however it is proposed that vehicles will enter and exit the site in a forward direction. The proposal provides a single driveway for two-way traffic and intends to service simultaneous vehicle movements. However, the design for vehicular access to and from the car park is inconsistent with access requirements and will result in obstruction and queuing for vehicles entering or leaving the site. Consequently, vehicular movements will impact traffic flow and pedestrian safety along Aeolus Avenue and is not supported.	No
(d) Vehicles are not to encroach on pedestrian access ways and comprise continuous	The proposal provides equitable pedestrian access that will not be affected by	No

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RYDE DCP 2014	PROPOSED	COMPLIANCE
paths of access (refer to Clause 5.5 Accessibility).	vehicles within the site. However, any queuing of vehicles entering or exiting the site due to insufficient driveway width will likely impact on pedestrian safety within the car park and along Aeolus Avenue.	
Clause 5.3 - Impact on Traffic Flow		
<p>(b) The Statement of Environmental Effects (SEE) addresses likely impacts on amenity of existing streets.</p> <p>(c) A Traffic Impact Assessment prepared by a suitably qualified practitioner shall be prepared and submitted with the development application for all new child care centre developments, and may be required for applications involving the expansion of an existing child care centre in the vicinity of other traffic generating developments.</p>	The SEE and Traffic Impact Assessment submitted is insufficient and does not accurately identify existing traffic conditions in surrounding streets. The submitted Traffic Impact Assessment does not sufficiently address the traffic and parking impacts resulting from the development.	No
Clause 5.5 Accessibility		
(a) Access provided in accordance with AS1428.1 and Part D of BCA, Part 9.2 of DCP 2014.	The Plan of Management does not address the use of the first floor activity area and access for children and persons with mobility issues.	No

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RYDE DCP 2014	PROPOSED	COMPLIANCE
(b) Other matters to be considered include: <ul style="list-style-type: none"> i. Access for people with mobility disabilities with continuous path of travel from street/parking area into and within every room and outdoor area. ii. Hard paved surfaces leading into the entry of a play environment and continuing inside that will allow children and adults with mobility aids as well as toddlers in strollers to enter with ease. iii. One onsite parking space 3.6m wide with 2.5m height clearance. 	<p>Hard paved areas from the stairs and basement car park to the outdoor play area is not provided. The proposed landscape plan shows synthetic grass immediately adjacent to the access points to the outdoor play area which is inconsistent with access provisions.</p> <p>The accessible car space has a width of 3m and does not achieve the required width of 3.6m for accessibility.</p>	
Clause 6.0 - Landscaping and Play Spaces		
Clause 6.2.2 Outdoor Play Spaces		
All child care centres		
(c) Outdoor play spaces are to be designed to: <ul style="list-style-type: none"> i. Be well-drained to permit clearing of water quickly after rain; and ii. Incorporate existing natural features and vegetation (e) i. Sandpits - The sandpit is to be a minimum size related to the number of children likely to use it at any one time (based on a rate of 15 m ² per 20 users) <ul style="list-style-type: none"> v. Natural surfaces are always preferable to artificial – for example grass, sand, mulch and pebbles are always better than artificial grass. x. Planting should be the 	<p>The proposal provides insufficient stormwater management plans and it cannot be determined if stormwater runoff will be adequately managed within the outdoor play areas.</p> <p>The proposal does not retain any existing natural features of the outdoor area and proposes new ground levels, synthetic grass and new plantings.</p> <p>The proposal does not provide sufficient sandpit area with a ratio of 6.83m² per 20 children. The sandpit area presents a shortfall of 8.17m² per 20 children and will not contribute to the</p>	<p>No</p>

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RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>dominant element in a play space providing shade, wind protection, and sensory richness. Plants also screen unpleasant views and help divide activities. A combination of evergreen and deciduous, autumn colour, bright flowers and interesting leaves, stimulate children to investigate the natural world. A wide variety of shrubs should be chosen for colour and interest, and to encourage native birds. These should not require pruning. A variety of groundcovers, bulbs and vines could also be planted, to help educate children about the many plant forms.</p>	<p>amenity of the outdoor play area.</p> <p>The proposal provides synthetic grass and concrete paving throughout the outdoor play area. With the exception of sandstone stepping stones, the proposal does not include sufficient natural surfaces to enhance the amenity and experience of nature and landscaping for children.</p> <p>As identified by Council's Consultant Landscape Architect, the extent of planting throughout the outdoor play area is limited and the selected species do not encourage exploration and visual interest.</p>	
Miscellaneous Controls		
Clause 7.3 - Exterior Lighting		
<p>(a) Lighting is to be provided to assist access via the main entrance.</p> <p>(b) Street numbering that is visible day and night must be provided for identification.</p> <p>(c) External lighting must not have an adverse impact on adjoining properties.</p>	<p>The submitted plans do not show proposed lighting to the main entrance or street numbering fronting the street.</p>	<p>No</p>
Waste Storage and Management		
<p>(b) Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP.</p>	<p>The submitted Waste Management Plan seek to provide 2 recycling bins and 2 waste bins and seeks to continue to use Council's waste collection services.</p> <p>A child care centre is</p>	<p>No</p>

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RYDE DCP 2014	PROPOSED	COMPLIANCE
	<p>identified as a commercial premises is required to provide 5 waste and 5 recycling bins in accordance Schedule 3 in Part 7.2 of the Ryde DCP 2014. Waste collection is to be provided within the site by a private waste contractor.</p> <p>The amended plans do not provide a garbage storage area that can accommodate the required number of bins. The proposal has failed to demonstrate satisfactory waste management of the premises.</p>	
<p>(c) In addition to the requirements of Part 7.2 of this Plan, applications for child care centre development are to address the following considerations.</p> <ul style="list-style-type: none"> i. special removal service required for the removal/disposal of nappies ii. frequency of removal of waste to ensure regular removal and avoid undue build up of garbage iii. opportunities for avoidance, reuse and recycling of waste iv. convenience for staff of the location of bins v. security of waste from access by children vi. likely requirements for waste from kitchen facilities 	<p>No details have been submitted demonstrating compliance with waste management provisions under this clause.</p>	<p>No</p>

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RYDE DCP 2014	PROPOSED	COMPLIANCE
vii. impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise		
(d) Where a new child care centre is proposed, the waste and recycling storage area must be designed to be visually and physically integrated into the design of the development, and not stored within the front setback to avoid visual clutter. Waste facilities are not to be sited within the areas required for car parking, vehicular and pedestrian access, landscaping and outdoor play areas.	Proposal is for a new child care centre. The proposed plans do not provide sufficient information to enable a proper assessment of the design of the waste storage area adjacent to the driveway.	No
(e) Separate waste collection services including frequency and times must minimise noise impact on neighbouring properties	No details of waste collection by a private waste contractor has been submitted to enable assessment of any amenity impacts on adjoining properties.	No
Clause 7.5 Emergency Evacuation		
(b) The Fire Safety and Evacuation Plan is to address: <ul style="list-style-type: none"> i. The mobility of children and how this is to be accommodated during an evacuation; ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and iii. The supervision of children during the evacuation and at the congregation area with 	<p>An Evacuation Plan was submitted with the application.</p> <p>The Evacuation Plan does not specifically address mobility of children and how mobility issues will be addressed during an evacuation. The Evacuation Diagram does not contain sufficient information such as identifying exits, communication equipment and fire fighting equipment in correct colour codes, as required by AS3745.</p>	No

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RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>regard to the capacity of the child care centre including child to staff ratios.</p>	<p>The nominated assembly point is the lawn area within the front setback. The area is approximately 63.7m² and provides 0.9m² per person (59 children and 11 staff).</p> <p>The Evacuation Plan does not specifically address procedures regarding the supervision of children during an evacuation and within the assembly area. Having regard to the proximity of the assembly area to the street and road, ensuring staff are able to adequately supervise children is critical.</p>	

Part 7.2 – Waste Minimisation and Management

Section 2.8 in Part 7.2 of the Ryde DCP 2014 is applicable to the proposed development as a child care centre is categorised as a commercial development.

Waste generation calculations under Schedule 3 in Part 7.2 of the Ryde DCP 2014 do not identify specific requirements for a child care centre. As such, Council's Environmental Health Officer has adopted the calculations provided for a shop (in this instance a shop with an area of greater than 100m²) to determine the required waste and recycling receptacles that are needed to service the development. In this regard, a total of 5 garbage bins and 5 recycling bins are to be provided for the child care centre use.

The amended proposal indicates a garbage storage area with provisions for 7 receptacles. Insufficient details have been provided to demonstrate the garbage storage area is capable of accommodating the required number of waste and recycling bins and compliance with design requirements in S4.2 and S4.5 of Schedule 4. In particular, no architectural details have been provided to illustrate the appearance and fit out of the storage area, if there are doors, gates or the like to screen the bins from view, and how bins will be access for collection.

Insufficient information has been provided to demonstrate that waste collection can be accommodated on the site and will not obstruct vehicles entering or exiting the

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site. In particular, the proposed garbage storage area is adjacent to the driveway and no alternative collection point has been identified for waste collection. The submitted Waste Management Plan indicates that Council will collect the waste and bins will be placed on the kerb for collection. As the site is a commercial use, the applicant is required to arrange waste collection by a private waste contractor and waste is to be collected from within the property.

Having regard to the above issues, the proposed waste management for the site is inadequate and inconsistent with requirements in Part 7.2 of the Ryde DCP 2014, and is not acceptable.

Part 8.2 – Stormwater and Floodplain Management

The stormwater management plan submitted with the proposal seeks to discharge runoff to the rear of the site, however insufficient information has been submitted to confirm the location of public infrastructure in the vicinity of the site and the plans do not adequately depict the downstream connection.

The proposal has failed to demonstrate adequate stormwater management that will not result in environmental impacts on adjoining properties and provides fail safe protection to the public domain and is inconsistent with Section 2.3 in Part 8.2 of the Ryde DCP 2014.

The proposal for an OSD tank to be installed within the basement car park is contrary to Section 2.4 in Part 8.2 of the Ryde DCP 2014 and has not satisfactorily demonstrated how the proposal minimises impacts on stormwater runoff to the drainage network and waterways.

Part 8.3 – Driveways

As discussed in the report above, the proposed driveway width of 5.5m and narrowing of the width to 4.2m at the entrance of the car park is insufficient to accommodate simultaneous two-way traffic entering and exiting the car park. The design of the driveway is also inconsistent S2.4 in Part 8.4 of the Ryde DCP 2014 and Australian Standard Clause 2.5.2 of AS2890.1 and Clause 3.2.2 of AS2890.1.

Part 9.3 – Parking Controls

In accordance with Clause 2.3(a) in Part 9.3 of the Ryde DCP 2014, the proposed child care centre is required to provide a total of 14 off street car parking spaces consisting of eight (8) child care car parking spaces and six (6) staff car parking spaces.

The proposal provides 13 car parking spaces consisting of eight (8) child care car parking spaces and five (5) staff parking spaces. All staff car parking spaces are tandem car spaces located behind child care parking spaces for parents, guardians

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and visitors and is inconsistent with design requirements for tandem car parking spaces which are permitted for staff parking only.

The proposal seeks to provide two-way vehicular access via a driveway that is 5.5m wide in part and narrows to 4.6m adjacent to the garbage storage area and 4.2m at the car park entrance. The driveway width is inconsistent with the requirement under AS2890.1 as it does not maintain a width of 5.5m along the entire length of the driveway, particularly at the entrance of the car park, to accommodate simultaneous two-way vehicular traffic.

Given the nature of the child care centre use, high peak hour turnover of vehicles entering and exiting the site and restricted sightlines for drivers, the proposed driveway width will result in traffic congestion as vehicles entering or exiting the site will not have unobstructed paths of travel and may be required to reverse out of the driveway or reverse into the car park increasing risk to pedestrian safety and traffic flow along Aeolus Avenue.

In accordance with Clause 3.1 in Part 9.3 of the Ryde DCP 2014, the development includes new floor space and is required to provide loading and unloading facilities within the site. The proposal does not provide a designated loading space within the site and has not adequately addressed any traffic and pedestrian impacts service vehicles will have on the amenity in surrounding properties and the public domain.

During the review of the submitted Traffic Impact Assessment Report, Council's Traffic Section reviewed data collected by previous traffic studies of the local area and current observations of existing traffic conditions. Council officers do not support the findings and justification provided in the Traffic Impact Assessment and Addendum prepared by Park Transit, in particular Council's Senior Traffic Engineer identified extensive queuing westbound along Aeolus Avenue as drivers experience existing delays from Aeolus Avenue onto North Road. The applicant has not submitted additional information that adequately addresses concerns raised by Council officers relating to traffic queueing.

In particular, the Addendum submitted in response to Council's request for additional traffic queueing surveys does not include any traffic volume data or surveys to support the justification provided in the Traffic Impact Assessment that the development will not result in any adverse impact on existing traffic conditions as traffic travels from the site towards North Road and is not supported by Council's Senior Traffic Engineer.

Council's Traffic Section projects that the development will generate 42 peak hour vehicle trips to/from the site, during the afternoon peak period, and will exacerbate the level of congestion currently experienced by motorists at the junction of North Road and Aeolus Avenue. In conjunction with the increase in traffic volumes travelling along Aeolus Avenue, insufficient on-site car parking and inadequate vehicular access to and from the car park will further contribute to traffic and parking impacts in surrounding streets and is not acceptable.

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Part 9.5 – Tree Preservation

Part 9.5 of the Ryde DCP 2014 seeks to sustain the Urban Forest within the City of Ryde by conservation and protection of significant trees and require replacement tree where suitable.

The site currently contains 11 trees within the front and rear setbacks. Council's Consultant Landscape Architect/ Arborist has identified existing trees on the site are not of a size or species that are protected under provisions of Part 9.5 of the Ryde DCP 2014. As such, development consent is not required for the removal of existing trees on the site.

5.5 Planning Agreements OR Draft Planning Agreements

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

5.6 Section 7.12 Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020

The Section 7.12 Development Contributions Plan 2020 (Fixed Rate Plan) commenced on 1 July 2020 and applies to non-residential development outside of Macquarie Park with a construction value of great than \$350,000. In accordance with the Fixed Rate Plan, a contribution levy of 1% of the construction value is applicable. A contribution of \$11,485.98 would have been applied to the development should the application be approved

5.7 Any matters prescribed by the regulations

There are no relevant matters prescribed by the Regulation required to be considered beyond that already considered in this report

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 child care centre is considered to have a detrimental impacts on traffic within the locality as the proposed intensification of the use of the site will exacerbate traffic volumes particularly during afternoon peak times.
- The proposal provides a shortfall of staff car parking spaces and the configuration and access to the car park is inconsistent with car parking and vehicular access requirements under the Ryde DCP 2014. The proposal will

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increase demand on limited on street parking spaces that service the needs of the existing local community.

- The nature of the proposed use. Impacts on residential amenity and additional traffic and parking generation is inconsistent with the low density residential character of the locality.
- The proposal requires visually detracting acoustic barriers along the property boundaries immediately adjacent to residential developments. The elevated rear decks have not included any screening to the south-eastern elevation and is likely to result in additional visual and acoustic amenity impacts for adjoining properties.
- The acoustic impacts of the proposed use on immediately residential dwellings will require all windows and doors to indoor activity areas to be closed which will reduce internal amenity for children and staff.

7. Suitability of the site for the development

The subject site is not a suitable location for the development of a child care centre of this scale as the site cannot accommodate required services and facilities to enable efficient and safe operation of the use without causing further impacts on the road network and amenity of surrounding properties. In particular, the proposal will exacerbate traffic congestion in the vicinity of the site which will adversely impact the amenity and safety for surrounding residential occupants.

The site cannot accommodate the proposed child care centre use without significant excavation to provide on site car parking and as such, results in an elevated ground floor level that does not provide direct access to outdoor play areas and results in additional visual and acoustic impacts on adjoining properties.

Given that that the site is adjoined by low density residential developments, the internal amenity for children, particularly access to natural ventilation, is compromised in order to minimise acoustic impacts on adjoining properties.

The proposed development is considered an overdevelopment of the site as the operation of the child care centre will likely result in undesirable amenity impacts for children and adjoining properties, and unacceptable traffic, parking and pedestrian safety impacts within the locality

8. The Public Interest

The proposed development is not considered to be in the public interest as the site is not suitable for a child care centre and is inconsistent with relevant provisions and requirements under the State Environmental Planning Policy (Educational

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Establishments and Child Care Facilities) 2017 and accompanying Child Care Planning Guideline, Ryde LEP 2014 and Ryde DCP 2014

9. Submissions

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 15 June 2020 and 13 July 2020. During the notification period, seventeen (17) submissions including one (1) in support of the proposal. Sixteen (16) submissions were received objecting to the development for the reasons as follows:

(a) A child care centre will change the residential character of the street.

Comment: A child care centre is a permissible use within the R2 Low Density Residential zone and the proposed building bulk and scale is generally consistent with surrounding residential developments. Notwithstanding this, the proposed child care centre is not considered suitable for the site as the intensification of use to accommodate 59 children, 11 staff members and basement car parking with 13 car parking spaces will have unacceptable amenity impacts on adjoining properties and exacerbate traffic congestion in the local area.

(b) Loss of visual privacy for adjoining properties.

Comment: Agreed. The proposal, particularly the rear ground floor outdoor decks, will have additional visual impacts and loss of visual privacy for immediately adjoining properties where the level of outdoor private open space is below the floor level of the proposed ground floor. Visual privacy impacts on adjoining properties forms a reason for refusal of the application.

(c) The rear of the child care centre will be overlooked by the apartments located at No. 1 and 3 Aeolus given the elevated position of the existing apartments.

Comment: Given the height of the residential apartment buildings at No. 1 and 3 Aeolus Avenue, there is currently some degree of overlooking to the rear of the subject site however, the separation between the site and residential apartment buildings at Nos. 1 and 3 Aeolus Avenue is unlikely to result in any direct overlooking impacts that will adversely impact on the privacy or amenity of children.

(d) The proposal will result in unacceptable levels of noise from increased traffic and the general operation of a child care centre.

Comment: Agreed. The proposed operation of the child care centre is likely to result in additional acoustic impacts on adjoining properties as identified by the acoustic

ITEM 1 (continued)

report. The mitigation measures required to minimise noise impacts on adjoining properties will adversely impact the amenity for children and adjoining properties, is not considered a suitable solution, and forms a reason for refusal of the application.

(e) The proposed acoustic barrier is excessive in height and will have undesirable visual impacts on adjoining properties.

Comment: Agreed. The required height of the acoustic barrier is out of character with boundary fences in low density residential areas between residential dwellings, is likely to detract from the amenity of adjoining properties and forms a reason for refusal of the application.

(f) Overshadowing of adjoining properties.

Comment: Agreed. The submitted shadow diagrams indicate that the proposal will result in some overshadowing of adjoining properties, particularly the property immediately to the south of the site. However, the submitted shadow diagrams contain insufficient details to enable a proper assessment of the extent of additional shadows resulting from the development and its impact on solar access to windows to habitable rooms, and thus forms a reason for refusal of the application.

(g) The development will exacerbate traffic congestion in Aeolus Avenue and surrounding streets particularly during evening peak travel times.

Comment: Agreed. The proposal is considered to result in additional traffic impacts and will exacerbate traffic congestion in Aeolus Avenue and the local road network, particularly during drop off and pick up periods. Detrimental traffic impacts forms a reason for refusal of the application.

(h) Insufficient off-street parking will increase demand for parking spaces in surrounding streets during peak travel times, reducing sightlines and pedestrian safety.

Comment: Agreed. The proposal does not provide sufficient car parking spaces within the development and is likely to increase demand for on street parking in surround local streets which is contrary to Council's parking controls and this forms a reason for refusal of the application.

(i) The proposal does not provide sufficient access or sightlines for vehicles entering or exiting the carpark.

Comment: Agreed. The proposed vehicular access does not sufficiently accommodate simultaneous two-way traffic into and out of the car park and will impact sightlines for vehicles. The proposal will disrupt traffic flow and increase risk for pedestrians along Aeolus Avenue. This forms a reason for the refusal of the application.

ITEM 1 (continued)

- (j) Increase in cars parking in surrounding streets will cause traffic congestion, reduce sightlines and increase risk of accidents in surrounding local streets.**

Comment: Agreed. Having regard to the existing traffic and parking conditions in local streets surrounding the site, Council officers do not support development that exacerbates traffic congestion and demand for on street parking and forms a reason for refusal of the application.

- (k) The site and surrounding areas are serviced by limited public transport therefore parents will be reliant on private vehicles for drop off and pick up.**

Comment: Agreed. The site is not in close proximity to bus stops or train stations that provide good connections to the surrounding locality. The applicant's assumption that parents will be within walking distance or will be able to access the site by public transport is not well founded and forms a reason for refusal of the application.

- (l) The traffic report is inaccurate with its reference to recently installed traffic signals at the intersection of Aeolus Avenue and Eulo Parade. There are no traffic signals in this location to assist with traffic congestion.**

Comment: Agreed. The traffic report submitted is insufficient and contains inaccurate information and this forms a reason for refusal of the application. There are no traffic signals at the intersection of Aeolus Avenue and Eulo Parade. Council recently installed pedestrian refuges to enhance pedestrian safety along Eulo Parade.

- (m) The traffic survey carried out during the current Covid pandemic is not an accurate representation of traffic volumes in Aeolus Avenue and surrounding streets.**

Comment: Agreed. The information submitted by the applicant is insufficient and is not considered an accurate representation of existing or future traffic conditions and is not supported. This forms a reason for the refusal of the application.

- (n) The proposal will adversely impact pedestrian safety as cars queue in Aeolus Avenue to travel to North Road and Blaxland Road or to enter and exit the site.**

Comment: Agreed. The proposal is likely to result in parents and guardians utilising street parking and walking children across the Aeolus Avenue or along Aeolus Avenue to access the child care centre. Any increase in traffic congestion is likely to increase hazards to pedestrians and is not supported. This forms a reason for the refusal of the application.

ITEM 1 (continued)

(o) The proposal should provide a zebra crossing to provide safe pedestrian access across Aeolus Avenue and to slow traffic.

Comment: Given the existing traffic conditions and the bend in this section of Aeolus Avenue, Council's Traffic Section does not support the provision of a pedestrian crossing adjacent to the site.

(p) Insufficient information to address compliance with the Disability Discrimination Act 1992.

Comment: An Access Report addressing disabled access in accordance with requirements under the Disability Discrimination Act 1992 was submitted with the proposal. Notwithstanding this, insufficient information has been submitted to adequately address the use of the first floor activity area, office and bathroom facilities and how access for persons with mobility issues will be satisfactorily achieved as no lift access is provided to the first floor level. As such, the proposal has not satisfactorily address relevant accessibility provisions under the Disability Discrimination Act 1992, The Child Care Planning Guidelines and Ryde DCP 2014. This forms part of the reasons for refusal of the application.

(q) This is the fourth development application sought for a child care centre at the premises and the issues remain unresolved and should not be supported.

Comment: The issues raised in submissions and identified as part of the assessment of this proposal indicates that there are significant issues with the proposed child care centre and that the site is not considered suitable for the scale of the development.

10. Referrals**Senior Development Engineer**

The proposal is not supported by Council's Senior Development Engineer for reasons discussed in Section 5.4 of the report above. Specifically, Council's Senior Development Engineer has raised concerns relating to an insufficient stormwater management plan that does not demonstrate compliance with on site detention and drainage connection requirements under Part 8.2 of the Ryde DCP 2014, insufficient driveway width to accommodate simultaneous two way traffic entering and exiting the site under Part 8.3 of the Ryde DCP 2014, and insufficient car parking to meet the demand generated by the child care centre under Part 9.3 of the Ryde DCP 2014.

City Works – Traffic

The proposal is not supported by Council's Traffic Section for reasons discussed in Section 5.4 of the report above. Council's Senior Traffic Engineer reviewed the Traffic Impact Assessment and determined that insufficient information was provided which did not accurately represent existing traffic conditions in the local road network. The

ITEM 1 (continued)

projected vehicle trips generated during peak drop off and pick up periods and demand for car parking to adequately service the development, will contribute to traffic congestion in surrounding streets and increase demand for on street parking. Council's Senior Traffic Engineer also identified that the proposal is inconsistent with car parking and vehicular access requirements under Parts 8.3 and 9.3 of the Ryde DCP 2014.

Environmental Health Officer

The proposal is not supported by Council's Environmental Health Officer as the acoustic assessment undertaken by BGMA Pty Ltd is inconsistent with the requirements for the measurement of background noise levels and does not provide an accurate background noise level to consider the noise impact of the proposed development on adjoining properties.

Notwithstanding this, the acoustic report concludes that the use of the outdoor play area exceeds the noise criteria by 9dB and will have unacceptable impacts on the amenity of adjoining properties. It is also noted that the Plan of Management does not specify the maximum number of children permitted to occupy the outdoor play area at any one time, as required by the acoustic report to mitigate noise impacts on adjoining properties.

Council's Environmental Health Officer also raised concerns that the acoustic report concluded that the child care centre use will have noise impacts on adjoining residential properties and requires all windows and doors to be kept closed to minimise noise impacts. The proposal (as amended) included air conditioning units to provide mechanical ventilation to the ground and first floor levels, however the acoustic report was not updated to address noise impacts for the use of the air conditioning units on adjoining properties and does not enable a proper assessment of acoustic impacts on adjoining properties.

Notwithstanding this, a child care centre that is required to have all windows and doors closed during hours of operation will have no access to natural ventilation to indoor activity spaces and will have unacceptable amenity impacts on children.

Consultant Landscape Architect/Arborist

The proposal is not supported by Council's Consultant Landscape Architect/Arborist for reasons discussed in Section 5.4 of the report above. Specifically, concern was raised that the proposed outdoor play area does not satisfy the minimum requirements for unencumbered outdoor play areas per child, provides insufficient sand pit play areas per 20 children and insufficient landscaping to enhance opportunities for exploration and visual stimulation as required under relevant sections of the Child Care Planning Guidelines and Section 3.2 of Ryde DCP 2014.

ITEM 1 (continued)**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 visual and acoustic impacts of the proposal as well as the contribution to additional traffic congestion in surrounding streets will adversely impact the amenity and character of the R2 Low Density Residential zone. Notwithstanding the permissibility of a child care centre within the zone, the scale of the development results in unacceptable amenity impacts on adjoining residential developments and will detract from the character of the low density residential area.
2. The proposal does not provide adequate off street car parking to accommodate the demand generated by the scale of the child care centre and will result in additional demand for on street parking in surrounding streets, which are currently limited and in high demand by the existing local community.
3. The proposed design of vehicular access and car parking is inconsistent with requirements to enable two-way traffic to simultaneously enter and exit the car park. The proposed vehicular access will not provide adequate space for the safe manoeuvring of vehicles entering or exiting the site, increase queuing and traffic congestion and consequently increase hazards for pedestrians within Aeolus Avenue and surrounding streets.
4. The proposed child care centre use is not an appropriate use for the site given its proximity to residential properties and the design and acoustic treatments required to minimise visual and acoustic impacts on adjoining properties. The acoustic treatment includes the erection of a 2.7m high acoustic barrier along the side and rear boundaries is excessive in height and out of character for boundary fences to residential properties, resulting in visual impacts to adjoining properties. In addition, the design and use of the rear outdoor decks is likely to result in additional loss of visual and acoustic privacy for adjoining residential properties.
5. The proposal has not demonstrated satisfactory internal amenity for children insufficient information has been provided in relation to solar access of internal areas, and the indoor activity areas will not have any access to natural ventilation based on the recommendations of the submitted Acoustic Report. Alternatively if windows are opened to allow natural ventilation, the acoustic impacts on adjoining properties will be

ITEM 1 (continued)

further exacerbated underpinning the unsuitable nature of the development for the site.

6. The topography of the site and provision of a basement car park results in significant difference in floor levels between the indoor ground floor areas and the outdoor play area. The proposal does not enable adequate sightlines from indoor areas to the outdoor play areas for staff to provide supervision of children between the different spaces.

The proposed development is not considered to be suitable for the site and approval would not be in the public interest.

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 LDA2020/167 for the construction of a two storey child care centre for 59 children, 11 staff and basement car parking for 13 car spaces at No. 5 Aeolus Avenue, Ryde 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 22 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and development consent cannot be granted unless concurrence is provided by the Department of Education as the outdoor play area does not satisfy the minimum requirements for unencumbered outdoor space per child under *Regulation 108 of the Education and Care Services National Regulations*. The proposal does not comply with Clause 23 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* as the design of the child care centre is inconsistent with the matters for consideration under *Principles 1 to 7 in Part 2 – Design Quality Principles in the Child Care Planning Guidelines* and has not adequately demonstrated the scale and design of the child care centre is appropriate within the context of the neighbourhood, provides good amenity and a safe environment for children, appropriate landscaping of outdoor areas and minimises amenity impacts on adjoining properties.
 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 under Part 3 – Matters for Consideration of the *Child Care Planning Guideline and Part 3.2 – Child Care Centres* in the *Ryde*

ITEM 1 (continued)*Development Control Plan (DCP) 2014:*Clause 3.1 – Site Selection and Location in the Child Care Planning Guidelines and Clause 2.1 – Suitability of Location and Site for Child Care in the Ryde Development Control Plan (Ryde DCP) 2014

- The proposal is inconsistent with *Clauses C1, C2 and C15* in the Child Care Planning Guidelines for development in or adjacent to a residential zone in that:
 - The site is not suitable for the use as a child care centre as the use is not compatible with existing surrounding residential developments. The design and operation of the child care centre will have adverse acoustic and privacy impacts on adjacent residential properties and exacerbate traffic conditions in the local road network;
 - The intensification of use of the site requires additional car parking to be provided. The proposal has not demonstrated the required parking spaces can be adequately accommodated within the development and is likely to increase traffic volumes and demand for on street parking during drop off and pick up times, thus adversely impacting on traffic conditions in the surrounding streets;
 - The acoustic assessment submitted with the proposal contains insufficient information to determine the proposed development will not have any adverse acoustic impacts on adjoining properties.
- The site is inconsistent with *Clauses 2.1.1(b) and (c)* of the *Child Care Planning Guidelines* and will not provide children with good amenity as natural ventilation to indoor areas of the child care centre cannot be achieved due to the acoustic impact of the development on adjoining residential properties. The outdoor play area adjacent to the ground floor level will be subject to overlooking by adjacent properties as the rear outdoor deck is elevated above the height of the 2.7m acoustic barrier.
- The proposal is inconsistent with *Clause C3* in the *Child Care Planning Guidelines* as the site is not in a location that is well serviced by public transport.

Part 3.2 – Local Character, streetscape and the public domain interface

- The proposal is inconsistent with *Clause 5.2* in the *Child Care Planning Guidelines* as the design for vehicular access and car

ITEM 1 (continued)

parking does not comply with the requirements under *Australian Standards AS2890.1* and will negatively impact on vehicular movements to and from the site. Having regard to the number of vehicular movements generated by the proposed development, the proposal is out of character with traffic movements within the low density residential area and will impact on the amenity of the streetscape.

- The proposal does not satisfy the provisions in *Clauses C6 and C92* in the *Child Care Planning Guidelines* in that:
 - Insufficient details have been submitted relating to secure front fencing including any pedestrian gates to ensure the safety of children entering or leaving the premises;
 - The design of the front fence contains insufficient information and does not demonstrated compliance with development controls for permeability under *Clause 2.16.1(e)* in *Part 3.3* of the *Ryde DCP 2014* and does not enable a proper assessment of the visual impact of the proposed fence on the character of the streetscape.
 - The proposed design does not maximum opportunities for passive surveillance of the street as the main entrance does not consist of a staffed reception area and no details have been provided relating to the fitout or frequency in which the ground floor office space or the first floor area will be occupied;
- The proposal is inconsistent with *Clause C82* in the *Child Care Planning Guidelines* as the rear boundary fence adjacent to the public reserve consists of a 2.7m high acoustic barrier that is higher than existing residential fences adjacent to the park and will not contribute to the amenity of the public open space.

Part 3.3 - Building orientation, envelope and design, Part 3.5 – Visual and Acoustic Privacy and Part 3.6 – Noise and Air Pollution in the Child Care Planning Guidelines

- The proposal is inconsistent with *Clauses C11 and C21* in the *Child Care Planning Guidelines* in that:
 - As the outdoor play areas to the rear of the site, particularly the elevated outdoor decks will have adverse noise and loss of privacy impacts on adjoining properties;

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- Insufficient information has been provided to demonstrate that the outdoor play areas, particularly the elevated rear outdoor decks, will be appropriately screened to protect the privacy of children from surrounding properties;
- Insufficient information has been provided to clarify the extent of solar access achieved for indoor activity areas and the level of amenity experienced within the indoor spaces;
- The shadow diagrams submitted contain insufficient information to demonstrate that the proposal will not result in any adverse overshadowing to north facing window openings of adjoining properties and will maintain adequate amenity in accordance with the provisions of *Clause 2.14.1 – Daylight and Sunlight Access* under *Part 3.3* of the *Ryde DCP 2014*;
- The proposal includes excavation that exceeds the maximum extent of excavation permitted *Clause 2.6.2(b)(ii)* in *Part 3.3* of the *Ryde DCP 2014* and is inconsistent with the *Objective (4)* as the proposed excavation will result in loss of privacy impacts on adjoining properties as the proposed ground floor will be elevated above the height of the boundary fence. The proposal is inconsistent with *Clause C15* as the excavation is out of character with the topography maintained by surrounding properties; and
- The proposal does not provide sufficient detail addressing the south-eastern elevation of the elevated rear ground floor outdoor decks and does not adequately demonstrate how the outdoor decks will be protected from south-easterly winds during the winter months.
- The proposal is inconsistent with *Clause C12 and C25* in the *Child Care Planning Guidelines* in that:
 - The proposed building setbacks and siting of the building do not enable the operation of the child care centre without adverse acoustic and visual privacy impacts on adjoining residential properties;
 - The proposed side setbacks are not designed adequately to provide maintenance access between the front and rear of the site. The landscape plan is inconsistent with the architectural plans and do not clearly indicate access gates or paths to enable servicing of

ITEM 1 (continued)

the site without travelling through the child care centre.

- The proposal is inconsistent with *Clause C22* as the orientation and design of the rear elevated outdoor deck will result in additional overlooking of private open space of adjoining properties and adversely impact on the amenity of adjoining residents.

Part 3.8 – Traffic, Parking and Pedestrian Circulation in the Child Care Planning Guidelines, and Part 3.2 – Child Care Centres and Part 9.3 – Parking Controls of the Ryde DCP 2014

- The proposal does not provide sufficient car parking spaces in accordance with the requirements for child care and staff parking spaces under *Clauses 5.1(b) and (h)* in *Part 3.2* of the *Ryde DCP 2014* and *Clause 2.3(a)* in *Part 9.3* of the *Ryde DCP 2014* and will have a detrimental impact on traffic conditions in the local road network by exacerbating traffic congestion and increasing demand for on street parking spaces;
- The Traffic Impact Assessment Report submitted with the proposal does not satisfy the requirements of *Clause C33 2* in the *Child Care Planning Guidelines* and *Clause 5.3(c)* in *Part 3.2* of the *Ryde DCP 2014* as the report contains insufficient information and does not accurately reflect existing traffic conditions or provide adequate justifications that the intensification of use of the site will not adversely impact on the amenity of surrounding properties, the neighbourhood and surrounding road network;
- The proposal is inconsistent with *Clause C36* in the *Child Care Planning Guidelines* and *Clause 5.2(d)* in *Part 3.2* of the *Ryde DCP 2014* as the proposal does not provide a designated loading area for service vehicles to ensure that service vehicles do not impede on pedestrian access to the site or impact on pedestrian safety;
- The proposed vehicular access design does not adequately accommodate simultaneous two-way traffic to and from the site and will result in dangerous vehicle movements as vehicles entering and exiting the site attempt to manoeuvre along the driveway and car park. The proposal is inconsistent with the requirements of *Clause C36* of the *Child Care Planning Guideline* and *Clause 5.1(a)*, *Clauses 5.2(b)(ii)* and *(iii)* in *Part 3.2* of the *Ryde DCP 2014* and *Clause 3.2(a)* in *Part 9.3* of the *Ryde DCP 2014*;
- The proposal is inconsistent with *Clause 5.1(f)* in *Part 3.2* of the

ITEM 1 (continued)

Ryde DCP 2014 as underground car parking for sites located in low density residential areas is not permitted;

- The proposed basement car park design is inconsistent with *Clause C38* in the *Child Care Planning Guidelines* as no child safe fencing is provided between the car parking spaces and entrance to the building and play areas to ensure the safety of children entering or exiting the child care centre; and
- The proposal does not provide an accessible car space with adequate dimension and is inconsistent with *Clause 5.5(b)(iii)* in *Part 3.2* of the *Ryde DCP 2014*.

Part 4 - Applying the National Regulations to development proposal

- The proposal is inconsistent with storage requirements under *Clause 4.1* as the proposed plans do not clearly demonstrate sufficient storage facilities in indoor and outdoor areas to accommodate for the needs of children;
- The proposal does not provide natural ventilation to indoor activity areas as windows and doors are required to remain closed during hours of operation to minimise noise impacts on adjoining properties. As such, the proposal does not satisfy natural ventilation requirements under *Clause 4.4* and does not provide optimum internal amenity.
- The proposal is inconsistent with the provisions under *Clause 4.6* relating to nappy change areas and the provision of adequate cleaning facilities and supervision of play areas by staff as required by the National Construction Code;
- The proposal provides insufficient information to enable a proper assessment of the design of toilet facilities for children against the provisions under *Clause 4.7* to ensure that toilet areas achieve a balance between supervision by staff and dignity for children;
- The proposed first floor activity room is inconsistent with the design provisions under *Clause 4.7* and is likely to result in insufficient supervision of children.
- The proposed Evacuation Plan is inconsistent with *Clause 4.8* and *Regulations 97* and *168 Education and Care Services National Regulations*, and *Clauses 7.5(b)(i)* and *(iii)* in *Part 3.2* of the *Ryde*

ITEM 1 (continued)

DCP 2014 as insufficient detail have been included adequately addressing procedures to evacuate children with mobility issues, the management of children and staff within the assembly area and alternative evacuation routes that do not involve travelling through the building.

- The proposal does not provide sufficient unencumbered outdoor play area per child as required under *Clause 4.9* and *Regulation 108 of the Education and Care Services National Regulations* and will not provide satisfactory amenity for children.
- The proposed design and landscaping within the outdoor play area is inconsistent with the requirements under *Clause 4.10* and *Clauses 6.2.2(e)(x), (xi) and (h)* in *Part 3.2* of the *Ryde DCP 2014* as the layout of the child care centre does not enable staff to supervise the outdoor play area from indoor areas or outdoor area obscured by the external staircase, and landscaping that limits natural materials or wide range of plant species to enhance visual stimulation and exploration.
- The proposed landscaping within the outdoor play area is inconsistent with *Clauses 6.2.2(e)(v) and (x)* in *Part 3.2* of the *Ryde DCP 2014* and does not optimise the experience of the natural environment for children as the ground cover consists of synthetic grass with no natural turf and limited planting throughout the outdoor area as substantial planting;
- The outdoor play areas do not provide sufficient space for sandpits per child in accordance with *Clause 6.2.2(e)(i)* in *Part 3.2* of the *Ryde DCP 2014* and will not contribute to the amenity of the outdoor area for children.
- The outdoor play area consists of insufficient natural and built shading required under *Clause 4.11* and *Clause 6.2.2(f)* of the *Ryde DCP 2014* as the selected plant species will not achieve a canopy cover of between 50% to 60% of the outdoor play area within 5 years of planting, and only one shade sail is proposed within the outdoor play area.

3. 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*:

ITEM 1 (continued)Part 3.2 – Child Care Centres

- The proposed fencing along the rear and side boundaries are inconsistent with *Clauses 3.5(1), (a) and (b)* in that:
 - A 2.7m high acoustic barrier adjacent to the property boundaries of residential properties is inconsistent with the height of fences within low density residential areas and will detract from the visual amenity of adjoining properties;
 - Detailed drawings clearly showing the design of the acoustic barrier and the transition from the 2.7m acoustic barrier to the 1.8m lapped and capped along the side boundary fence have not been submitted. The visual impact of the proposed acoustic barrier when viewed from adjoining properties cannot be properly assessed

Part 7.2 – Waste Minimisation and Management

- The proposal is inconsistent with *Clause 2.8 and Schedule 3 in Part 7.2 of the Ryde DCP 2014 and Clauses 7.4 (6), (a), (b), (c) and (d) in Part 3.2 of the Ryde DCP 2014* in that:
 - The submitted Waste Management Plan is inconsistent with the requirements for commercial waste collection;
 - The number of proposed garbage and recycling receptacles are insufficient and is not considered adequate to service the child care centre;
 - The proposal does not provide sufficient architectural details to enable a proper assessment of the visual and amenity impacts of the garbage storage area as viewed from the public domain or adjoining properties;
 - The proposed garbage and recycling storage area is immediately adjacent to the driveway and results in the narrowing of the driveway from 5.5m to 4.6m, which does not adequately accommodate for two-way vehicular traffic to and from the car park; and
 - The proposal does not provide a designated loading or service space within the site to enable waste collection without adversely impacting on vehicular or pedestrian access.

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

- The proposal is inconsistent with *Clause 1.3 – Objectives* as 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.
4. Pursuant to *Section 4.15(1)(c)* of the *Environmental Planning and Assessment Act 1979*, the site is unsuitable for the proposed development as the site as intensification of the use of the site will have adverse amenity impacts on immediately adjoining residential properties and the traffic generation resulting from the use will exacerbate traffic congestion and demands for on street parking within local streets which is inconsistent with the low density residential character of the locality.
 5. Pursuant to *Section 4.15(1)(d)* of the *Environmental Planning and Assessment Act 1979*, submissions received in accordance with the Act and regulations have been considered and have identify significant amenity impacts caused by the proposal on surrounding properties and the local area.
 6. 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.

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ATTACHMENTS

1 5 Aeolus Avenue - Attachment 1 - Proposed Architectural and Landscape Plans

Report Prepared By:

Peggy Wong
Senior Town Planner

Report Approved By:

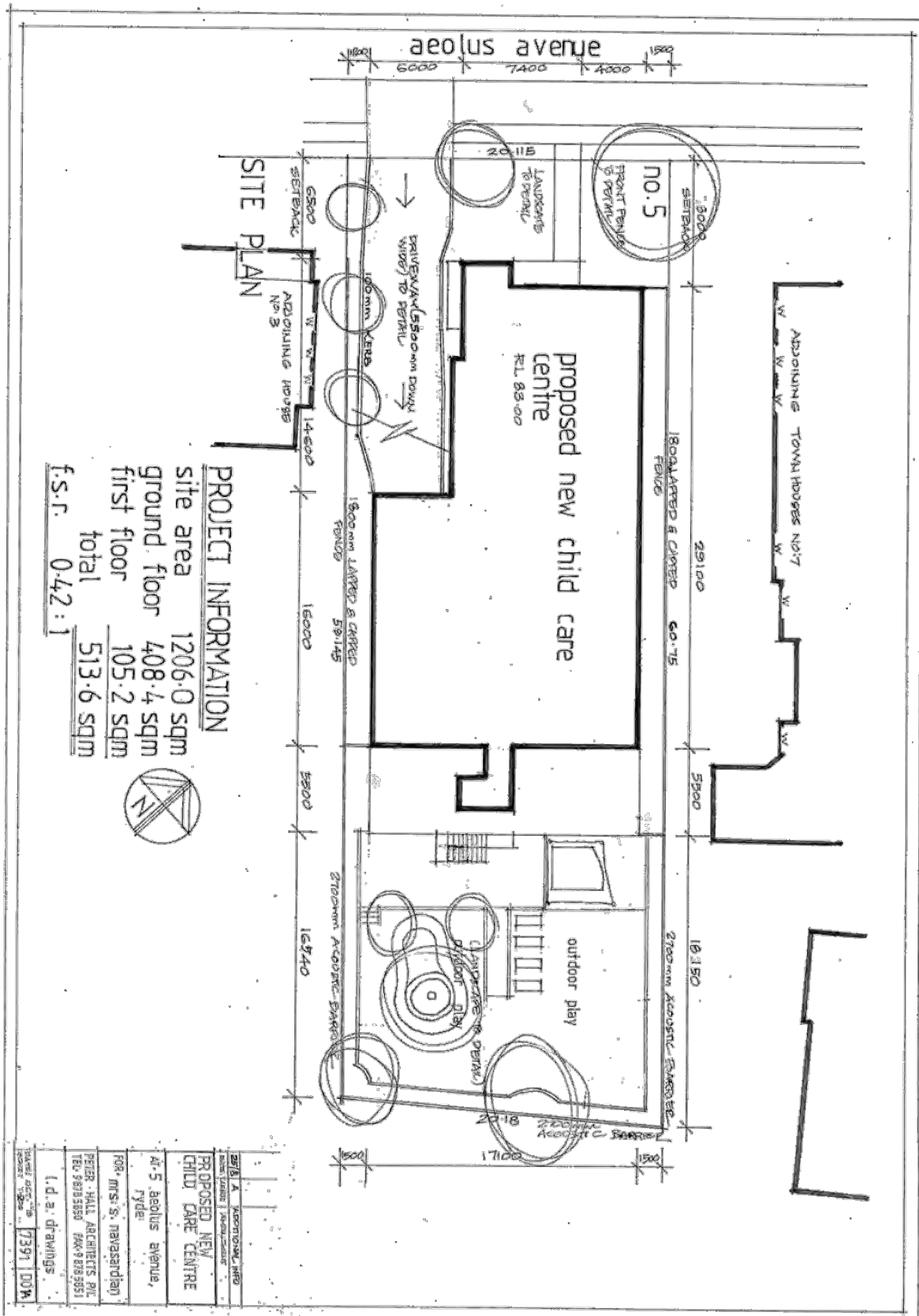
Rebecca Lockart
Senior Coordinator - Major Development

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

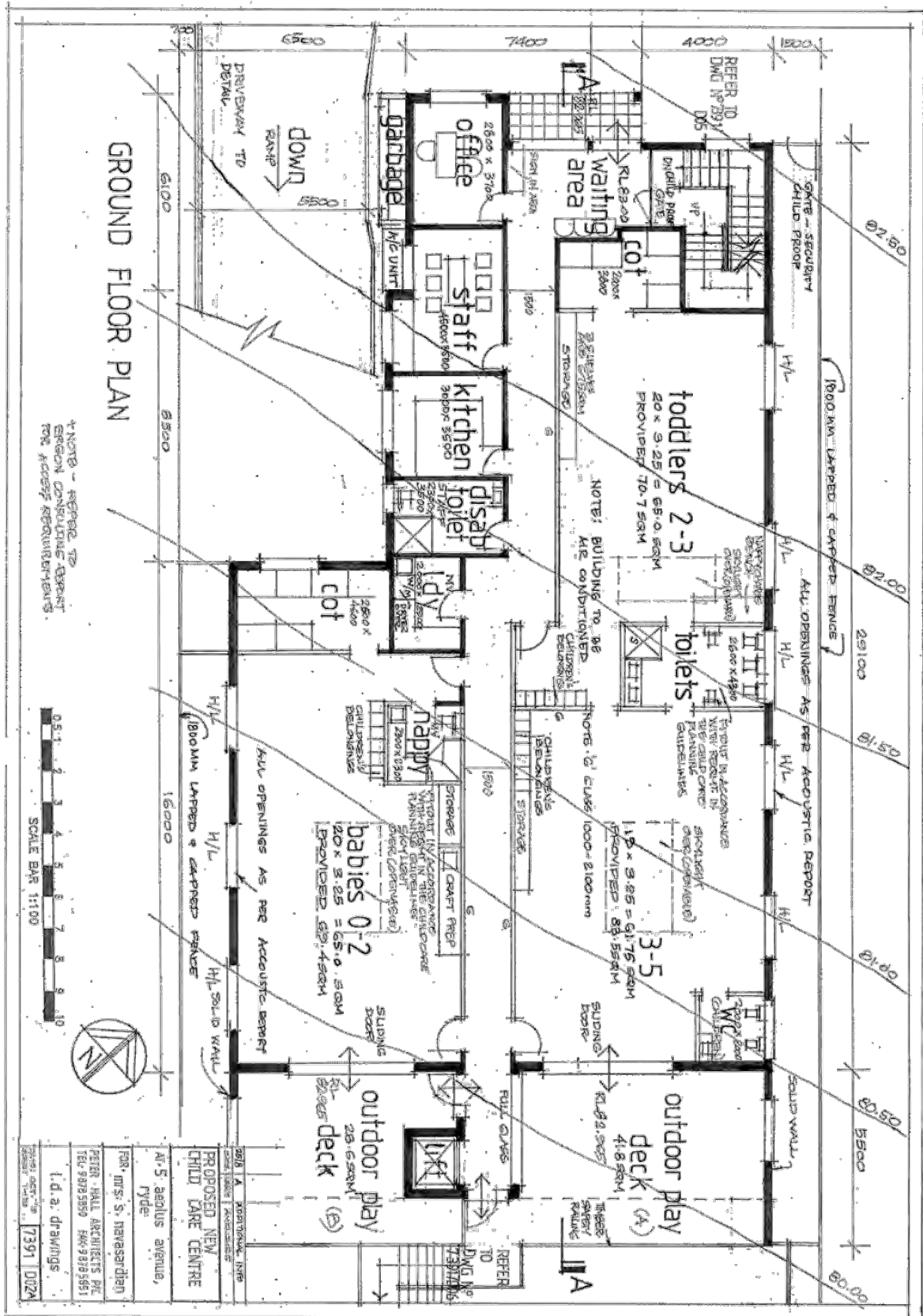
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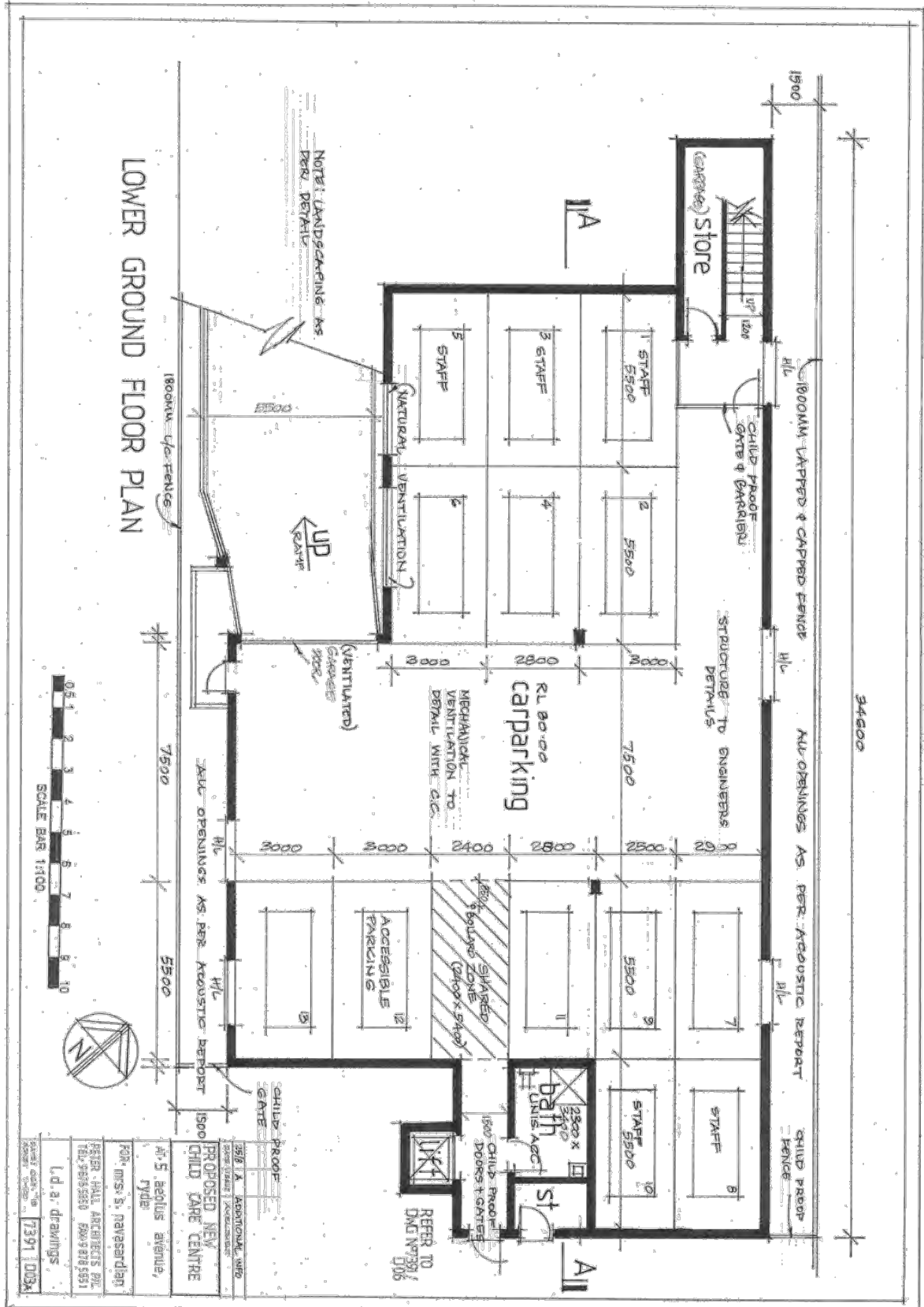
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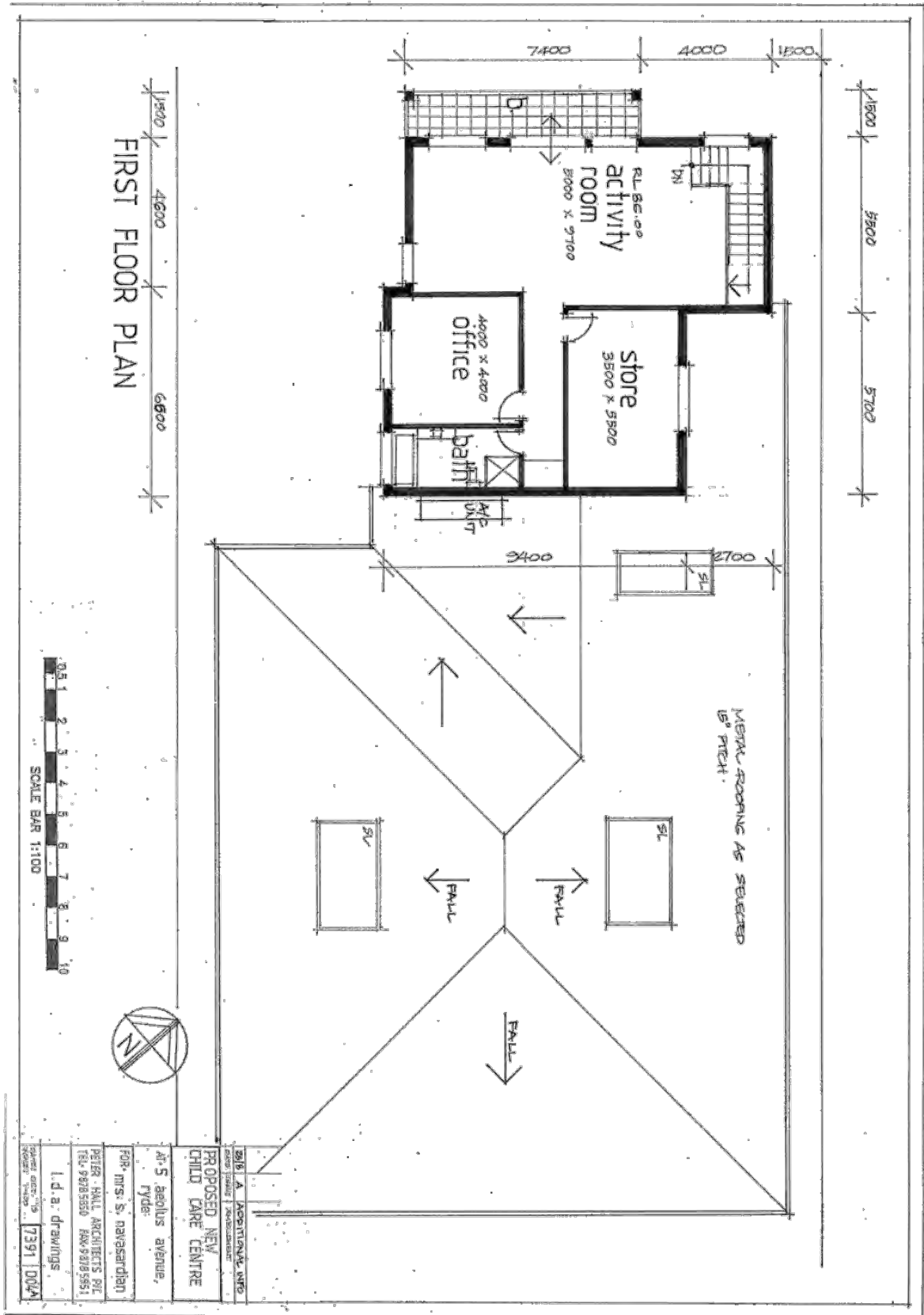
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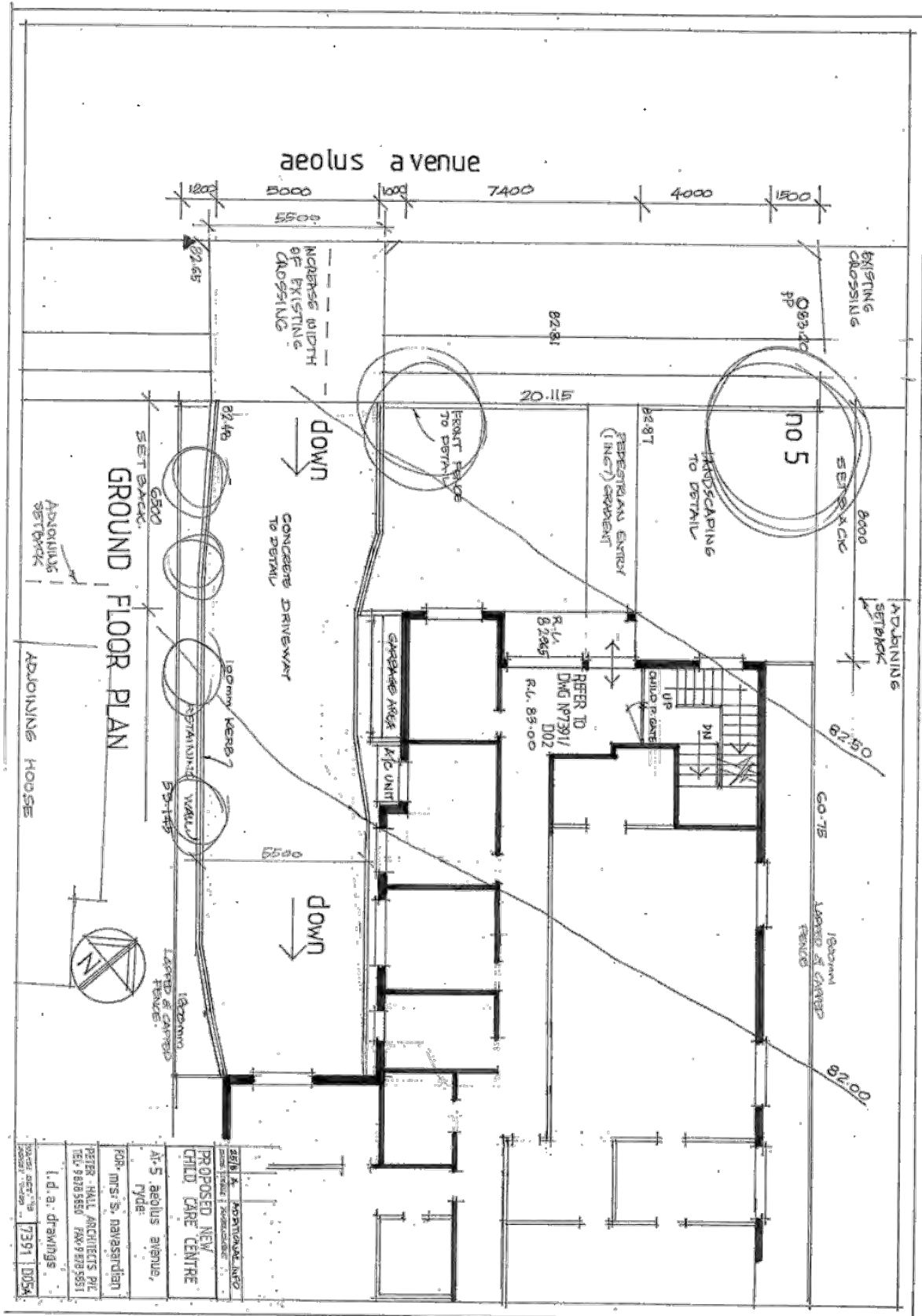
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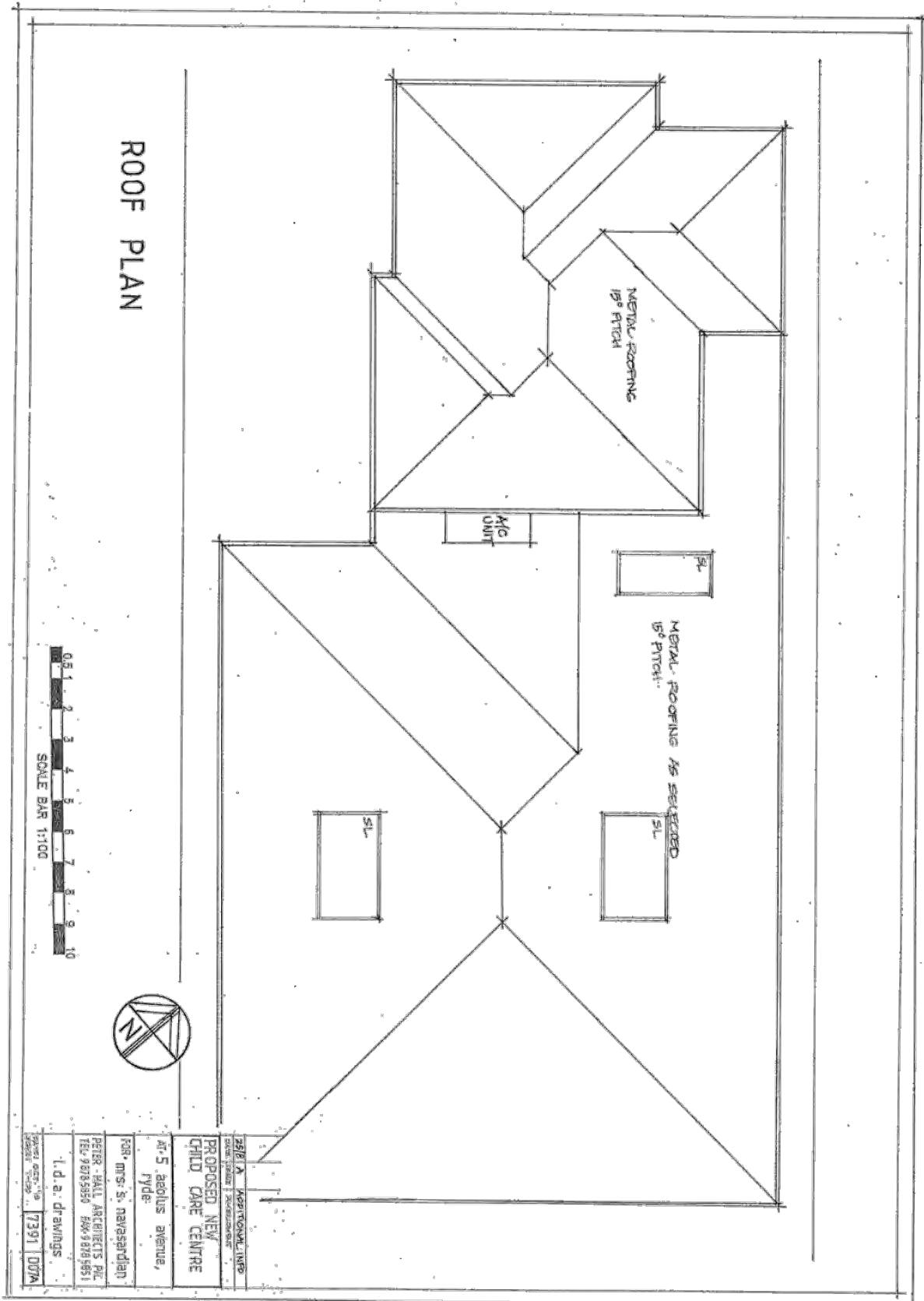
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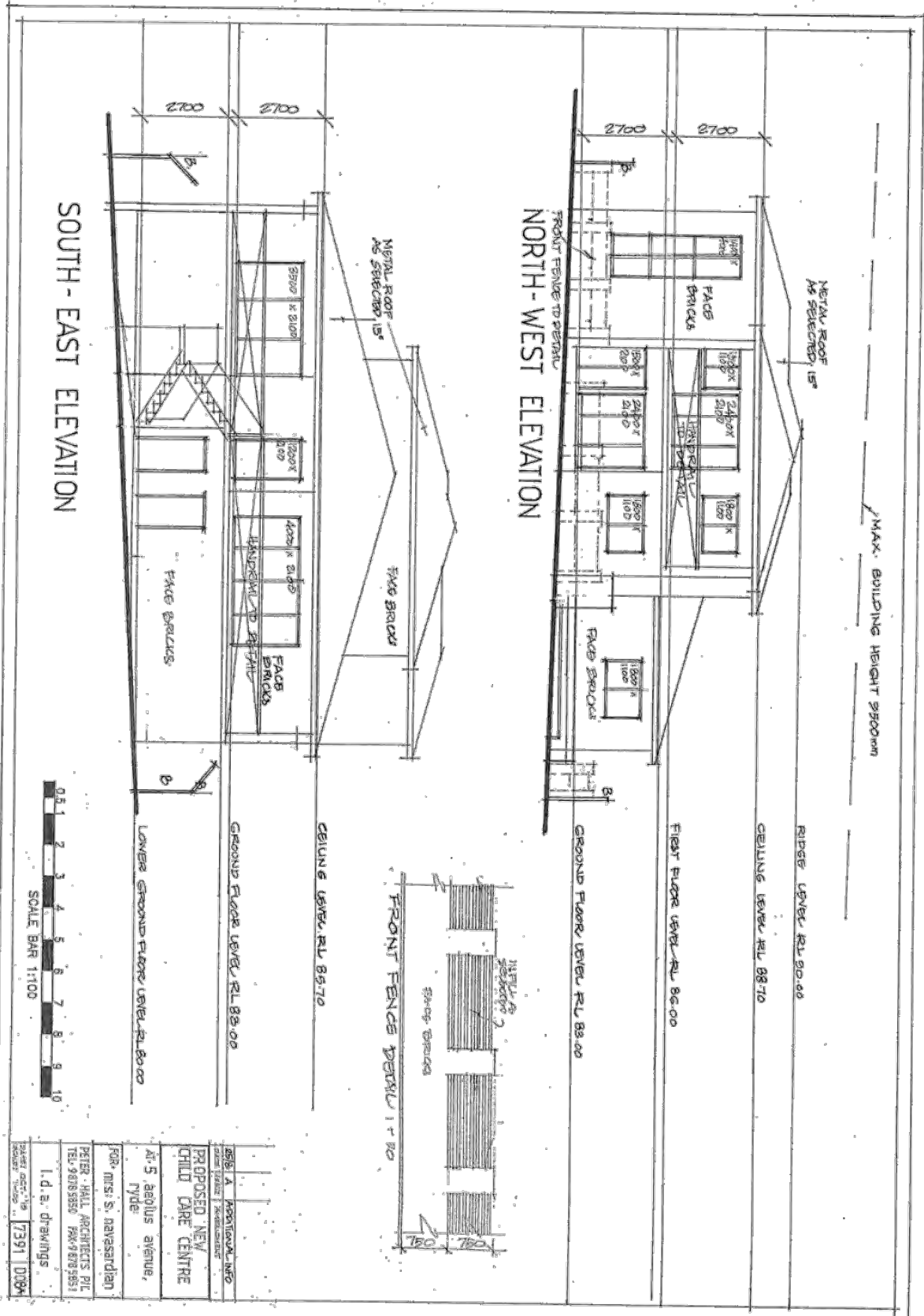
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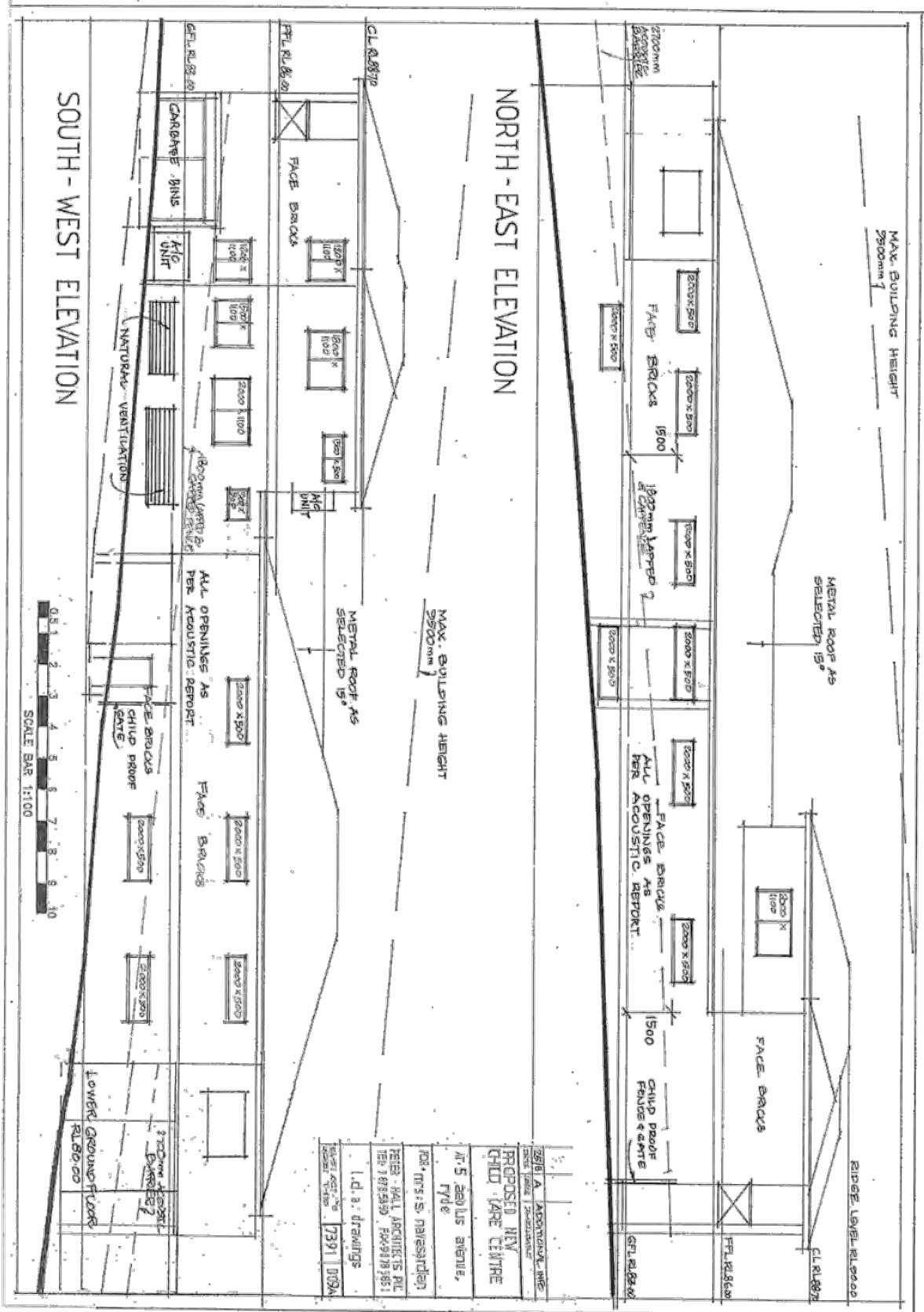
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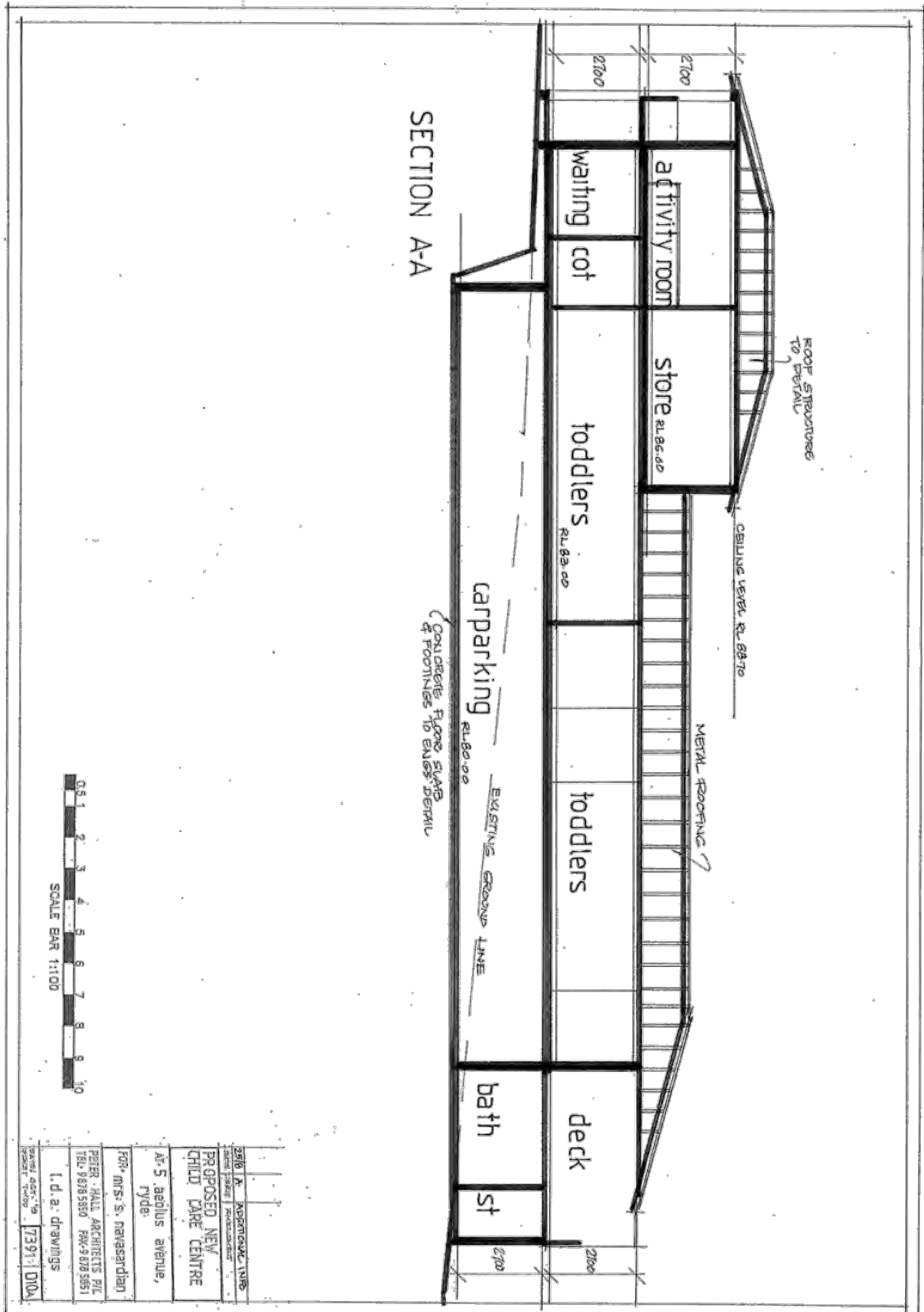
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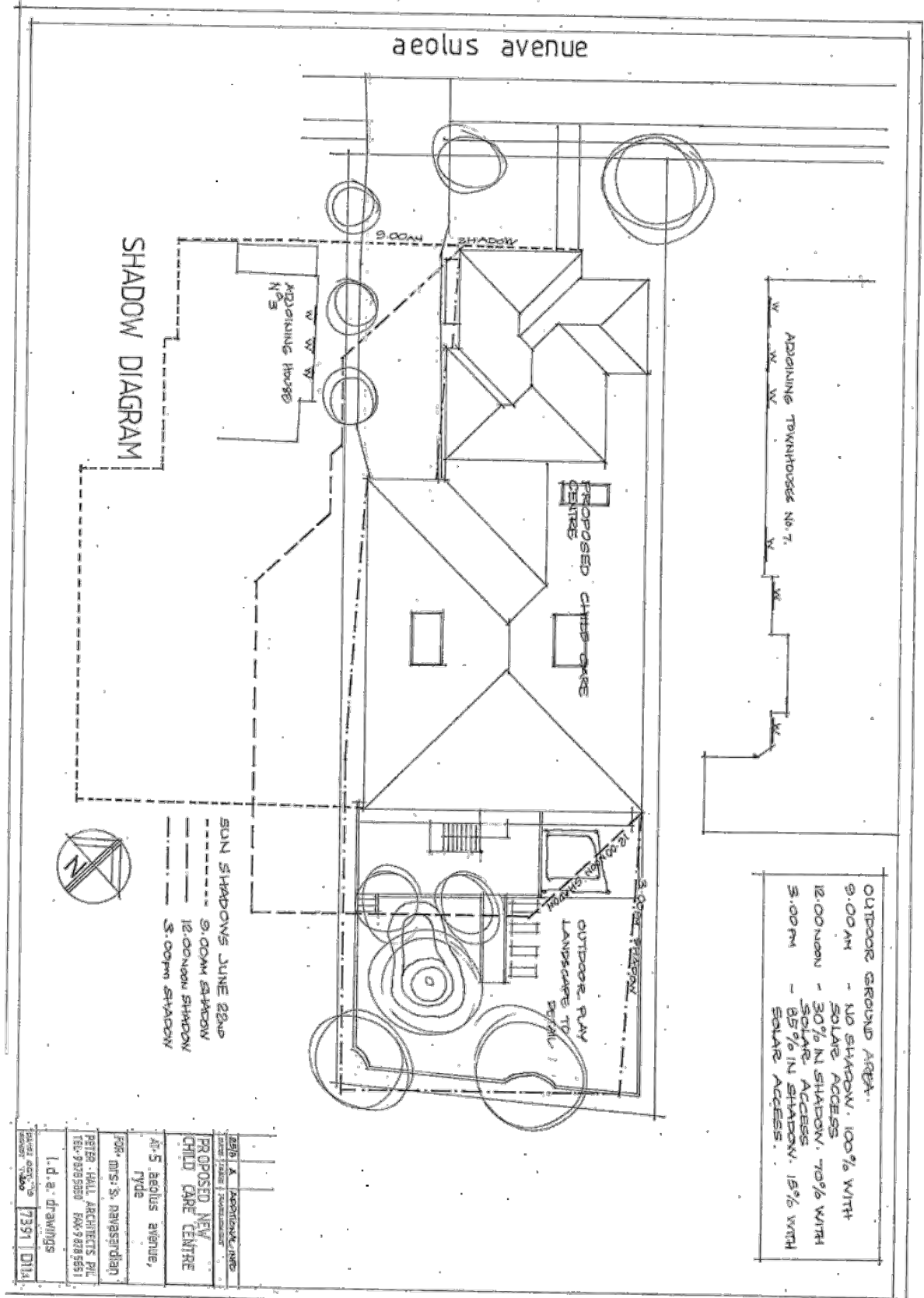
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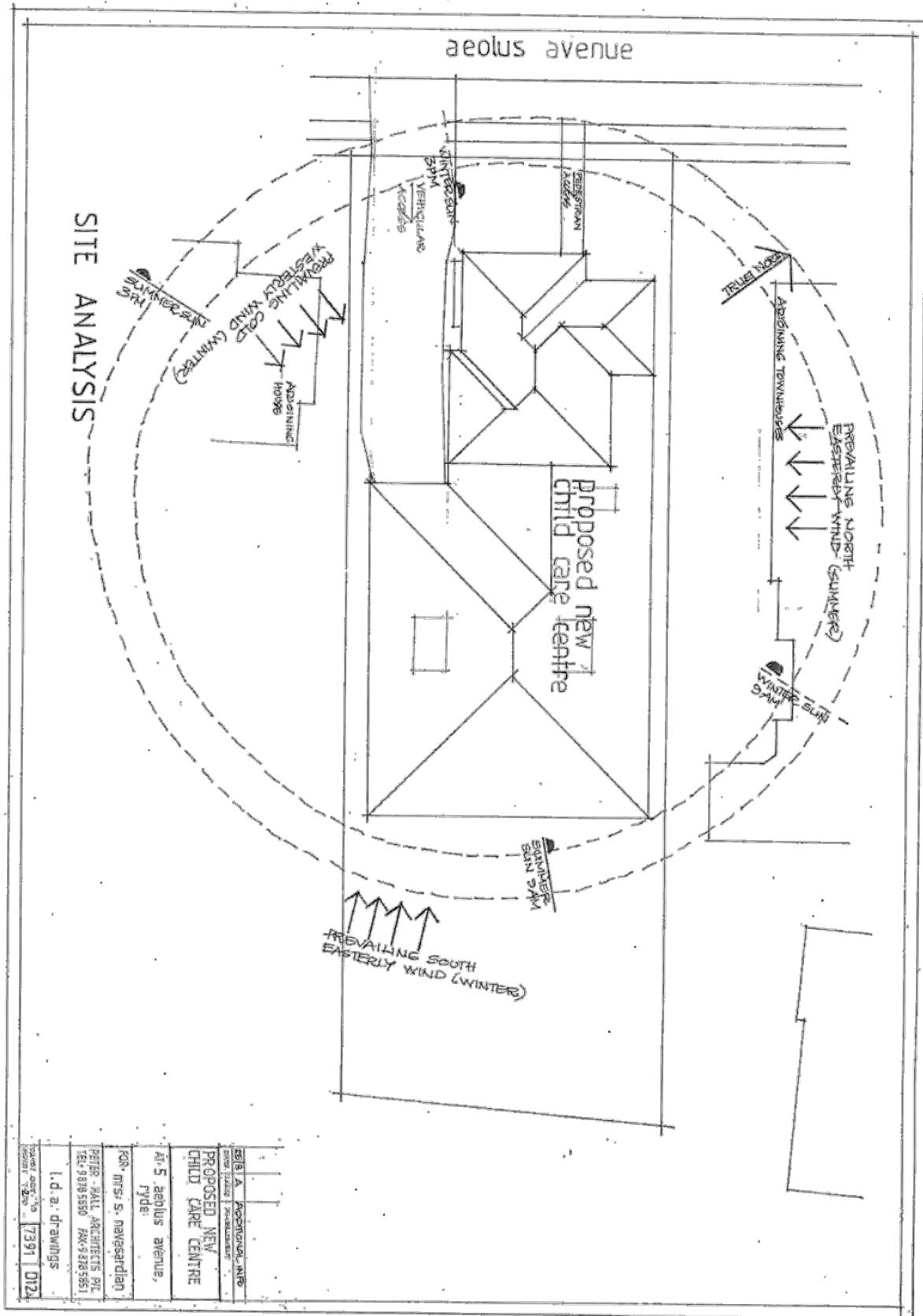
ITEM 1 (continued)

ATTACHMENT 1



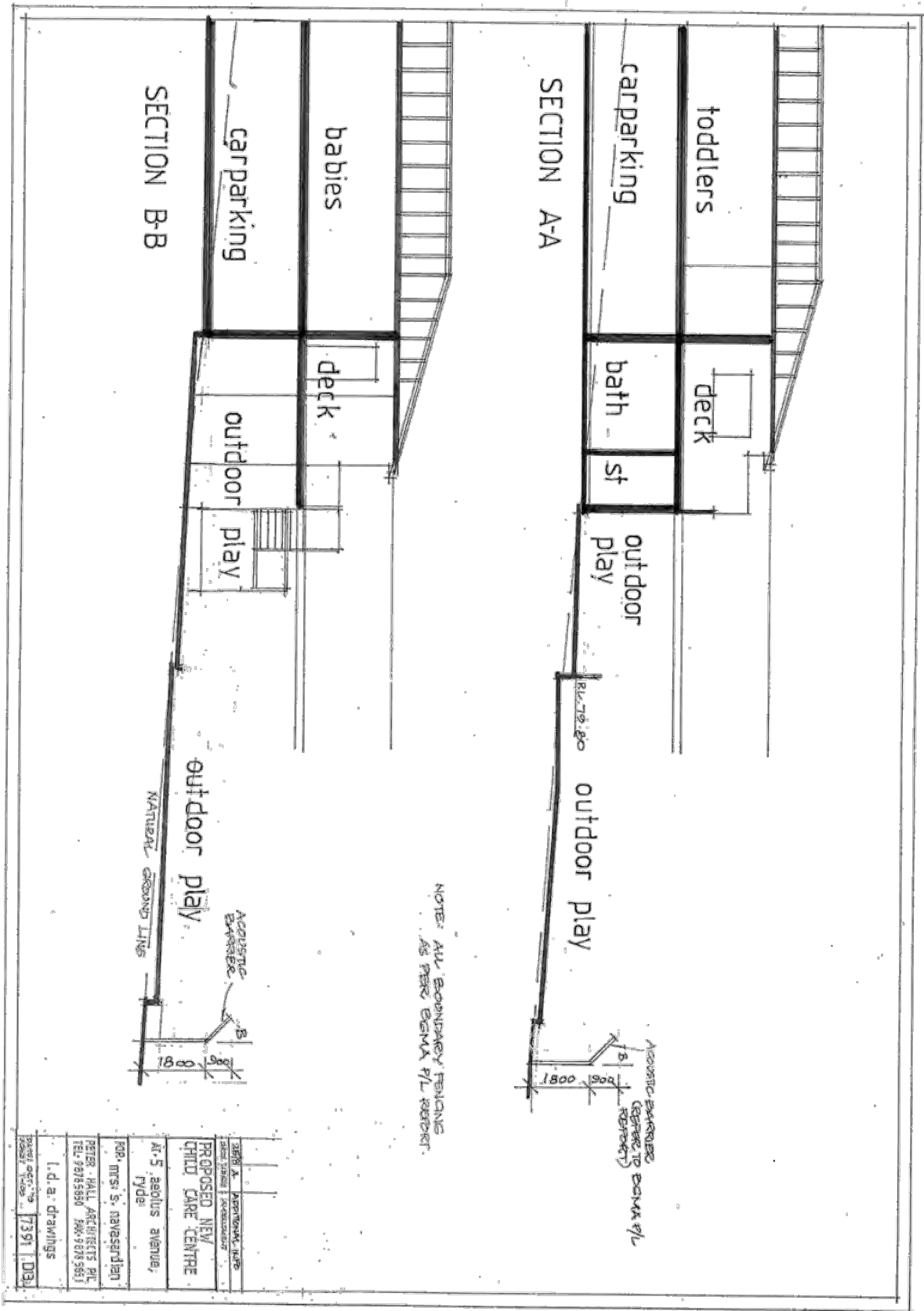
ITEM 1 (continued)

ATTACHMENT 1



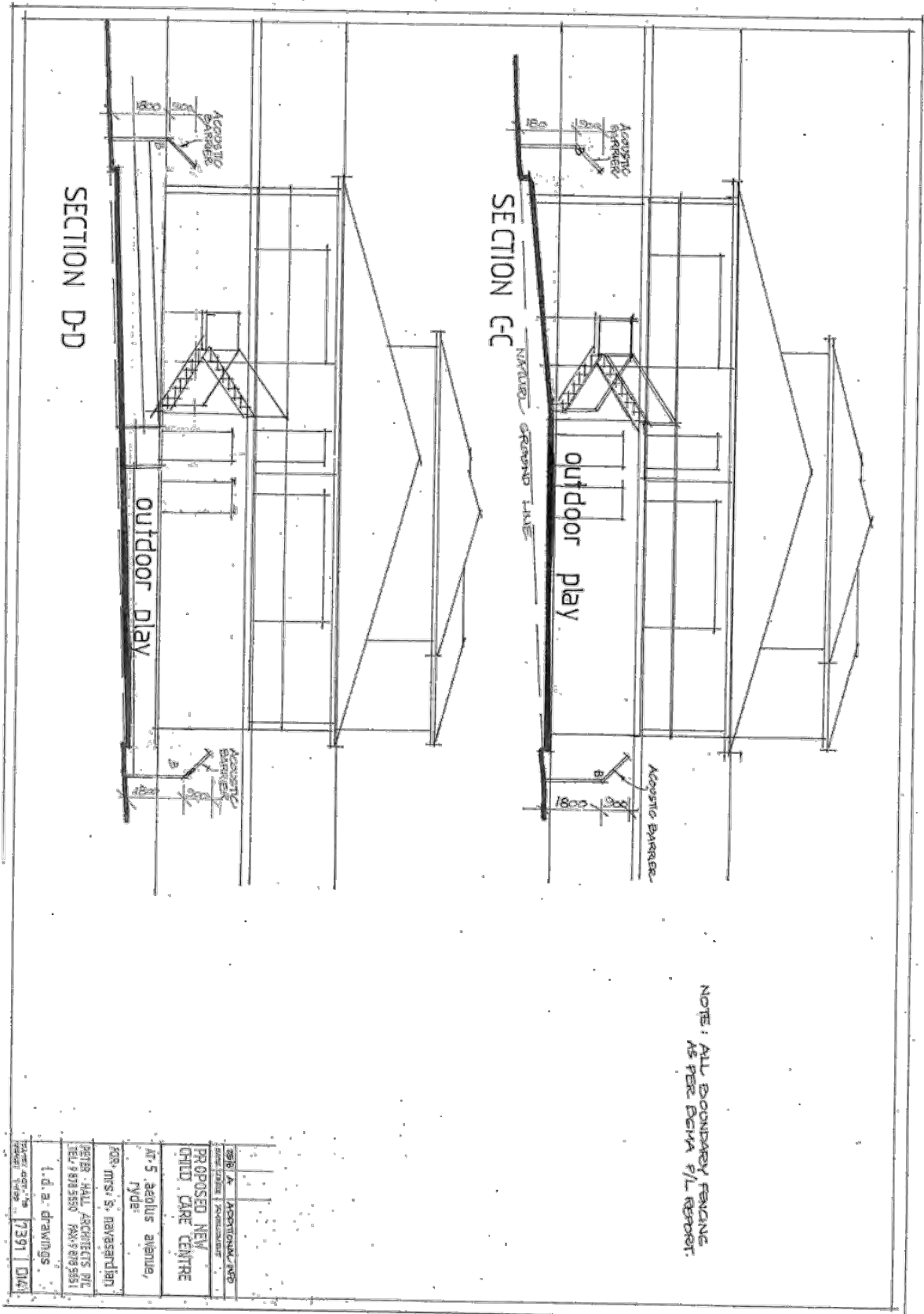
ITEM 1 (continued)

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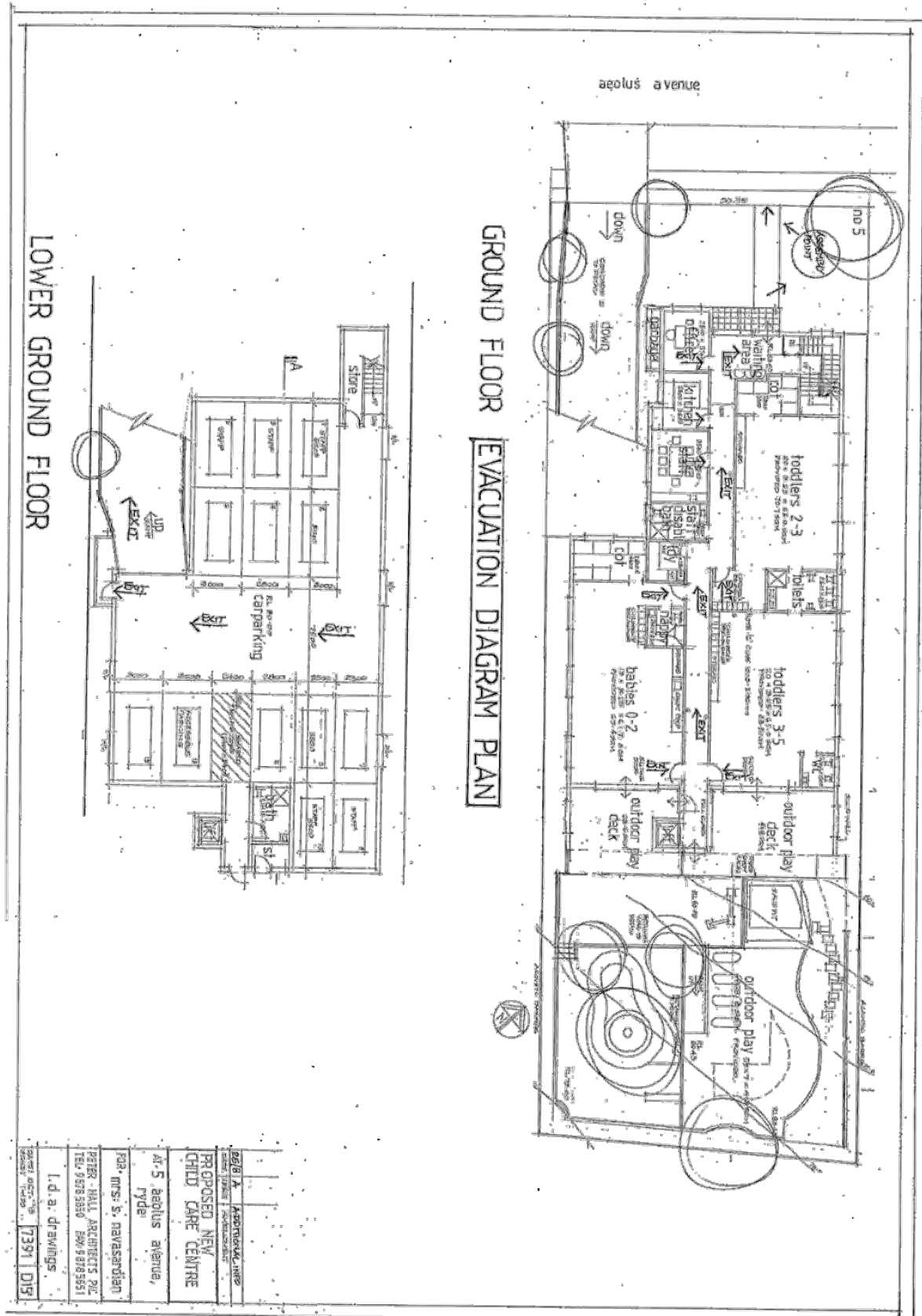
ITEM 1 (continued)

ATTACHMENT 1



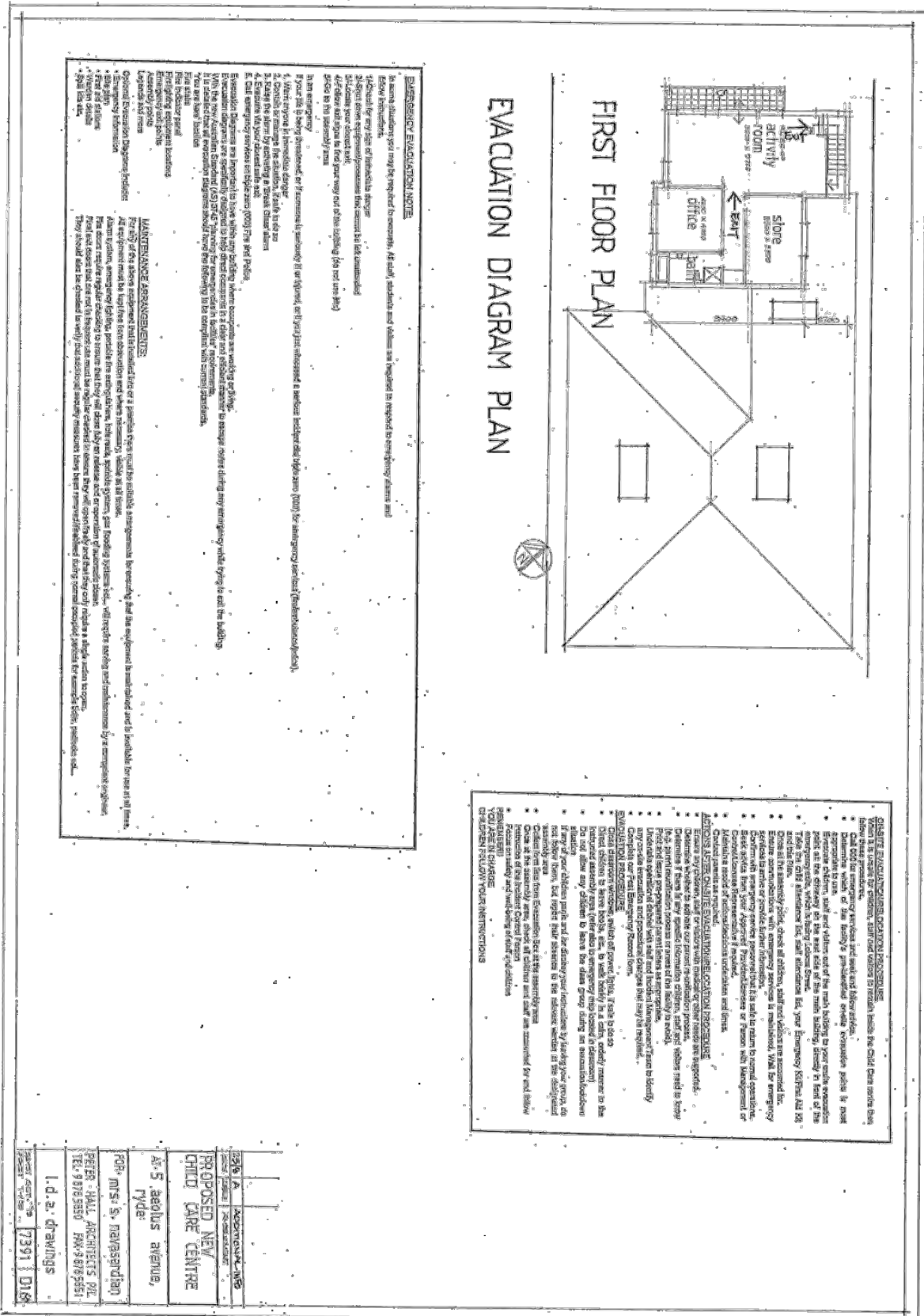
ITEM 1 (continued)

ATTACHMENT 1



ITEM 1 (continued)

ATTACHMENT 1



CHILDREN STAYING IN THE BUILDING

When it is unclear for children, staff and visitors to remain inside the Child Care centre then follow these procedures:

- Call OOH for emergency services and await instructions.
- Assign a staff member to direct children to the assembly point. It must be a safe area away from windows, glass, display cases, etc.
- Evacuate children, staff and visitors out of the main building to your main evacuation area. Do not allow children to enter the main building, stand in front of the building, or enter the building to get their belongings.
- Take the child attendance list, staff attendance list, your Emergency Kit/Fire Kit and the fire drill kit.
- Do not return to the building until you are instructed to do so.
- Ensure communication with emergency services is maintained. Wait for emergency services to arrive or provide further information.
- Do not return to the building until you are instructed to do so.
- Evacuate children, staff and visitors from the building.
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ACTIONS AFTER CHILDREN REMAIN IN THE BUILDING

- Ensure any children, staff and visitors with medical or other needs are supported.
- Do not return to the building until you are instructed to do so.
- Do not allow any children to leave the main group during an evacuation/lockdown situation.
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EVACUATION PROCEDURES

- Do not return to the building until you are instructed to do so.
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EMERGENCY EVACUATION NOTE

In some buildings you may be required to evacuate. At such a situation and follow the required as required in emergency plans and follow instructions.

1. Stay calm.
2. Listen to your supervisor.
3. Do not use lifts or escalators.
4. Do not run.
5. Do not touch anything.
6. Do not use the fire alarm.
7. Do not use the fire alarm.
8. Do not use the fire alarm.
9. Do not use the fire alarm.
10. Do not use the fire alarm.

EMERGENCY EVACUATION PROCEDURES

1. When you hear the fire alarm, stop what you are doing.

2. Leave the room in an orderly fashion.

3. Do not use lifts or escalators.

4. Do not touch anything.

5. Do not use the fire alarm.

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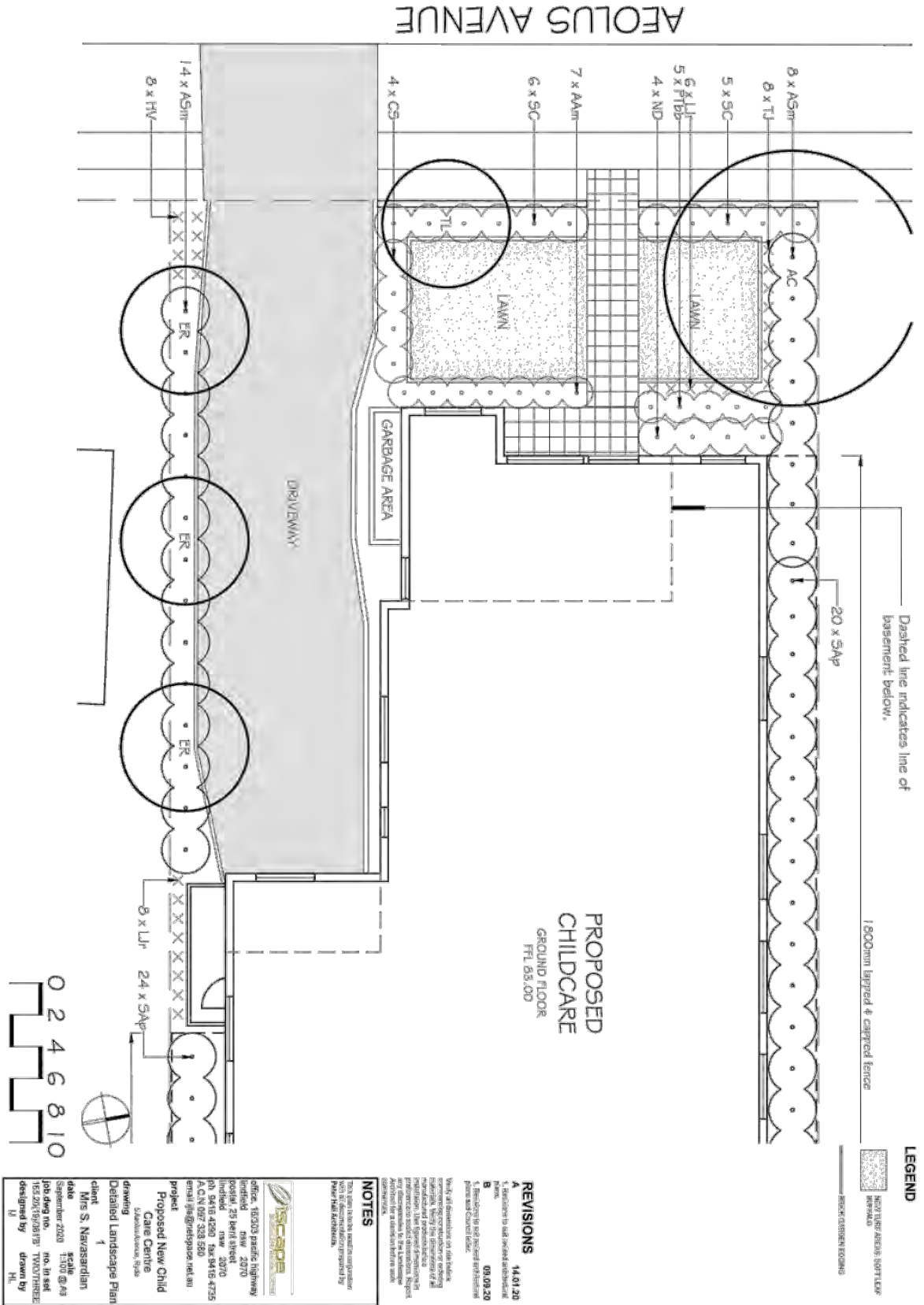
PROPOSED NEW
CHILD CARE CENTRE
At 5 aeolus avenue,
Ryde

FOR Mrs S. MANSFIELD
ARCHITECTS PTY
TEL: 9378 5850 FAX: 9378 5851

I.d.a. drawings
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ITEM 1 (continued)

ATTACHMENT 1



ITEM 1 (continued)

ATTACHMENT 1

