

**Meeting Date:** Thursday 10 June 2021  
**Location:** Held via Teleconference  
**Time:** 5.00pm

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## NOTICE OF BUSINESS

Item 1

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### DECLARATIONS OF INTEREST

### DEVELOPMENT APPLICATION

- 1 26 Beattie Avenue, Denistone East - Demolition of existing structures and construction of a two storey child care centre for 68 children and 10 staff with basement parking for 13 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday. Approval is also sought for the removal of one (1) street trees - LDA2020/0358 ..... 3

There are no LPP Planning Proposals



## **DEVELOPMENT APPLICATION**

- 1     26 Beattie Avenue, Denistone East - Demolition of existing structures and construction of a two storey child care centre for 68 children and 10 staff with basement parking for 13 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday. Approval is also sought for the removal of one (1) street trees - LDA2020/0358**

**Report prepared by:** Senior Town Planner

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

**File Number:** GRP/09/6/12/1/2 - BP21/535

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

<b>DA Number</b>	LDA2020/0358
<b>Site Address &amp; Ward</b>	26 Beattie Avenue, Denistone East Lot 53 in Deposited Plan 9536 Central Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal (as lodged)</b>	Demolition of existing structures and construction of a two storey child care centre for 73 children and 10 staff with basement parking for 14 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.  Approval is also sought for the removal of one (1) street tree.
<b>Proposal (as amended)</b>	Demolition of existing structures and construction of a two storey child care centre for 68 children and 10 staff with basement parking for 13 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday.

**ITEM 1 (continued)**

	Approval is also sought for the removal of one (1) street trees.
<b>Property Owner</b>	Silvana Basevski and Blagojce Basevski
<b>Applicant</b>	Silvana Basevski and Blagojce Basevski
<b>Report Author</b>	Alicia Hunter, Senior Town Planner
<b>Lodgement Date</b>	20 October 2020
<b>Notification - No. of Submissions</b>	Fifty-three (53) submissions received, all objecting to the proposed development
<b>Cost of Works</b>	\$2,015,550.00
<b>Reason for Referral to LPP</b>	Contentious development – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
<b>Recommendation</b>	Refusal
<b>Attachments</b>	Attachment 1: SEPP (Educational Establishments and Child Care Facilities) 2017, Clause 23 – Matters for consideration - (Provisions of the Child Care Planning Guideline) Attachment 2 – LEP and DCP Compliance Table Attachment 3: Plans submitted with the development application

**1. Executive Summary**

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 26 Beattie Avenue, Denistone East and is legally described as Lot 53 DP 9536.

The subject development application (DA No, LDA2020/358) was lodged on 20 October 2020 and seeks consent for demolition and construction of a two (2) storey child care centre with basement parking for thirteen (13) spaces. The child care centre

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is proposed to operate from 7:00am to 6:00pm Monday to Friday, will have a capacity of sixty-eight (68) children and will employ ten (10) staff.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it is a contentious development, having received greater than ten (10) submissions. The Development Application was notified and advertised between 21 October 2020 and 12 November 2020. Fifty-three (53) submissions were received objecting to the proposal.

Concerns raised in the submissions related primarily to suitability of the site for the proposed development and its use, associated traffic impacts, the bulk and scale of the proposed building including the construction of basement parking and associated impacts as a result of its excavation and amenity impacts arising from the proposed use such as noise and overlooking.

On 8 January 2021, Council wrote to the applicant requesting further information but given fundamental concerns, recommended the application be withdrawn. On 18 and 22 March 2021, the applicant submitted amended plans and documentation in response to the issues identified by Council. The proposal was amended to reduce the number of children from seventy-three (73) to sixty-eight (68) and reduced the number of basement parking spaces from fourteen (14) to thirteen (13). The applicant also provided an updated acoustic response, an emergency evacuation plan, stormwater plans, amended landscape plan. The amended documentation also included further traffic and acoustic assessment.

Council's fundamental concerns have not been addressed by the amended proposal. The proposal relies upon a basement carpark and extensive cut across the site which is not responsive to the site's topography and is inconsistent with the character of the area. The number of children is not considered to be appropriate and the development results in a one (1) car space shortfall. However, the allocation of these spaces results in a shortfall of two (2) spaces for parents/carers. The basement car parking arrangement results in conflict with vehicle and pedestrian movements. The proposal has not demonstrated it does not result in any adverse impact upon the surrounding road network as a result of the traffic generation. The development has not been designed to provide natural ventilation to the centre.

The proposal is not considered to be inconsistent with the requirements of the *Childcare Planning Guideline*, as well as with key development controls contained within the Ryde Development Control Plan 2014.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2020/358 be refused. The reasons for refusal are included in **Attachment 1**.



## ITEM 1 (continued)

### 2. The Site and Locality



Figure 1 Aerial photograph of the site and locality.

The subject site is legally described as Lot 53 DP 9536 and is known as 26 Beattie Avenue, Denistone East. The site is rectangular in shape and located on the northern side of Beattie Avenue, to the south west of the intersection with North Road. The site is located to the north east of the intersection with Blaxland Road.

The site and surrounding locality (**Figure 1**) consist of a mixture of low density residential including single dwellings and multi dwelling housing.

The site has an area of 1,012m<sup>2</sup> and is currently occupied by a single storey dwelling and detached shed in the south western corner of the property (**Figure 2**). An existing vehicle crossing is located adjacent to the north eastern side boundary. The site does not contain a formed driveway or off-street parking. Two (2) street trees (*Triadica Sebiferum/Chinese Tallow Tree*) are located within the road reserve adjacent to the site.

The site slopes from the rear north western corner (RL82.11) to the street (RL82.00). The site has a gentle cross fall south west to north east.

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Figure 2 Subject site and existing street trees



Figure 3 Adjoining dwelling to the north-east, No. 28 Beattie Avenue

The site is adjoined to the north-east by No. 28 Beattie Avenue. The site contains a single storey dwelling (**Figure 3**). A number of shed like structures, as well as an indoor swimming pool are located in the rear yard. Vehicle access is achieved via a driveway toward the eastern corner of the site.

Adjoining the site to the south west is No. 24 Beattie Avenue which contains a multi dwelling development comprising three (3) dwellings (**Figure 4**). Each dwelling is accessed via a shared driveway toward the western corner of the site. The dwellings are single storey in scale.



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Figure 4 Adjoining property to the south-west, No. 24 Beattie Avenue containing multi dwelling housing



Figure 5 Located opposite site, No. 29 Beattie Avenue

The northern rear boundary is shared with No. 23 Haig Avenue, which contains a single storey dwelling. Part of the rear boundary, approximately 5m is also shared with single storey dwelling at 19 Haig Avenue.

Opposite the site, No.29 Beattie Avenue is located which also contains a single storey dwelling (**Figure 5**).

### 3. The Proposal (as amended)

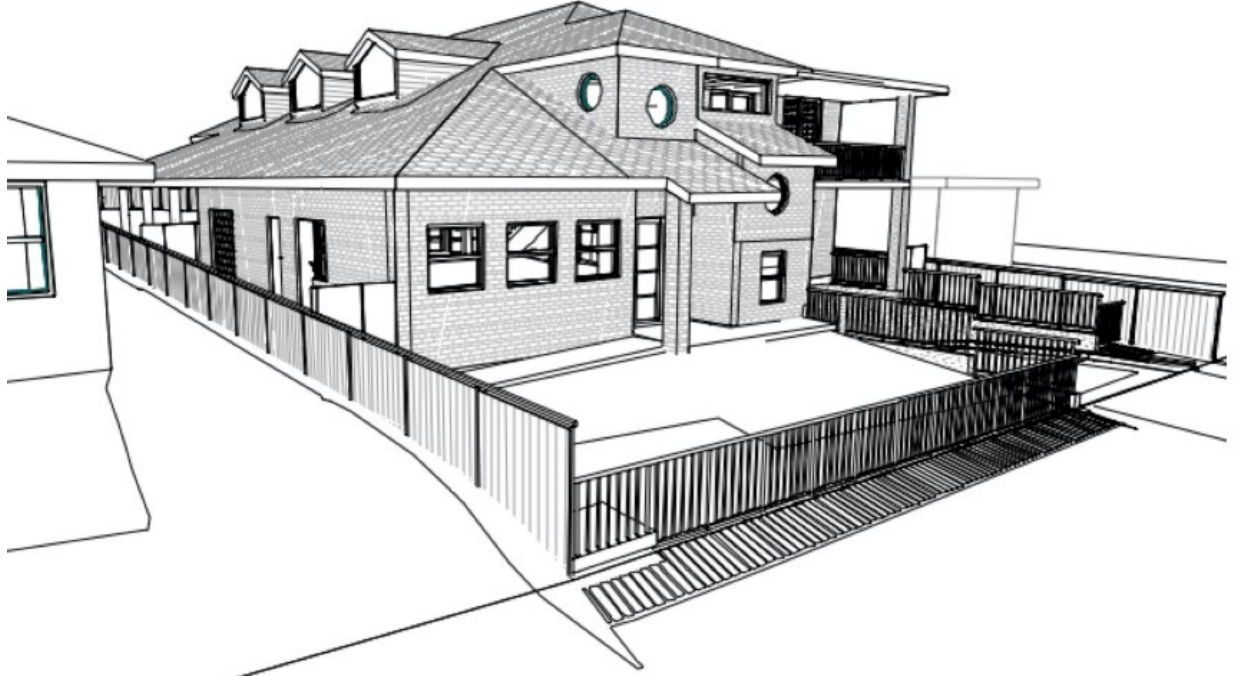
The proposal (as amended) seeks consent for demolition and construction of a child care centre consisting of two (2) storeys plus a basement level for parking and services. The child care centre will cater for sixty-eight (68) children; eight (8) children will be aged from 0-2 years, ten (10) children will be aged 2-3 years and the remaining fifty (50) children will be aged 3-6 years.

The centre will include ten (10) staff and will operate from 7:00am to 6:00pm Monday to Friday.

The physical aspects of the proposed development are as follows:



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**Figure 1** Proposed south eastern elevation (Beattie Avenue) Source: Archizen Architects Issue D dated 08/02/2021. This render does not accurately depict the extent of retaining wall and fencing structures which would need to be incorporated into the streetscape for safety purposes.

**Basement Level (RL77.900) (Figure 7)**

- The basement level will contain thirteen (13) car parking spaces to be allocated:
  - Six (6) spaces for staff
  - Six (6) spaces for visitors (stacked behind staff parking spaces)
  - One (1) accessible space
- Vehicular access to this level is obtained via a ramp (with 1:8 and 1:20 gradients) located adjacent to the north eastern side boundary that will connect to the proposed driveway cross over and layback to Beattie Avenue.
- To the west of the access ramp within the basement a lift and stair access is proposed.
- Pedestrian access to this level is obtained via the lift and stairs. A marked pedestrian walkway around part of the perimeter of the basement is provided.

### ITEM 1 (continued)

- Excavation to a depth of 3.49m will be required to enable the construction of the proposed basement.

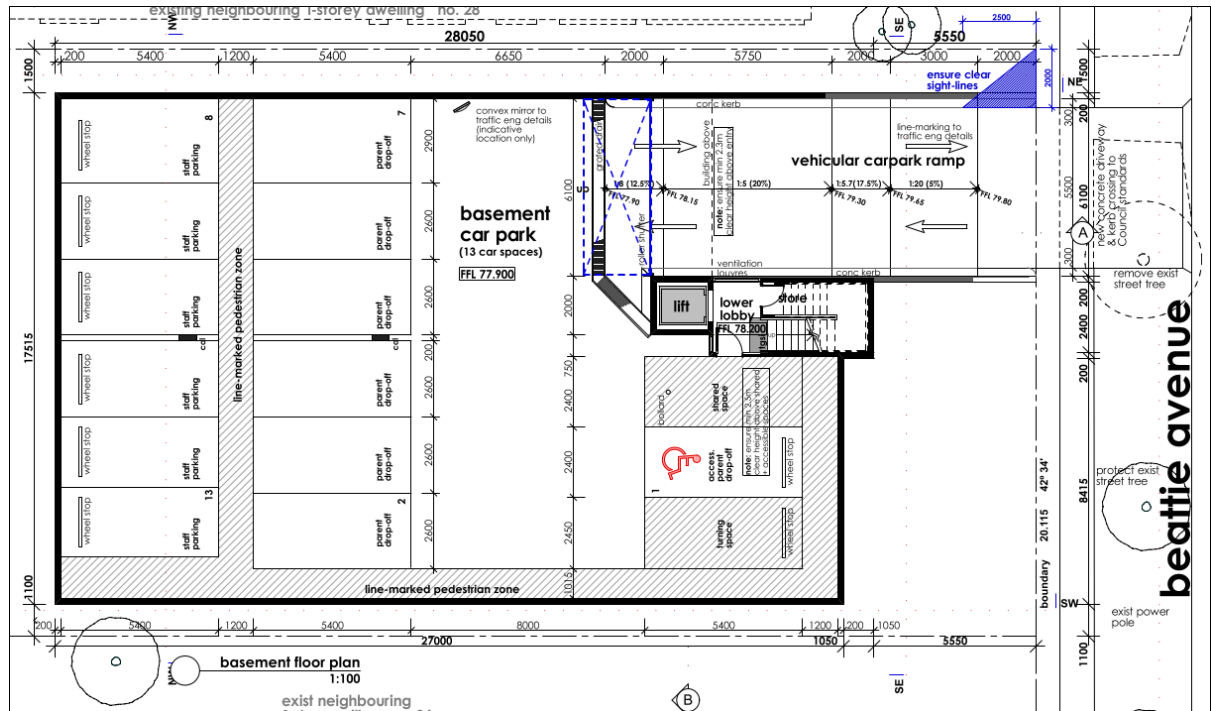
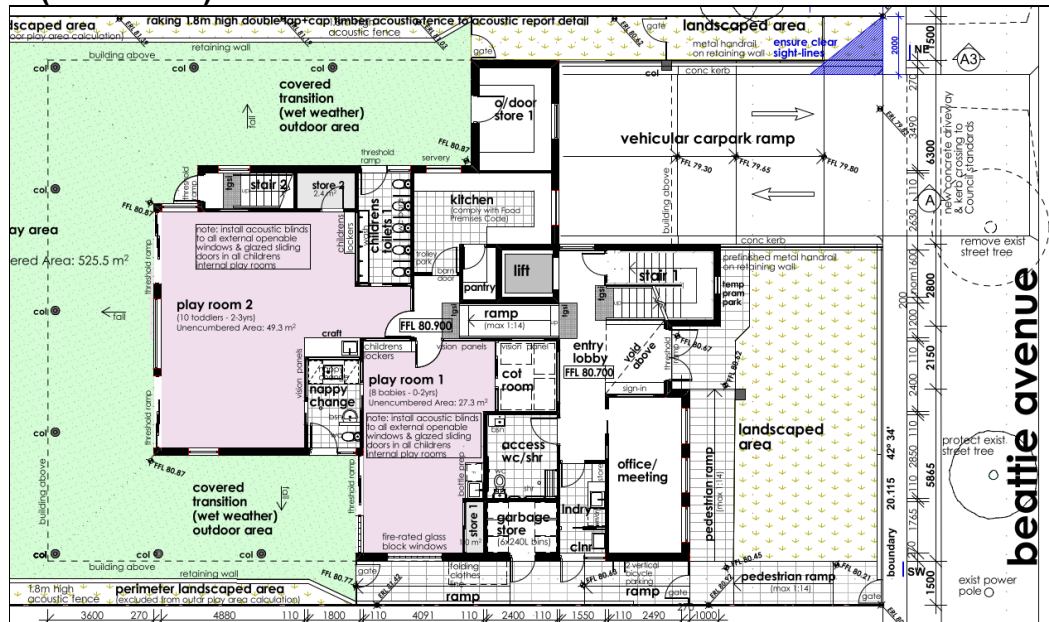


Figure 2 Extract of proposed basement plan Source: Archizen Architects Issue D dated 08-02-2021

### Ground Floor Level (RL80.900) (Figure 8)

- Central hallway with lobby area;
- Internal staircase, ramp and lift;
- Office/meeting room;
- Indoor play area for 2-3 year olds (10 children) and associated bathroom;
- Indoor play area for 0-2 year olds (8 children);
- Sleep room with the provision of 4 cots;
- Nappy change facilities;
- Kitchen and pantry;
- Accessible toilet and shower;
- Internal storage rooms, garbage store and laundry;
- Outdoor stairs to the first floor and storage room (accessed from outdoor play area);
- Pathway and accessible (within front setback area) to the entry doors;
- Driveway ramp within the front setback area.

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**Figure 3** Extract of proposed ground floor plan. Source: Archizen Architects Issue D dated 08-02-2021

**First Floor Level (RL83.900)(Figure 9)**

- Central hallway with lobby area;
- Internal staircase and lift;
- Staff room with storage area and terrace;
- Indoor play area for 3-5 year olds (30 children);
- Indoor play area for 3-5 year olds (20 children);
- Associated childrens bathroom;
- Accessible bathroom; and
- Internal storage area.

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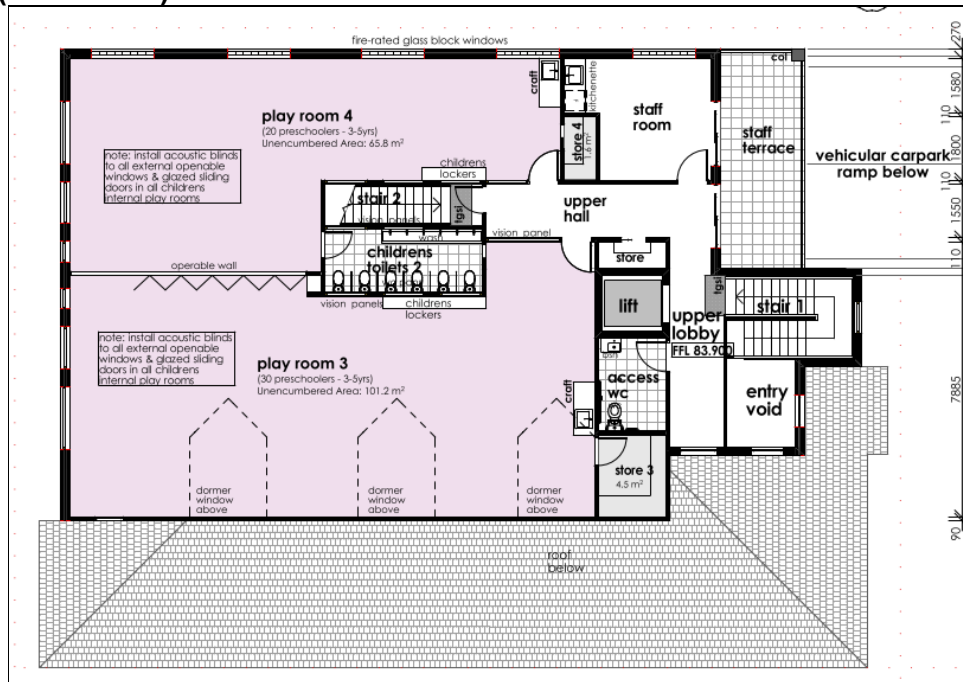


Figure 4 Extract of proposed first floor plan Source: Archizen Architects Issue D dated 08-02-2021

## External

The proposed landscaping works are shown in **Figure 10**. The works comprise the removal of one (1) street tree (Chinese Tallow Wood) located toward the eastern boundary. This tree is located in the proposed vehicular crossing. Replacement planting is proposed adjacent to the proposed vehicular crossing.

Landscaping throughout the site comprises of tree, shrub and groundcover species in both the front and rear of the site. Screen planting around the perimeter of the outdoor play area is also proposed.

Outdoor play equipment is proposed in the rear of the site. The equipment includes the provision of sandpits, slides, balance logs, water features and fixed play equipment. Shade cloths and pavilion areas are also proposed.

Pedestrian and vehicular entry to the site is to be segregated; the driveway is for vehicular traffic only while pedestrian access will be provided via pathway from the street frontage; and extends along the south western side boundary.



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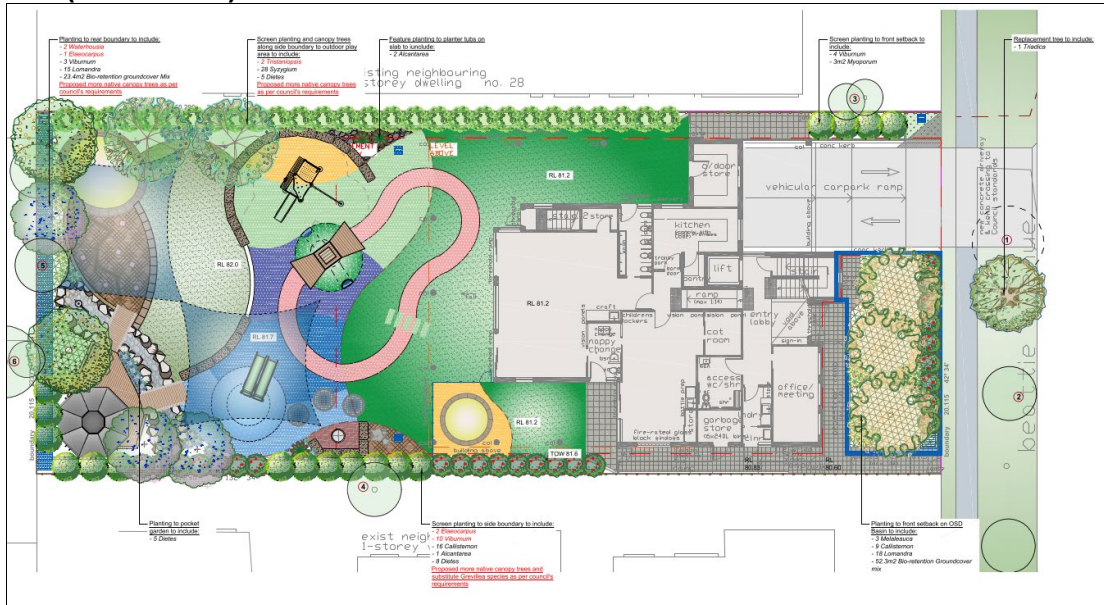


Figure 5 Proposed landscape plan

The proposal includes the erection of 1.8m high acoustic fencing around the perimeter of the site as shown in **Figure 11**.

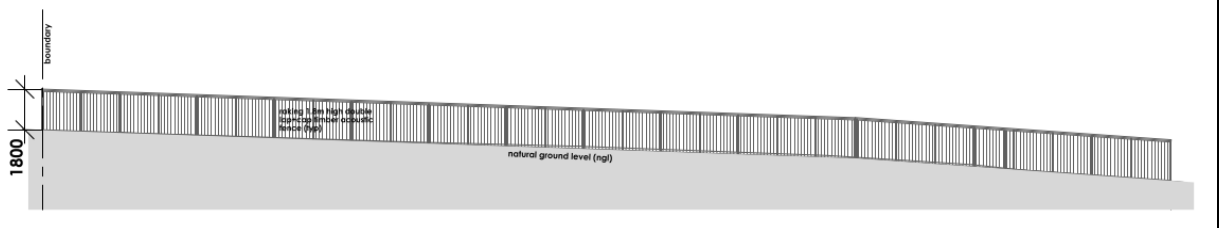


Figure 6 North-eastern acoustic fence elevation Source: Archizen Architects Issue D dated 08-02-2021

## 4. Background

20 October 2020	Development Application LDA2020/0358 lodged proposing the demolition of existing structures and construction of a two (2) storey child care centre for 73 children with basement car parking for 14 vehicles.
21 October – 12 November 2020	The DA was notified to surrounding properties. In response, Fifty-three (53) submissions were received; all objecting to the proposed development
8 January 2021	On 8 January 2021 a Request for Information (RFI) was sent to the Applicant.  Council identified the following issues with the proposal: <ul style="list-style-type: none"> <li>Inconsistencies with design quality principles within <i>State Environmental Planning Policy (educational</i></li> </ul>

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	<p><i>Establishments and Child Care Facilities) 2017</i> including building design and character issues and inappropriate landscaping treatments,</p> <ul style="list-style-type: none"> <li>• Suitability of the site including associated traffic impacts as a result of the proposal;</li> <li>• Compatibility with the character of the area;</li> <li>• Scale of the proposed development, noting as the site is located within a low density residential area, smaller scale developments (fewer than 50 child care places) are preferred, however the proposed child care facility is seeking approval for a capacity of 73 child care places, which is considered to be an overdevelopment of the site;</li> <li>• Loss of amenity for sensitive receivers (aural and visual privacy);</li> <li>• Amenity of future users of the centre (lack of natural ventilation);</li> <li>• Demolition plan as well as a demolition management plan;</li> <li>• The submitted Traffic Impact Assessment (TIA) did not provide an assessment of the current traffic conditions and volumes or the impact of the development traffic. A updated TIS was requested. In addition to this, Council's Traffic Engineer again noted that the provision of basement car parking is not supported, identified a shortfall in the proposed car parking spaces and noted that a turnaround bay had not been provided. In addition, it was noted that the proposed design did not comply with relevant Australian Standards;</li> <li>• Recommendation that the basement car park be removed and the proposal be revised to comply with the car parking rates and relevant Australian Standards;</li> <li>• Concern with the associated loss of amenity for surrounding receivers as a result of excessive noise</li> </ul>
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	<p>generated by the large number of child care places proposed, further noting that the proposed number (73), exceeded that recommended in Council's RDCP 2014, being 50. It was detailed to the applicant that the noise attenuation methods were not satisfactory as they would result in all windows and doors required to remain closed at all times;</p> <ul style="list-style-type: none"> <li>• Concern was also raised with the excessive noise generated from the vehicle movements associated with pick up and drop off of children; and</li> <li>• Concern was also raised with a lack of detail regarding food preparation areas.</li> </ul> <p>It was recommended that the application be withdrawn, noting that a basement car park would not be supported on the subject site – given the site limitations, context and scale of the proposal.</p>
29 January 2021	<p>A meeting was held between Council and the applicant regarding the issues raised by Council's assessment of the DA. It was agreed the applicant would be afforded an opportunity to submitted amended plans responding to the issues identified. It was noted to the Applicant that the application would not be supported in its current form. It was again suggested the application be withdrawn, alternatively noting it would be recommended for refusal.</p>
2 February 2021	<p>A second request for information was sent, including the comments received by Council's Development Engineer and Landscape Architect raising the following issues:</p> <p>Inconsistent and inadequate detail had been provided on the submitted stormwater plans. Consistent stormwater design (between the architectural and stormwater plans) were requested;</p> <ul style="list-style-type: none"> <li>• Fencing to the proposed above ground basin;</li> <li>• The provision of retain walls along the side boundaries to be shown;</li> <li>• Lack of detail regarding proposed driveway profile and required loading bay;</li> <li>• Shortfall in the required car parking and concern with the tandem parking design; and</li> </ul>

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	<ul style="list-style-type: none"> <li>Council's Landscape Architect requested a number of amendments to the landscape plan be made including the inclusion of additional local native trees within the planting scheme and details of the proposed irrigation system</li> </ul> <p>A number of inconsistencies were identified in the documentation submitted relating to tree removal.</p>
18 March 2021 and 22 March 2021	<p>The applicant submitted amended architectural, stormwater and landscape plans. An amended Traffic and Parking Impact Assessment Report and Acoustic report was also submitted. The applicant provided an emergency evacuation plan.</p> <p>The fundamental change in the amended plans was reduction in the number of children to 68 and reduction in the size of the basement. The applicant also clarified proposed tree removal (noting one (1) street tree is proposed to be removed).</p> <p>Given the amendments undertaken the proposal was not renotified.</p>

**5. Planning Assessment**
**5.1 State Environmental Planning Instruments**

Instrument	Proposal	Compliance
<b>State Environmental Planning Policy No. 55 – Remediation of Land</b>		
The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.	<p>A Preliminary Site Investigation (PSI) was submitted as part of the Development Application prepared by Alliance Geotechnical (dated 30 May 2020) and concluded that the site is suitable for the proposed development.</p> <p>The site has historically been used for residential use and is not located in close proximity to any known contaminated land.</p> <p>Council's Environmental Health Officer (EHO) has reviewed the submitted documentation raised no objections to the proposal in this regard. Appropriate conditions have been recommended in the event consent is granted.</p>	Yes



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<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b>		
<p>The Vegetation SEPP commenced on 25 August 2017 and replaced clause 5.9 of RLEP 2014, which related to the preservation of trees and vegetation.</p> <p>The objective of the 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.</p>	<p>The applicant proposes to remove one (1) tree within the road reserve that is a Chinese Tallow Wood.</p> <p>The tree to be removed is not significant, and the site is not mapped as containing significant urban bushland on Council's Environmentally Sensitive Areas map.</p> <p>The proposal is also supported by a satisfactory arborist report and landscape plan. The proposal will not unduly impact upon any existing biodiversity, trees and/or vegetation on the site. The removal of the trees is considered acceptable by the Landscape Architect and Council's Tree Management Officer.</p>	Yes
<b>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</b>		
<p>Clause 23 of the <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> (SEPP) provides that:</p> <p><i>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.</i></p>	<p>The <i>Child Care Planning Guideline</i> (herein simply referred to as 'the Guideline') establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.</p> <p>A detailed assessment of the proposal against provisions of the Guidelines is illustrated in the compliance table held in <b>Attachment 1</b>. This matter has also been discussed in greater detail following the table.</p>	No
<b>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b>		
<p>This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles</p>	<p>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.</p>	Yes

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and controls for the catchment as a whole.		
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### State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

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

Clause 23 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ESEPP) 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* (CCPG) establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.

A detailed assessment of the proposal against the provisions of the CCPG is contained within **Attachment 1** appended to this report, which finds the proposal to be inconsistent with the objectives and guidelines of the CCPG.

#### Part 2 - Design Quality Principles

Part 2 provides broad requirements for the assessment of centre-based child care facilities. A number of non-compliances are detailed in **Attachment 1** and are summarised below:

#### *Design Quality Principle 1 – Context and Principle 2 – Built Form*

The proposal is not considered to be designed in response to the site's topography. The proposal incorporates basement parking and necessitates extensive cut across the entire site with reliance upon retaining walls within the front, side and rear setbacks. The proposed basement garage necessitates retaining walls within the front setback adjoining the driveway in addition to balustrading in response to the created level differences. This contributes to uncharacteristic visual presentation to the streetscape, which is not responsive to the site's topography.

Further to this, the extent of excavation required associated with the OSD basin will require the construction of retaining walls and fencing for safety purposes. This adds to the bulk of the proposal and creates a negative visual impact to the streetscape.

#### *Design Quality Principle 3 – Adaptive learning spaces*

At first floor level the proposal includes play rooms 3 and 4 associated with fifty (50) children aged 3-5 years. The proposal has not been designed to provide a direct

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connection to the required outdoor play spaces. This is considered to result in a poor outcome for the design and learning spaces for the children. The disconnection between the internal play rooms and external environment is considered contrary to this principle of adaptive learning spaces.

*Design Quality Principle 4 – Sustainability*

The proposal relies upon glass block windows at first floor of the north eastern elevation and unspecified dormer windows on the south western first floor elevation which does not demonstrate cross ventilation. The revised acoustic statement includes recommendation for acoustic mesh screening devices to facilitate acoustic attenuation whilst windows are open, however does advise these blinds and meshes can affect the natural flow of air. The proposal has not been supported by a Section J report addressing sustainability. The proposal has not demonstrated consistency with this principle

*Design Quality Principle 6 – Amenity*

The proposal has not been designed to provide high levels of amenity for the children, with the design incorporating fixed openings within three elevations and not achieving reasonable ventilation throughout the building

The proposal results in a short fall of one (1) parking space. However, the allocation of these spaces results in a shortfall of two (2) spaces for parents/carers. The proposal has not satisfactorily demonstrated there will be no adverse impacts upon the surrounding road network as a result of the resultant traffic generation associated with the use.

*Design Quality Principle 7 - Safety*

The proposal has not been designed to provide a safe and accessible environment for parents and children. In order to ensure a safe and accessible environment for parents and children a pool safety fence 1.2m in height is recommended to be erected on top of the proposed retaining wall within the front setback. This is to ensure all safety concerns would be minimised with regard to the 350mm deep OSD basin proposed.

This fence and retaining structure adds to the bulk of the proposal and creates a negative visual impact to the streetscape.

Further to this the application has not been supported by an assessment against the CPTED.

Part 3 and 4 Specific Requirements

Whilst Part 2 provides broad requirements for the assessment of centre-based child care facilities, Part 3 and Part 4 provide specific numerical and non-numerical

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requirements. A number of non-compliances are detailed in **Attachment 1** and are summarised below:

*3.2 - Local Character, streetscape and the public domain interface*

The site is located within a low density residential area, smaller scale developments (fewer than 50 child care places) are preferred, however the proposed child care facility is seeking approval for a capacity of 68 (as amended) child care places. The resultant impacts on the local character, streetscape and the public domain interface are such that the proposed development is not considered suitable for the site.

The scale and extent of earthworks required for the construction of a basement carpark will result in excavation to a depth of 3.49m. The extent of excavation does not have regard for the natural topography of the site, or the visual amenity of Beattie Avenue. Retaining walls and balustrades will be required to be constructed within the front setback resulting in a loss of residential character, cohesion and amenity values. The low density, landscaped character of the public domain will not be maintained.

The character and scale of proposed development does not achieve the desired outcomes anticipated by the CCPG nor is it considered to be residential-compatible or small-scale. Residential amenity will be compromised. The subject site is considered to be unsuitable for the proposed childcare centre.

*3.3 – Building, orientation, envelope, building design and accessibility*

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.

The scale and extent of earthworks required for the construction of a basement carpark will disturb and have an adverse impact on the overall amenity and character of the area. The natural topography of the site will be altered to such an extent that the amenity values and streetscape character of Beattie Avenue will be degraded. The retaining wall and balustrade structures will dominate the typical landscape setting of a low density environment.

As a result of the extensive excavation, the outdoor play spaces will be sunken, creating a closed, subterranean environment. Good amenity for the outdoor play space is not achieved.

The building design is not considered to be fit for purpose and does not deliver a high level of amenity for children. Access to the sunken outdoor play areas is convoluted and does not provide good opportunity for enjoyable and easy to use spaces.



**ITEM 1 (continued)****3.8 – Traffic, parking and pedestrian circulation**

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 nine (9) child care car parking spaces and five (5) staff car parking spaces.

The proposal provides 13 car parking spaces consisting of seven (7) child care car parking spaces and six (6) staff parking spaces. All staff car parking spaces are tandem car spaces located behind child care parking spaces for parents, guardians and visitors and is inconsistent with design requirements for tandem car parking spaces which are permitted for staff parking only.

The shortfall in car parking and allocation arrangements are not acceptable as it is likely to exacerbate traffic congestion, increase hazards for pedestrians and increase demand for on street parking.

A Traffic and Parking Impact Assessment Report prepared by Hemanote Consultants dated August 2020 was submitted by the applicant with the development application. An addendum to this report was provided on 11 March 2021 in response to the RFI sent to the applicant.

Council's Senior Traffic Engineer reviewed the Traffic Impact Assessment and the supplementary information provided and determined that insufficient information was provided which did not accurately represent existing traffic conditions in the local road network. The 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.

Insufficient information has been submitted to satisfy this principle.

Council's Senior Traffic Engineer identified that the 1.2m wide pedestrian path proposed separating the tandem staff and visitor parking spaces is undesirable and unsafe. Council's Senior Traffic engineer noted,

*The proposed pathway does not provide effective separation between pedestrian movements and vehicles entering and exiting parking spaces within the basement car park. The small ages of students of the childcare facility is such that an unattended child wandering within this pathway unattended may be unseen by a driver entering a parking space adjacent to this pathway, which represents a significant safety risk.*

This is considered to be a dangerous situation, therefore on this basis, the site is considered unsuitable for a child care centre.

**ITEM 1 (continued)****4.4 - Ventilation and natural light**

Services are required to 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.

The proposal includes windows to all four sides of the development. However, the proposal includes the following:

- Glass bricks within the NE elevation at first floor
- Acoustic recommendation for ground floor openings to remained closed in order to achieve acoustic criteria.
- First floor dormer windows within first floor SW elevation without sufficient detail of the opening.
- Ground floor SW elevation including glass blocks and unopenable windows.
- The first floor windows in the NW rear elevation are fixed.

The proposal relies upon ventilation through the front to rear of the building, however at first floor this is not achieved by the fixed rear openings. At ground floor, the building depth of 17.89m would not facilitate cross ventilation through the building. The proposal is considered to result in poor natural ventilation.

**4.9 - Outdoor space requirements**

The proposed centre-based child care facility provides 519.55m<sup>2</sup> of unencumbered indoor space for 68 children. This equates to 7.64m<sup>2</sup> of unencumbered indoor space for each child which is compliant with the Education and Care Services National Regulation. However, concern is held regarding the reliance of 50 children aged 3 - 5 years at the first floor having no direct access to the ground floor outdoor play spaces.

The children are required to travel to the ground floor and then either exit through play room 2 or through the laundry and cleaners room and travel along the south western side boundary as shown in **Figure 12**. The exit through play room 2 would have implications for the use of this space by the designated 10 toddlers. The other exit which relies upon children going through a 1.55m wide laundry and cleaner's room. Both access points require a travel distance of approximately 27 metres. The access is considered non direct and is contrary to the intent of having a connection between the indoor and outdoor learning spaces for child care centres.

## ITEM 1 (continued)

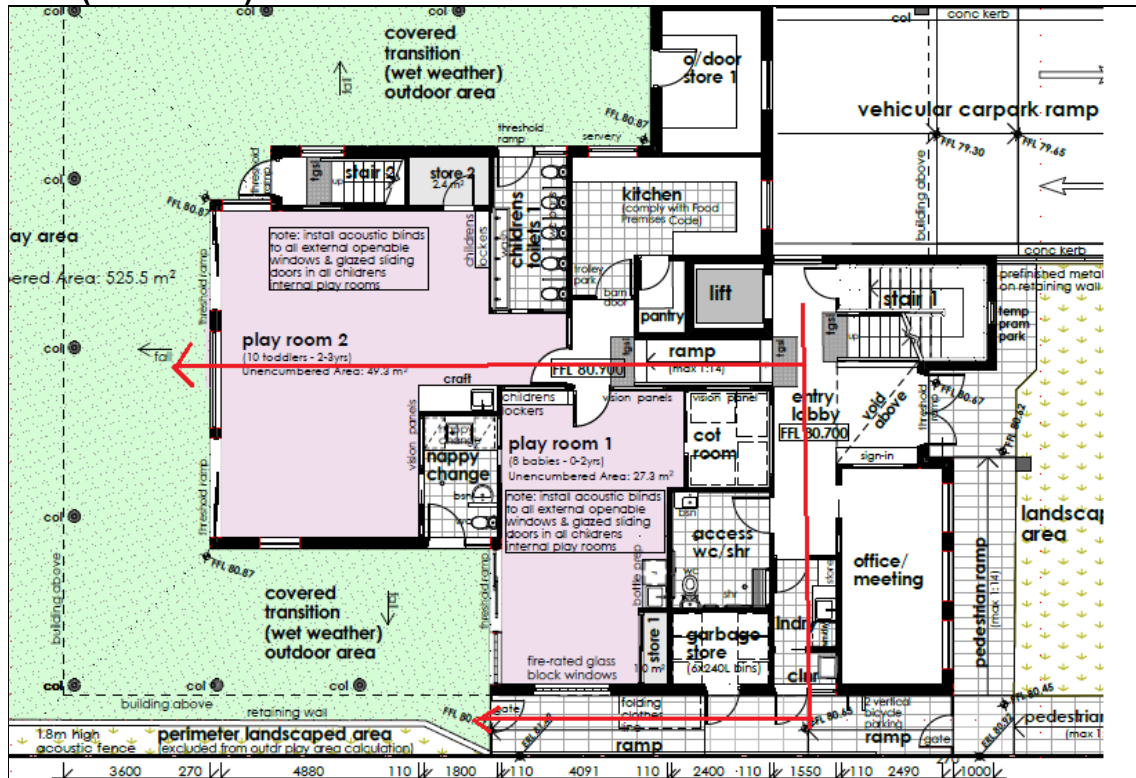


Figure 7 Exit points for the 50 children at first floor to access the outdoor play space

## 5.2 Ryde Local Environmental Plan 2014 (RLEP 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.

**ITEM 1 (continued)**

Clause	Proposal	Compliance
<b>4.3(2) Height of Buildings</b>		
9.5m	The maximum height of the proposed development is 8.8m.  Top of ridge RL 89.60 EGL – 80.80	Yes
<b>4.4(2) Floor Space Ratio</b>		
0.5:1 (506m <sup>2</sup> )	GFA of 432.10m <sup>2</sup> , resulting in a FSR of 0.427:1.	Yes
<b>6.2 Earthworks</b>		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed extent of excavation (up to 3.49m) to accommodate the basement car park exceeds the maximum permitted excavation of 1.2m under Clause 2.6.2 in Part 3.3 of the Ryde DCP 2014. The proposal also includes excavation associated with the outdoor play space to a depth of 690mm.  The scale and extent of earthworks works required for the construction of a basement carpark will disturb and have an adverse impact on the overall amenity and character of the area. It is considered that the proposal is inconsistent with the objectives of this clause.	No
<b>6.4 Stormwater Management</b>		
(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	The proposed stormwater management system for the development discharges to the kerb in Beattie Avenue and incorporates an above ground onsite detention system complying with Councils requirements. No impacts to adjoining properties, native bushland and receive waters is considered to occur.  Council's Senior Development Engineer has reviewed the stormwater management scheme and has raised no objections in regards to stormwater management.	Yes



## ITEM 1 (continued)

### 6.2 Earthworks

As discussed above, the proposal includes excavation to a depth of 3.49m associated with the basement carpark. The proposal also includes excavation associated with the outdoor play space to a depth of 690mm.

The scale and extent of earthworks works required for the construction of a basement carpark will disturb and have an adverse impact on the overall amenity and character of the area. The natural topography of the site will be altered to such an extent that the amenity values and character of Beattie Avenue will be degraded.

Further, temporary effects, including visual effects, sediment run-off and erosion, dust, noise and vibration and traffic effects during the proposed construction period will adverse effects on the environment or neighbouring properties.

Overall, it is considered that 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 the streetscape, and is not supported.

### 5.3 Draft Environmental Planning Instruments

Instrument	Proposal	Compliance
<b>Draft Remediation of Land State Environmental Planning Policy</b>		
<p>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:</p> <p><i>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.</i></p>	<p>The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. As discussed within the SEPP 55 assessment above, the subject site has been used for residential purposes for an extended period of time, and is therefore unlikely to have been associated with land uses that will result in contamination of the site. This is supported by a preliminary site investigation report which also indicates there is a low potential for the development to cause land or groundwater contamination, and that the site is suitable for the proposed development, subject to recommendations.</p>	Yes

### ITEM 1 (continued)

Draft Environment SEPP		
<p>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 a number of SEPPs, which include:</p> <ul style="list-style-type: none"> <li>- State Environmental Planning Policy No. 19 – Bushland in Urban Areas</li> <li>- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> </ul>	<p>The proposal is not inconsistent with the provisions of the draft SEPP.</p>	<p>Yes</p>

### 5.4 Ryde Development Control Plan 2014 (RDCP 2014)

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

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

**Note:** Built form controls for dwelling houses and dual occupancy controls within Part 3.3 of RDCP 2014 apply to this proposal, in accordance with control 3.2(d) within Part 3.2 of the DCP.

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

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

**ITEM 1 (continued)**

A detailed assessment of the proposal against the relevant provisions of RDCP 2014, Part 3.2 Child Care Centres is contained within **Attachment 2**. 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 below:

**Part 3.2: Child Care Centres****Section 2.0 - Size, Location and Site Selection**

Section 2.1.1 of Part 3.2 of RDCP 2014 provides for the criteria for sites where child-care centres should be located. The subject site is consistent with such requirements, being on a large (1,012m<sup>2</sup>) and suitably orientated site, is mostly level and not in a cul-de-sac, on a battle-axe allotment and/or on an arterial/sub-arterial road. The RDCP 2014 does however seek for larger-scale centres (50 – 90 places) in low density residential areas to be located:

- On street corners,
- Sites that share common boundaries with compatible non-residential uses, and
- Where child care centres can be co-located with compatible uses subject to acceptable traffic and parking requirements being met.

The subject site is not a preferred location for the proposed development as it will shares common boundaries with six (6) residential properties, and is not necessarily co-located with compatible uses. The site is not a corner allotment. Furthermore, the proposal does not provide the minimum required car parking spaces. The traffic impact is also considered to be unsatisfactory.

It is considered that the size of the development is unsuitable in this location and cannot be supported.

**Assessing Child Care Needs and Size of Facility**

Clause 2.2 of the RDCP 2014 requires that all development applications identify the proposed number of staff including all full time and part time staff and the role of each staff member. The applicant has advised that a maximum of 10 staff will be employed, however, the applicant has not identified a staff breakdown. In this instance insufficient information has been provided to determine compliance with this control.

**Section 3.0 – Design and Character****All Child Care Centres**

Clause 3.1 of the RDCP 2014 requires attention to be paid in the design to maximise energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise of the RDCP 2014. The application has not been supported by a Section J report

**ITEM 1 (continued)**

and has not demonstrated energy efficiency and this forms part of the recommendation for refusal.

**Section 5.0 – Car Parking, Traffic and Access***Car Parking*

In accordance with Clause 5.1(e) in Part 3.2 and 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 nine (9) child care car parking spaces and five (5) staff car parking spaces. The proposal provides 13 car parking spaces consisting of seven (7) child care car parking spaces and six (6) staff parking spaces.

The shortfall in car parking is not acceptable as it is likely to exacerbate traffic congestion, increase hazards for pedestrians and increase demand for on street parking.

*Basement Parking*

Control (f) does not permit underground parking in low density residential areas. The proposed development incorporates a basement garage in accordance with the definition of a 'basement' within LEP 2014, and does not comply with this Clause. The provision of basement car parking is not supported for the following reasons:

- The proposal provides insufficient car parking which will have an adverse impact on traffic volumes, traffic movements, pedestrian safety and demand for on street parking.
- The proposed design of the basement car park is considered to be undesirable and unsafe as it does not provide effective separation between pedestrian movements along this pathway and vehicles entering and exiting parking spaces within the basement car park.
- The proposal exceeds the maximum 1.2m excavation permitted under Clause 2.6.2(b) in Part 3.3 of the Ryde DCP 2014.

Overall, the proposed basement carpark is contrary to the Objectives and Controls detailed in the Ryde DCP 2014 and is not acceptable.

The proposal exceeds the maximum 1.2m excavation permitted under 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 design which is not relative to the needs of the locality.

**ITEM 1 (continued)***Pedestrian Pathway*

Objective in 2 of in Part 9.3 of the Ryde DCP 2014 seeks to ensure an adequate environmental quality of parking areas (including both safety and amenity) is provided for all new development. The application proposes a 1.2m wide pedestrian pathway separating the tandem staff and visitor parking spaces. Council's Traffic Engineer has noted the following:

*The proposed pathway does not provide effective separation between pedestrian movements and vehicles entering and exiting parking spaces within the basement car park. The small ages of students of the childcare facility is such that an unattended child wandering within this pathway unattended may be unseen by a driver entering a parking space adjacent to this pathway, which represents a significant safety risk.*

The design of the proposed basement car park is undesirable and unsafe and is contrary to Objective 2.

*Traffic Impacts*

Objective (a) and (b) of Part 3.2 of the Ryde DCP 2014 seek to maximise traffic safety and ensure the amount, type and timing of traffic generated does not adversely affect the general flow of traffic in the surrounding area or the amenity of the street.

Council's Traffic Engineer reviewed the proposal with regard to traffic impacts and raised concerns with the ability of the additional traffic generated by proposed child care centre (being in the order of 55AM and 48PM vehicle movements during peak periods) being able to exit onto Blaxland Road or North Road in a safe and efficient manner (in particular right turning movements onto Blaxland Road, which requires the driver to negotiate multiple travel lanes).

The abovementioned concerns have not been addressed in the original traffic study and the supplementary traffic statement as it contains no assessment of the existing traffic conditions within Beattie Avenue, Blaxland Road and North Road, which is an important base for determining the likely traffic impacts associated with the development proposal.

It is concluded that the 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.

**Part 7.2 – Waste Minimisation and Management**

The application proposes the demolition of the existing dwelling house and associate structures. An RFI was sent to the applicant requesting a demolition plan (indicating all structures proposed to be demolished) and a demolition management plan (detailing



**ITEM 1 (continued)**

proposed demolition method, waste disposal and operation). This information was not provided.

**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 subject application has been recommended for refusal.

**5.7 Any matters prescribed by the regulations**Environmental Planning and Assessment Regulation 2000

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

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

The assessment demonstrates that the proposal will result in significant adverse impacts upon adjoining properties and the environment due to the nature of the development. There are concerns in relation to the extent of excavation and provision of a basement garage. The proposal results in a shortfall of car parking and an inadequate allocation of these spaces. The proposal has not adequately demonstrated it will not result in any adverse impacts upon the local road network as a result of the traffic generation associated with the proposed child care.

**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 proposal relies upon significant excavation to provide on-site car parking. The extent of excavation and provision of a basement car park is out of character with immediately surrounding low density developments and results in a design which is not relative to the needs of the locality.

**ITEM 1 (continued)**

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

**8. The Public Interest**

Based on the assessment contained in this report, approval of the development is contrary to the public interest, and as such shall form a reason for refusal.

**9. Submissions**

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 21 October 2020 and 12 November 2020. During the notification period, fifty-three (53) submissions were received objecting to the proposal.

A number of submissions received were written in the form of a pro-forma document and raised similar concerns. All concerns raised have been addressed below:

***Development is contrary to CCPG and RDCP 2014***

**Comment:** The proposed development fails to meet principles of the SEPP (Educational Establishments and Child Care Facilities) 2017 and this forms part of the recommendation for refusal. Detailed assessments of the proposal against these provisions are contained within **Attachment 1** and **Attachment 2**.

***The proposed child care centre is not permissible within the R2 Low Density Residential zone.***

**Comment:** A child care centre is a permissible use within the R2 Low Density Residential zone.

***The proposed child care centre is not compatible with the character, streetscape or neighbouring land uses.***

**Comment:** The proposal is considered to be contrary of the established streetscape character. Concern is held regarding the proposed basement level, extent of excavation across the site, the provisions of retaining walls within the front setback and the resultant traffic impacts associated with the use. These form part of the recommendation for refusal.

***The proposed child care centre will result in unacceptable amenity impacts.***

**Comment:** The proposal does not result in any adverse acoustic or overshadowing impacts upon adjoining properties. However, the construction of the basement parking

**ITEM 1 (continued)**

with reliance upon retaining walls within the front, side and rear setbacks will contribute to an adverse visual presentation to the streetscape.

Further to this, the proposal has not demonstrated there will be no resultant impacts upon the local road network.

***The proposed child care is an overdevelopment for the site. The scale (up to 68 children).***

**Comment:** Concern is held regarding the site suitability in terms of the number of children proposed and associated impacts resulting from the number of children. The proposal has not demonstrated a centre of this size is suitable and this forms part of the recommendation for refusal.

***Location of the proposed child care***

**Comment:** The proposed centre is identified as being in a non preferred location due to the number of boundaries shared with residential properties. The associated impacts such as traffic generation and impacts upon the surrounding road network form part of the basis for refusal.

***The proposed child care does not comply with the objectives of the R2 Low Density Residential zone.***

**Comment:** 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, 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.

***The proposed building height is excessive.***

**Comment:** The proposed centre is two storeys in scale and has a height of 8.8m which is compliant with the height development standard of 9.5m.

***The proposed stormwater run-off will have adverse impacts to neighbouring properties. Flood impacts as a result of the proposed development.***

**Comment:** The proposed stormwater management system for the development discharges to the kerb in Beattie Avenue and incorporates an above ground onsite detention system complying with Councils requirements. Minimal impacts to adjoining properties, native bushland and receive waters is considered to occur. Council's Senior Development Engineer has reviewed the stormwater management scheme and has raised no objections.

**ITEM 1 (continued)*****Loss of visual privacy for adjoining properties.***

**Comment:** The proposal is not considered to result in any adverse privacy impacts. The proposal includes a lowered ground floor level so that the ground floor windows and available sight lines would be obscured by the proposed boundary fencing. The proposal includes first floor openings within the NE which are glass blocks and do not enable sight lines. The proposal includes three (3) dormer windows within the SW elevation, which due to the sill height do not result in any adverse privacy impacts. The proposal includes a first floor balcony adjacent to the NE boundary. The proposed balcony presents to Beattie Avenue and has a depth of 2.4 metres. The balcony is sited forward of the adjoining dwelling at No. 28 Beattie Avenue and does not result in any additional views than can be obtained from the streetscape.

***Acoustic fence will result in a loss of amenity.***

**Comment:** The proposal provides for a 1.8m high lap and cap timber fence along the side boundaries. The purpose of the fencing is to maintain the acoustic amenity of the adjoining properties. This fencing however extends within the front setback and will impact on the streetscape character of Beattie Avenue.

***Overshadowing of adjoining properties.***

**Comment:** Due to the site orientation, the proposal result in overshadowing at 9:00am only to No. 24 Beattie Avenue. For the remainder of the day, the development does not result in overshadowing of openings or the principal POS. At 3:00pm, the proposal results in minor shadow impact the front SW corner of No. 28 Beattie Avenue. The proposal is consistent with maintaining 3 hours solar access to neighbouring properties.

***Basement excavation is excessive.***

**Comment:** The proposal exceeds the maximum 1.2m excavation permitted under 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. This forms a reason for refusal of the application.

***Concern was raised in the submission with regard to structural safety of the buildings adjacent to site.***

**Comment:** The proposed development does seek to undertake excavation works within 1.5m of the side boundaries. If the application were to be recommended for approval, conditions such as dilapidation reports and monitoring of the works would be required. However, the application is recommended for refusal.

***Concerns relating to traffic and parking, including:***

- ***Traffic congestion.***

**ITEM 1 (continued)**

- ***Insufficient off street parking/loss of on-street parking.***
- ***Increase in risk of accidents.***
- ***Traffic report was inaccurate and inconsistent.***
- ***Consideration was not given to service deliveries.***

**Comment:** The proposal is considered to result in additional traffic impacts and will exacerbate traffic congestion in Beattie Avenue and the local road network, particularly during drop off and pick up periods.

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

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.

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.

Detrimental traffic impacts forms a reason for refusal of the application.

***Proposed tree removal and the illegal removal of trees.***

**Comment:** The application proposes the removal of one (1) street tree (Chinese Tallow Wood) located toward the eastern boundary. This tree is located in the proposed vehicular crossing.

Replacement planting is proposed adjacent to the proposed vehicular crossing. Council's Tree Management Officer reviewed the application with regard to the proposed tree removal and no objections were raised to the proposed development subject to appropriate conditions of consent.

A review of Council photographic records indicates that one (1) tree was removed toward the centre of the site. Council's Landscape Architect advised the tree was not of a size or species that are protected under provisions of Part 9.5 of the Ryde DCP 2014. As such, development consent was not required for the removal of the tree.



**ITEM 1 (continued)**

***Insufficient details regarding waste management. The proposed bin storage areas do not comply with the Ryde DCP2014.***

**Comment:** The information submitted by the applicant is insufficient with regard to demolition. This forms a reason for the refusal of the application. The bin storage areas are considered to be adequate in size, noting general waste is proposed to be collected by a private contractor as required, and sanitary waste is proposed to be collected by a private contractor on a daily basis.

***The application is supported by insufficient information, including:***

- ***Acoustic documentation submitted is inadequate and was not prepared by a suitably qualified person.***
- ***The submitted Building Code of Australia (BCA) was not sufficient. Road Safety Audit.***
- ***Market Analysis.***
- ***Social Impact Assessment.***
- ***Documentation submitted was inaccurate and inconsistent.***

**Comment:** The submitted Acoustic Report has been prepared by a suitably qualified person. The submitted BCA report is sufficient for the purposes of the development application and if the application were to be approved, would be subject to conditional requirements relating to the BCA. There are inconsistencies provided within the documentation and concerns are held in regard to the justifications made and this forms part of the recommendation for refusal, particularly in regard to the traffic assessment.

The subject site is located on Beattie Avenue which is not listed as a collector road in accordance with Schedule 2 of DCP 2014 as such a Road Safety Audit was not required to be provided.

A Market Analysis Report and Social Impact Assessment are not a requirement of lodgment of a Development Application.

***Submission time is too short.***

**Comment:** The application was notified in accordance with the Ryde Community Participation Plan between 21 October 2020 and 12 November 2020. If requested, Council Officers would have afforded further time to provide a submission.

***The site is located on a flight path.***

**ITEM 1 (continued)**

**Comment:** A review of Sydney Airport flight path records indicate that the subject site is not located within the ANEF contours, or under an active flight path. Notwithstanding this, given the proposed height of the building, being 8.8m any potential aircraft noise is not considered to have an impact on human health that is adverse.

This does not form an adequate ground for refusal.

***Beattie Avenue is used as a ‘Rat Run’ between Blaxland Road and North Road.***

**Comment:** Beattie Avenue is identified as a through road between Blaxland Road and North Road and concerns are held with regard to the additional traffic impacts which will exacerbate traffic congestion in Beattie Avenue and the local road network. Insufficient information was provided which did not accurately represent existing traffic conditions in the local road network.

***Approval of the application will result in a precedent being set.***

**Comment:** A child care centre is a permissible use within the R2 Low Density Residential zone and each development application is assessed on its individual merits. The proposed child care centre is not considered suitable for the site as the intensification of use to accommodate 68 children, 10 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.

**10. Referrals****Senior Development Engineer**

The amended proposal was referred to Council’s Senior Development Engineer who provided the following comments:

**Stormwater Management**

*The proposed stormwater management system for the development discharges to the kerb in Beattie Avenue and incorporates an above ground onsite detention system complying with Councils requirements.*

***Review 2 – 22 April 2021:***

*Amended documentation has been received and the following noted in Review 2:*

- The above ground basin has been amended to reflect the architectural design. The extent is now acceptable.*
- The stormwater plans now include a note stating that the OSD basin is to be fenced and details to be provided at CC stage, this is generally acceptable.*
- Retaining walls have been added to the sections and elevations and are generally acceptable.*

## ITEM 1 (continued)

*Standard conditions of consent regarding stormwater management can be recommended.*

### Vehicle Access and Parking

#### **Review 2 – 22 April 2021:**

*The development has been revised to provide for a reduced number of 68 child places. The parking demand has been revised accordingly in the following below.*

<b>USE</b>	<b>UNIT</b>	<b>RATE</b>	<b>SPACE #</b>	<b>REQUIRED</b>	<b>PROVIDED</b>	<b>COMPLIANT</b>
<b>CHILDCARE</b>						
Children	68	0.125	8.5	9	7	NO
Staff	10	0.50	5	5	6	YES
<b>SUB-TOTAL</b>			<b>13.5</b>	<b>14</b>	<b>13</b>	<b>NO</b>

- *The development fails to comply with Council's DCP due to the shortfall of 2 parking spaces for parent use.*
- *Justification has been provided in the 'Addendum Traffic & Parking Statement' noting that loading and deliveries will be undertaken via a standard van or ute and outside of peak periods and that the delivery vehicle will utilise the visitor parking space. This is to be addressed in the facility/operations management plan and can be conditioned in the consent. A turning bay has been provided within the basement to facilitate vehicles entering and exiting in a forward direction.*
- *Adequate driveway profiles have not been provided as per the request in Review 1. Driveway grades have been shown on plan and appear to comply with AS2890.1. The provision of driveway profiles will be conditioned in the consent.*
- *The 'Addendum Traffic & Parking Statement' outlines the operational procedure for the staff parking spaces that are in a tandem arrangement. This is generally acceptable, and a condition of consent applied to ensure the facility/operations management plan address how the arrangement will operate to ensure availability and address staff shift alterations.*

### **Recommendation**

*The proposal results in a parking deficiency. The development fails to comply with Council's DCP due to the shortfall of 2 parking spaces for parent use. The proposal is unacceptable in this regard.*

## **City Works – Traffic**

The amended proposal was referred to Council's Traffic Engineer who provided the following comments:

**ITEM 1 (continued)*****Traffic Generation***

*Based on the Guide to Traffic Generating Developments, a 68 place long child care facility is projected to generate 55AM and 48PM peak hour vehicle trips to and from the development site.*

***Traffic Impact and Safety Implications***

*In the vicinity of the site, Blaxland Road forms a dual lane carriageway accommodating two (2) through lanes of traffic in each direction separated by a double barrier (BB) centreline, whilst North Road provides a two-lane carriageway accommodating one (1) through lane of traffic in each direction between formalised kerb and gutter.*

*Beattie Avenue intersects with both roads under priority control with Beattie Avenue forming the minor route (i.e. vehicles exiting from Beattie Avenue onto either Blaxland Road or North Road is required to give way to the through traffic along these roads).*

*Blaxland Road being an arterial road and North Road being a higher order collector/distributor road accommodates significant traffic demands during weekday peak periods. In this regard, there are concerns associated with the ability of the additional traffic generated by proposed child care centre (being in the order of 55AM and 48PM vehicle movements during peak periods) being able to exit onto Blaxland Road or North Road in a safe and efficient manner (in particular right turning movements onto Blaxland Road, which requires the driver to negotiate multiple travel lanes).*

*The abovementioned concerns have not been addressed in the original traffic study and the supplementary traffic statement as it contains no assessment of the existing traffic conditions within Beattie Avenue, Blaxland Road and North Road, which is an important base for determining the likely traffic impacts associated with the development proposal.*

***Internal Traffic Considerations***

*A 1.2m wide pedestrian path is proposed separating the tandem staff and visitor parking spaces. This design is considered to be undesirable and unsafe as it does not provide effective separation between pedestrian movements along this pathway and vehicles entering and exiting parking spaces within the basement car park. The small ages of students of the childcare facility is such that an unattended child wandering within this pathway unattended may be unseen by a driver entering a parking space adjacent to this pathway, which represents a significant safety risk.*

**ITEM 1 (continued)**

*On the basis of the above issues which have not been satisfactorily addressed, Transport department cannot support this application in its current form.*

**Environmental Health Officer**

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

*This is a second referral following on from a request for further information from the first assessment (D21/13256) which concluded that the proposal could not be supported because:*

- 1. Total number of children was above the preferred number stated in the DCP for this location.*
- 2. The proposal does not address any aspects of food safety including kitchen design and planning for safe food handling.*
- 3. The potential to have severe impacts on the amenity of the local environment due to the noise that will be generated because of the higher number of children than preferred in the DCP, drop-off/pick up of children and the potential for indoor noise to create an impact because windows/doors will need to be closed for the acoustic requirements to be met.*

*The request for further information required submission of details for:*

- 1. Revised acoustic assessment*
- 2. Revised architectural plans*
- 3. Food safety plan of management*

*The issues of waste management, site contamination and air quality were previously assessed and considered satisfactory with the note that there may be potential for hazardous materials such as ACM in the existing buildings that may need consideration during demolition.*

*In terms of the kitchen and food preparation the amended plans now specifically note the kitchen is to comply with the Food Standards Code, AS 4674 and other BCA/NCC requirements as well as general requirements for fittings, fixtures and finishes (See plan DA10-D). This can also be conditioned in the consent.*

*The acoustic consultant submitted a further comment by email dated 29 January, 2021 (D21/36461). He discussed the options of using perforated ceiling panels to minimise reverberation within indoor areas and use of acoustic blinds or mesh screens to reduce the noise from indoor areas impacting the surrounding environment.*

*He considers that a rule of thumb of 10dB(A) increase of noise where windows are opened can be controlled with suitable blinds/screens without adversely affecting any natural ventilation requirements.*



**ITEM 1 (continued)**

*The main impact from internal noise would be from any openable windows on the upper level where the perimeter ground level acoustic fence will have less attenuation effect.*

*Acoustic blinds have now been incorporated into the design and noted on the floor plans (DA03-D & DA04-D).*

*In his further submission, the acoustic consultant reiterated that the 1800mm perimeter acoustic fence and noise management protocols (including only 40 children accessing the outdoor area at any one time), as originally proposed, was adequate for the control of noise from the outdoor play areas. Additionally, while higher fences or extensions (eg to 2400mm) would provide additional acoustic protection it was not considered necessary.*

*The consultant considered drop off/pick up of children and traffic in his original report (D20/170252) and determined that there would be no adverse impact. The continuation of the acoustic perimeter fence adjacent to the driveway was recommended to mitigate noise from vehicles accessing the basement carpark. A new plan (DA15-D) has been submitted which shows the acoustic fence now extending for the full length of the rear and both side boundaries.*

*In his original acoustic report, the consultant was designing controls based on 50dB(A) (measured background + 5dB(A)) generally and 55dB(A) (measured background +10dB(A)) for 2 hours per day for children's playtime used in the AAAC guideline. Given the daytime amenity criteria in the NSW EPA Noise Policy for Industry for a suburban area is 55dB(A) these targets would have to be considered reasonable.*

*Conditions of consent should be included to cover the installation and completion/validation of any noise controls.*

*In relation to the DCP, the number of children and noise impact. The acoustic assessment has shown that the proposal can be compliant with 68 children and managed access to the outdoor play areas. A reduction to the preferred maximum number of 50 children would likely be of little consequence in this context.*

**CONCLUSION**

*The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and special conditions of consent.*

**Council's Landscape Architect**

Council's Landscape Architect reviewed the amended plans advised that no objection is raised to the proposed landscape scheme, and noted that the landscape scheme is

**ITEM 1 (continued)**

of good design and layout. No objections were raised to the proposed development subject to appropriate conditions of consent.

**Council's Tree Management Officer**

Council's Tree Management Officer reviewed the application with regard to the proposed removal of one (1) street tree (Chinese Tallow Wood) located toward the eastern boundary. This tree is located in the proposed vehicular crossing. Replacement planting is proposed adjacent to the proposed vehicular crossing. No objections were raised to the proposed development subject to appropriate conditions of consent.

**11. Conclusion**

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

Therefore, it is recommended that the application be refused pursuant to Section 80(1)(b) of the Act. The reasons for the decision are as follows:

1. 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. Additional traffic congestion in surrounding streets will adversely impact the amenity and character of the R2 Low Density Residential zone.
4. The extent of excavation and provision of a basement car park is out of character with immediately surrounding low density dwellings and results in design which is not relative to the needs of the locality and is inconsistent with the surrounding streetscape.

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

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

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

That the Local Planning Panel refuse the Development Application LDA2020/167 for the construction of a two storey child care centre for 68 children, 10 staff and basement car parking for 13 car spaces on land at No. 26 Beattie 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 satisfy the following provisions of the *Child Care Planning Guideline* as required by Clause 23 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
  - Part 2, Principle 1 – Context and Part 2, Principle 2 – Built Form. The proposal is not considered to be designed in response to the site's topography. The proposed basement contributes to uncharacteristic visual presentation to the streetscape.
  - Part 2, Principle 3 – Adaptive learning spaces. The proposal relies upon the 50 preschool children at first floor level to travel through the building to access the ground floor outdoor play spaces.
  - Part 2 - Principle 4 – Sustainability. A Section J report addressing sustainability has not been submitted.
  - Part 2 - Principle 6 – Amenity. The proposal has not been designed to provide high levels of amenity for the children, with the design incorporating fixed openings within three elevations and not achieving reasonable ventilation throughout the building and is contrary to this principle.
  - Part 3 – 3.2 - Local character, streetscape and the public domain interface. The character and scale of proposed development does not achieve the desired outcomes anticipated by the CCPG nor is it considered to be residential-compatible or small-scale. The subject site is considered to be unsuitable for the proposed childcare centre.

**ITEM 1 (continued)**

- Part 3 - 3.3 – Building, orientation, envelope, building design and accessibility. The building design is not considered to be fit for purpose and does not deliver a high level of amenity for children.
  - Part 3, 3.8 – Traffic, parking and pedestrian circulation. The proposal is contrary to Part 3.8 Traffic, parking and pedestrian circulation of the Child Care Planning Guideline.
  - Part 4, 4.4 – Ventilation and natural light. The proposal has not been designed to achieve high levels of amenity for the children in regard to natural ventilation within the building and is contrary to this regulation.
  - Part 4, 4.9 – Outdoor space requirements. The proposal provides for fifty (50) pre-schoolers at first floor level without any immediately adjoining outdoor play spaces and is contrary to this regulation.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of *Ryde Local Environmental Plan 2014*:
- Clause 6.2 Earthworks. The proposal includes excavation across the entire site including 3.49m depth for the basement and 690mm for the outdoor play spaces. The proposal relies upon retaining walls across the site and is not sympathetic to the site's topography.
3. Pursuant to Section 4.15(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the development does comply with the following provisions of the *Ryde Development Control Plan 2014*:
- Clause 3.1 – Site Selection and Location in the Child Care Planning Guidelines and Clause 2.1 – Suitability of Location and Site for the following reasons:
    - 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 privacy impacts on adjacent residential properties and exacerbate traffic conditions in the local road network.

**ITEM 1 (continued)**

- 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.
- Clause 3.1 All Child Care Centres. Clause 3.1 of the Ryde DCP 2014 requires attention to be paid in the design to maximise energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water wise of the RDCP 2014. The application has not been supported by a Section J report and has not demonstrated energy efficiency.
- Part 3.2 – Part 5.1 Car Parking, Traffic and Access and Part 9.3 – Parking Controls of the Ryde DCP 2014. The proposal is an intensification of use and has not demonstrated there will be no adverse impact upon local traffic as follows:
  - 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 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



**ITEM 1 (continued)**

do not impede on pedestrian access to the site or impact on pedestrian safety;

- The proposal is inconsistent with *Clause 5.1(f)* in *Part 3.2* of the *Ryde DCP 2014* as underground car parking for sites located in low density residential areas is not permitted.
  - Part 3.3 - Building orientation, envelope and design. 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*. The extent of excavation is out of character with immediately surrounding low density dwellings and results in design which is not relative to the needs of the locality.
4. The following documentation was not submitted and/or was considered to be inadequate:
- A Demolition plan (indicating all structures proposed to be demolished) and a demolition management plan (detailing proposed demolition method, waste disposal and operation) was not submitted;
  - A Section J report addressing sustainability was not submitted;
  - The Traffic Impact Assessment Report 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.
5. Pursuant to the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not suitable for the site. 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. The proposal is contrary to Section 1.3 Objects of the Environmental Planning and Assessment Act 1979.
6. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the Environmental Planning and

**ITEM 1 (continued)**

Assessment Act 1979, approval of the development application is not in the public interest.

B. That the objectors be advised of the decision.

**ATTACHMENTS**

- 1** CCPG Assessment Table
- 2** RLEP & DCP Assessment Table
- 3** Amended Plans - subject to copyright provisions

Report Prepared By:

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

**ITEM 1 (continued) ATTACHMENT 1**  
**Attachment 1 - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

Relevant clauses	Compliance with standard/provision	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
23 Centre-based child care—matters for consideration by consent authorities	Noted, refer to assessment below.	-
25. Centre-based child care—non-discretionary development standards	Assessment of the clause is as follows: (a) Noted (b) (i.) 242.87m <sup>2</sup> of indoor space provided, complying with regulation 107 (ii.) 519.55m <sup>2</sup> of indoor space provided, complying with regulation 108 (c) Noted. Site area and dimensions comply. (d) Noted. Heritage provisions do not apply.	Yes
26. Centre-based child care—development control plans	Noted.	-

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Child Care Planning Guideline August 2017**

Guideline	Compliance with standard/provision
<b>Part 2 Design Quality Principles</b>	
<p><b>Principle 1. Context</b></p> <p>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The proposal is not considered to be designed in response to the site. The proposal incorporates basement parking, and necessitates extensive cut across the entire site and reliance upon retaining walls.</p> <p>The proposal does not provide the required off street parking, has not sufficiently demonstrated there will be no adverse impacts upon the surrounding road network as a result of the traffic generation.</p> <p>The proposal has not been designed to provide high levels of amenity for the children, with the design incorporating fixed openings within three elevations and not achieving reasonable ventilation throughout the building.</p>
<p><b>Principle 2. Built Form</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. 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 proposal seeks extensive cut across the site which necessitates retaining walls along all boundaries of the site. The proposed basement garage necessitates retaining walls within the front setback adjoining the driveway in addition to balustrading in response to the created level differences. This contributes to uncharacteristic visual presentation to the streetscape, which is not responsive to the site's topography.</p> <p>The proposed development will result in a development outcome which does not contribute positively to the character of the area due to the traffic impacts, increase hazards for pedestrians and impact the amenity of surrounding properties that the proposed development will cause.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
	<p>Further to this, the extent of excavation required associated with the OSD basin will require the construction of retaining walls and fencing for safety purposes. This adds to the bulk of the proposal and creates a negative visual impact to the streetscape.</p> <p>See assessment report for further discussion.</p>
<p><b>Principle 3. Adaptive learning spaces</b> 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 proposal provides for first floor level to accommodate play rooms 3 and 4 associated with fifty (50) 3-5 years. The proposal has not been designed to provide direct connect to the required outdoor play spaces. This is considered to result in a poor outcome for the design and learning spaces for the children.</p> <p>The external play areas at ground floor provide for a variety of learning spaces for both quiet and active play. However, the disconnection between the internal play rooms and external environment is considered contrary to this principle of adaptive learning spaces.</p>
<p><b>Principle 4. Sustainability</b> 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 proposal relies upon glass block windows at first floor of the north eastern elevation and unspecified dormer windows on the south western first floor elevation which does not demonstrate cross ventilation. The revised acoustic statement includes recommendation for acoustic mesh screening devices to facilitate acoustic attenuation whilst windows are open, however does advise these blinds and meshes can affect the natural flow of air.</p> <p>The proposal has not been supported by a Section J report addressing sustainability. The proposal has not demonstrated consistency with this principle.</p>
<p><b>Principle 5. Landscape</b> 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</p>	<p>The proposed development satisfies this Principle. Refer to Council's Landscape Architect referral response.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<p>and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	
<p><b>Principle 6. Amenity</b> 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 has not demonstrated an acceptable outcome for the internal amenity particularly in regards to acoustic attention to windows necessitated when the windows are open to provide natural ventilation. The proposal has not adequately considered the internal and external implications to balancing the need for ventilation to the internal play spaces and the acoustic impacts that result of the neighbouring properties.</p> <p>The acoustic assessment relies upon the existing background noise at 51dBA LAeq being lower than the sound level of 55dBA required for outdoor play spaces. The acoustic report recommends a maximum of forty (40) children within the outdoor play space at any one time. The report does not identify the division of children, particularly given the assessment relies upon the criteria for twenty (20) children playing, being 10 – 0-2 years and 10 – 3-6 years. The proposal includes 20 preschoolers in playroom 4 and 30 in playroom 3. This would necessitate a division of the class sizes and given these rooms are located at the first floor level, a separation of staff. The submitted plan of management does not address this.</p> <p>The proposal provides insufficient car parking which will have an adverse impact on traffic volumes, traffic movements and pedestrian safety. The proposal will impact</p>



**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
	on the amenity of adjoining properties and does not satisfy the provisions of the Principle.
<p><b>Principle 7 - Safety</b></p> <p>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>The proposal has not been designed to provide a safe and accessible environment for parents and children. In order to ensure a safe and accessible environment for parents and children a pool safety fence 1.2m in height is recommended to be erected on top of the proposed retaining wall within the front setback. This is to ensure all safety concerns would be minimised with regard to the 350mm deep OSD basin proposed.</p> <p>This fence and retaining structure adds to the bulk of the proposal and creates a negative visual impact to the streetscape.</p> <p>The application has not been supported by an assessment against the CPTED.</p>
<b>Part 3 Matters for Consideration</b>	
<b>3.1 Site Selection and Location</b>	
<p><b>C1. For proposed developments in or adjacent to a residential zone, consider:</b></p> <ul style="list-style-type: none"> <li>The acoustic and privacy impacts of the proposed development on the residential properties</li> </ul>	<p>An acoustic report has been submitted with the proposed development application by NG Child &amp; Associates including an addendum dated 29 January 2021. The acoustic report recommends the following:</p> <ul style="list-style-type: none"> <li>External windows and doors are fitted with laminate glass with perimeter acoustic seals;</li> <li>1800mm lap and cap timber fencing along the outdoor play spaces;</li> <li>Insulation to the roofing.</li> </ul> <p>The report also relies upon a limitation of the number of children within the outdoor play spaces. The proposal relies upon the external windows being closed in order to achieve noise criteria which raises internal amenity issues and management issues for the staff.</p> <p>Acoustic report and addendum report have been submitted, Council's Environmental</p>

**ITEM 1 (continued)**

## ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>The setbacks and siting of buildings within the residential context</li> </ul>	<p>Health Officer raises no objections to the findings.</p> <p>The proposed centre based child-care facility has a front setback of 6.82m to the entry/façade.</p> <p>The following minimum setbacks have been provided to the side and rear boundaries from the ground floor:</p> <ul style="list-style-type: none"> <li>North eastern side boundary – 1.5m</li> <li>South western rear boundary – 1.5m.</li> <li>North -western 25.39m to external wall ground floor</li> <li>21.79m north western rear boundary of basement</li> </ul> <p>The following setbacks have been provided to the side and rear boundaries from the first floor:</p> <ul style="list-style-type: none"> <li>North eastern side boundary – 1.5m</li> <li>South western side boundary – 5.1m</li> </ul> <p>The proposed front setback is consistent with that of adjoining properties and those applicable to two storey residential development.</p> <p>A Traffic and Parking Impact Assessment Report and subsequent addendum prepared by Hemanote Consultants.</p>
<ul style="list-style-type: none"> <li>Traffic and parking impacts of the proposal on residential amenity.</li> </ul>	<p>Council's Senior Traffic Engineer reviewed the Traffic Impact Assessment and the supplementary information provided and determined that insufficient information was provided which did not accurately represent existing traffic conditions in the local road network. The 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.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>For proposed developments in commercial and industrial zones, consider:</li> <li>Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>The potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul>	<p>The proposed development is located within the R2 Low Density Residential zone and therefore this is largely not applicable. However, an air quality assessment has been submitted with the DA indicating the proposal is satisfactory.</p>
<p><b>C2</b> When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>The location and surrounding uses are compatible with the proposed development or use</li> <li>The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> <li>The characteristics of the site are suitable for the scale and type of development proposed having regard to: - 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</li> <li>Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> <li>There are suitable drop off and pick up areas, and off and on street parking</li> <li>The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> </ul>	<p>The subject site contains a large and relatively level area. The proposal relies upon a basement level to accommodate off street parking and does not provide the required number of spaces. The application proposes sixty-eight (68) children and is defined as a large centre. The proposed use is not considered to be appropriate given the proposal shares boundaries with four (4) residential properties, including multi dwelling housing to the south-west comprising three (3) dwellings.</p> <p>The site contains no significant environmental and/or planning affectations or constraints (e.g. bushfire, flooding, landslip, etc.), and information submitted with the application demonstrates that the site is not contaminated.</p> <p>The location of the site is on a local 'collector' road, but is sited between Blaxland Road and North Road. Blaxland Road is an arterial road and North Road being a higher order collector/distributor road. These roads accommodate significant traffic demands during peak periods and Beattie Avenue intersects these two roads providing through traffic and the proposed traffic generation has not been adequately considered. Additionally, the proposal results in a shortfall of one (1) parking space.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	
<p><b>C3.</b> A child care facility should be located:</p> <ul style="list-style-type: none"> <li>Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>Near or within employment areas, town centres, business centres, shops</li> <li>With access to public transport including rail, buses, ferries</li> <li>In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p>Beattie Park is located toward the Blaxland Road end of Beattie Avenue. The Park is approximately 200m from the subject site.</p> <p>The site is also within 350m walk to bus stops located on Blaxland Road and approximately within 1km from Midway Shopping Centre and Smalls Road Public School.</p>
<p><b>C4</b> A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>Proximity to: <ul style="list-style-type: none"> <li>Heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems</li> <li>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> </ul> </li> </ul>	<p>The proposed development is located within an established low-density residential area and as such, staff, visitors and children will not be exposed to any heavy or hazardous industries, or service stations. If demolition works were undertaken in accordance with relevant standards, children should not be foreseeably exposed to hazardous materials.</p>
<b>3.2 Local Character, streetscape and the public domain interface</b>	
<p><b>C5</b> The proposed development should:</p> <ul style="list-style-type: none"> <li>Contribute to the local area by being designed in character with the locality and existing streetscape</li> </ul>	<p>Refer to assessment of Design Quality Principles.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• Reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• Use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• Integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	
<p><b>C6</b> Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility</li> <li>• Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• Integrating existing and proposed landscaping with fencing.</li> </ul>	<p>The proposal relies upon acoustic fencing at a height of 1.8 metres extending along the side boundaries. The fencing height of 1.8m extends within the front setback. Fencing in residential areas is reduced within the front setback to 1.2 metres in height.</p> <p>The proposal provides for a first floor balcony within the south-eastern elevation which provides passive surveillance of Beattie Avenue adding an element of safety to the proposed development.</p> <p>The proposed landscape design integrates the front fence within the design. However, the submitted architectural plans do not notate the required retaining walls associated with the driveway access to the proposed basement. The proposal is calculated to include retaining walls between 1.32m – 2.9m at the entrance of the basement.</p>
<p><b>C7</b> On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors</p>	<p>A single building is proposed. All entry points have been designed for legibility and access by visitors.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
and children by changes in materials, plant species and colours.	
<p><b>C8</b> Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• Clearly defined street access, pedestrian paths and building entries</li> <li>• Low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>• Minimal use of blank walls and high fences.</li> </ul>	The development does not adjoin public parks, open space or bushland.
<p><b>C9</b> Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>1m high front fencing is proposed. The proposal relies upon 1.8m high acoustic fencing along the side boundaries within the front setback,</p> <p>The plans do not detail the proposed TOW height of retaining walls along the NE and SW sides of the driveway. The heights are calculated to range between 1.32m – 2.9m and would necessitate balustrades being provided within the front setback.</p>
<p><b>C10</b> High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	Not applicable as the site is not a classified road.
<b>3.3 Building orientation, envelope and design</b>	
<p><b>C11</b> Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away</li> </ul>	Visual privacy for adjoining residents is maintained. Windows and doors are generally faced away from private open space, and are adequately setback. Windows facing the side boundaries are proposed to be constructed of fire rated



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Guideline	Compliance with standard/provision
<p>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>• Optimise solar access to internal and external play areas</li> <li>• Avoid overshadowing of adjoining residential properties</li> <li>• Minimise cut and fill</li> <li>• Ensure buildings along the street frontage define the street by facing it</li> <li>• Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>brick. No elevated play equipment is proposed.</p> <p>Further, the proposed 1.8m high boundary fence will ensure sightlines from access pathways and outdoor areas is restricted.</p> <p>Adequate solar access is provided to internal and external play areas.</p> <p>Adequate solar access is provided to all adjoining properties given the orientation of the site.</p> <p>The maximum cut within the building footprint is 3.49m associated with the basement garage. This has been calculated from the finished floor level of the basement garage: RL 77.90 and the existing ground level RL:81.39.</p> <p>The rear outdoor play area immediately adjoining play room 2 is noted within a FFL80.97 and includes 690mm of cut.</p> <p>The proposed centre defines Beattie Avenue.</p> <p>The proposed centre (playrooms, play areas) are located above ground level.</p>
<p><b>C12</b> The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• Building height should be consistent with other buildings in the locality</li> <li>• Building height should respond to the scale and character of the street</li> </ul>	<p>The maximum building height of the proposed development is 8.8m. This has been calculated at the roof ridge RL:89.60 and an interpreted existing ground level directly below at EGL RL:80.80.</p> <p>The proposed building height of 8.8m is compliant with the maximum height control of 9.5 specified within RLEP 2014. The proposed building height is considered to be consistent with the broader streetscape.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• Setbacks should provide adequate access for building maintenance</li> <li>• Setbacks to the street should be consistent with the existing character.</li> </ul>	<p>The proposed centre-based childcare facility has a setback from the NE and SW setback 1.5m from the side boundaries and 1.5m at NE first floor and 5.1m at SW which is considered to provide adequate privacy for the neighbours.</p> <p>The side setbacks would provide adequate access for building maintenance.</p> <p>The proposed centre based child-care facility has a front setback of between 5.55m to the outside face of the front façade and is non compliant with the required 6m front setback for residential dwellings. The proposed setback is reflective of the two adjoining properties and considered to be acceptable.</p>
<p><b>C13</b> Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p> <p>On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>Beattie Avenue is not a classified road.</p> <p>The proposed centre based child-care facility has a front setback of between 5.55m to the outside face of the front façade and is non compliant with the required 6m front setback for residential dwellings. The proposed setback is reflective of the two adjoining properties and considered to be acceptable.</p>
<p><b>C14</b> On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The side setbacks of the proposed development are considered to be consistent with the broader streetscape.</p>
<p><b>C15</b> The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• Respects and responds to its physical context such as adjacent built form,</li> </ul>	<p>Refer to discussion of Design Quality Principles.</p>

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Guideline	Compliance with standard/provision
<p>neighbourhood character, streetscape quality and heritage</p> <ul style="list-style-type: none"> <li>• Retains and reinforces existing built form and vegetation where significant</li> <li>• Considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• Responds to its natural environment including local landscape setting and climate</li> </ul> <p>Contributes to the identity of place</p>	
<p><b>C16</b> Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• Located to allow ease of access, particularly for pedestrians</li> <li>• Directly accessible from the street where possible</li> <li>• Directly visible from the street frontage</li> <li>• Easily monitored through natural or camera surveillance</li> <li>• Not accessed through an outdoor play area.</li> <li>• In a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	<p>The entry point to the proposed development allows for ease of access with a 1 in 14 pathway/access ramp which leads up to the building entry.</p> <p>The entry to the proposed development is directly accessible from the street via a pedestrian access ramp along the SW side boundary and across the façade of the building.</p> <p>The front entry of the proposed centre-based child care facility is clearly visible from Beattie Avenue.</p> <p>The design primarily presents to the public domain and provides multiple opportunities for overlooking of the public domain.</p> <p>The front entry provides access to the internal lobby area on the ground floor and is not accessed through an outdoor play area.</p> <p>The proposal is not for mixed-use development.</p>
<p><b>C17</b> Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• Providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between</li> </ul>	<p>The development is able to comply with relevant standards. The proposal has been supported by an access report prepared by Design Confidence and dated 25 August 2020.</p>

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<b>Guideline</b>	<b>Compliance with standard/provision</b>
<p>all car parking areas and the main building entry</p> <ul style="list-style-type: none"> <li>• Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p>The design of the proposed development is considered accessible with disabled access provided to the entrance of the site in the form of an access ramp. The proposal provides for a first from the basement level throughout the building.</p> <p>A continuous path of travel is provided throughout the building.</p> <p>The extent of ramping has been minimised.</p>
<b>3.4 Landscaping</b>	
<p><b>C18</b> 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>A 1m boundary screen planting buffer has been provided between the 1.8m lap and cap timber fence is proposed. The proposal includes Resilience Lilly Pilly along the NE side boundary and Bottle brush and Sweet Biburnum along the SW side boundary. These shrubs reach a height of 3 metres.</p>
<p><b>C19</b> Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• Taking into account streetscape, local character and context when siting car parking areas within the front setback</li> </ul>	<p>Not applicable as basement car parking is proposed.</p> <p>No car parking would be located within the front setback.</p>
<b>3.5 Visual and acoustic privacy</b>	
<p><b>C20</b> Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>The proposed development is not a mixed-use development.</p>
<p><b>C21</b> Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• Appropriate site and building layout</li> <li>• Suitably locating pathways, windows and doors</li> </ul>	<p>Play spaces are located appropriately.</p> <p>Pathways, windows and doors are considered to be suitably located.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>Permanent screening and landscape design.</li> </ul>	<p>Landscape screening is provided along the side boundaries which reach a height of 3m. The proposed screening planting along the rear includes a mixture of ground cover and trees which is considered to be adequate.</p>
<p><b>C22</b> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>Appropriate site and building layout</li> <li>Suitable location of pathways, windows and doors</li> <li>Landscape design and screening.</li> </ul>	<p>Indoor and outdoor play spaces have been suitably located to minimise overlooking to indoor and outdoor play spaces from the public domain.</p> <p>Pathways and doors suitably located. The first floor windows within the south western elevation includes three (3) dormer windows which have a sill height of 1.5m.</p> <p>Landscaping design treatments have been used to provide screening and prevent overlooking into adjoining dwellings.</p>
<p><b>C23</b> A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> </ul>	<p>All adjoining properties surrounding the subject site contain a residential use. The proposal includes a 1.8m lap and cap timber acoustic fence along the side and rear boundary along with a 1m boundary screen planting buffer zone consistent with the recommendation of the Acoustic Consultant.</p>
<p><b>3.6 Noise and Air Pollution</b></p>	
<p><b>C25</b> Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>Creating physical separation between buildings and the noise source</li> </ul>	<p>The proposal provides for 1.5m side setbacks at ground floor and increased first floor setback of 5.1m from the SW boundary. The proposal however, relies</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>Using landscaping to reduce the perception of noise</li> <li>Limiting the number and size of openings facing noise sources</li> <li>Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	<p>upon glass block openings within the NE elevation at first floor in order to achieve the acoustic criteria.</p> <p>Refer to earlier comments in relation to screening planting.</p> <p>Proposal is reliant on north-eastern windows remaining closed.</p> <p>Play areas and cot rooms would be located towards the rear of the proposed development.</p>
<p><b>C26</b></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"> <li>On industrial zoned land</li> <li>Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>On a major or busy road</li> <li>Other land that is impacted by substantial external noise</li> </ul>	<p>The subject site is located within the R2 Low Density Residential Zone and is not located within an ANEF contour.</p> <p>The submitted acoustic report has considered noise that will be generated to non-play areas, such as the cot rooms from Beattie Avenue, has concluded that traffic noise intrusion generated from Beattie Avenue to the indoor areas of the childcare centre will not exceed the noise criteria.</p>
<p><b>C27</b></p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The proposed centre-based childcare facility is located within an established low density residential zone. However, the subject site is located on a through Road and within 268m of Blaxland Road and 85m of North Road, which are arterial and higher order collector/distributor road.</p> <p>Refer below.</p>
<p><b>C28</b></p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report</p>	<p>An Ambient Air Quality assessment report has been submitted by ADE Consulting Group dated 21 April 2020 which concludes that the health risk associated with the contaminants is negligible.</p>



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Guideline	Compliance with standard/provision
<p>should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility</li> </ul>	
<b>3.7 Hours of Operation</b>	
<p><b>C29</b> Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>As per the submitted Statement of Environmental Effects, the proposed hours of operation are 7:00am to 6:00pm Monday to Friday.</p>
<p><b>C30</b> Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>The subject site is located within the R2 zone; there is no surrounding commercial development.</p>
<b>3.8 Traffic, parking and pedestrian circulation</b>	
<p><b>C31.</b> Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul>	<p>In accordance with Section 5.1 of Part 3.2 of DCP2014, 1 space per 8 children is to be provided and 1 space per 2 staff is to be provided including an accessible car parking space.</p> <p>The proposal seeks 68 children and 10 staff.</p> <p>As such a total of 9 spaces is required for the children and a total of 5 car parking spaces is required for staff, plus an additional accessible car parking space.</p>

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<p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li> <li>• the site is in proximity to high frequency and well-connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>	<p>The proposal provides 13 car parking spaces consisting of seven (7) child care car parking spaces and six (6) staff parking spaces.</p> <p>The development has a shortfall of 2 car parking space for parents/carers.</p> <p>Council's Development Engineer does not support this shortfall.</p> <p>This matter is discussed further in the Assessment Report.</p>
<p><b>C32</b></p> <p>In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>Not applicable – R2 zoned site.</p>
<p><b>C33</b></p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p>A Traffic and Parking Impact Assessment (prepared by Hemanote Consultants) in addition to an acoustic impact assessment, which addresses impacts on the road network and amenity.</p> <p>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 the supplementary information provided and determined that insufficient information was provided which did not accurately represent existing traffic conditions in the local road network. The projected vehicle trips generated during peak drop off and pick up periods and demand for</p>

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	car parking to adequately service the development, will contribute to traffic congestion in surrounding streets and increase demand for on street parking. The proposal is unacceptable in this regard and forms part of the recommendation for refusal.
<p><b>C34.</b> Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul>	N/A
<p><b>C35.</b> Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	N/A
<p><b>C36.</b> The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> </ul>	Council's Senior Traffic Engineer also identified that the proposal is inconsistent with car parking requirements under Parts 8.3 and 9.3 of the Ryde DCP 2014, and further noted that the 1.2m wide pedestrian path is proposed separating the tandem staff and visitor parking spaces is undesirable and unsafe. The proposed pathway does not provide effective separation between pedestrian movements and vehicles entering and exiting parking spaces within the basement car park. The small ages of students of the childcare facility is such that an unattended child wandering within this pathway unattended may be unseen by a driver entering a parking space adjacent to this pathway, which represents a significant safety risk.

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul>	<p>Separate pedestrian and vehicle entries have been provided from Beattie Avenue.</p> <p>Pedestrian pathways are of a sufficient width to allow prams to pass each other.</p> <p>A delivery and loading area has not been clearly designated on the submitted plans.</p> <p>The proposed development is not located in a commercial or industrial zone, therefore this control is not applicable.</p> <p>Vehicles can enter and leave in forward direction from the basement.</p>
<p><b>C37.</b> Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	<p>Not applicable, as the site development is not for a mixed use.</p>
<p><b>C38.</b> Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> </ul>	<p>Child safe fencing has been provided to separate car parking areas from the building entrance.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>include wheelchair and pram accessible parking.</li> </ul>	<p>Clearly marked accessible parking has been provided within the basement.</p> <p>Disabled parking has been provided within the basement.</p>
<b>Part 4 Applying the National Regulations to development proposal</b>	
<p><b>4.1 Indoor Space Requirements</b></p> <p><b>Regulation 107 Education and Care Services National Regulations</b> Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p><b>Storage</b> It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul>	<p>The proposed centre-based child care facility provides 243.6m<sup>2</sup> of unencumbered indoor space for 68 children. This equates to 3.58m<sup>2</sup> of unencumbered indoor space for each child which is compliant with the Education and Care Services National Regulation.</p> <p>All unencumbered indoor spaces within the proposed development are secure and allow for safe supervision.</p> <p>The submitted development application indicates that one (1) internal cot/sleeping rooms will be provided adjacent to the indoor play area on the ground floor for children aged between 0-2 years.</p> <p>The amount of external storage required is 20.4m<sup>3</sup> (68 x 0.3m<sup>3</sup>). The plans indicate that outdoor storage is provided adjacent to the NE side boundary, The room is 3m x 3.49m = 10.47m<sup>2</sup> in area and is considered capable of meeting the requirement.</p>
<p><b>4.2 Laundry and hygiene facilities</b></p> <p><b>Regulation 106 Education and Care Services National Regulations</b> There must be laundry facilities or access to laundry facilities; or other arrangements for</p>	<p>Laundry facilities have been provided in the ground floor level and therefore the</p>

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Guideline	Compliance with standard/provision
<p>dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.</p> <p><b>On site laundry</b> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2)</li> </ul> <p><b>External laundry service</b> A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p>proposed development is compliant with Regulation 106 (Education and Care Services National Regulations).</p> <p>The proposed laundry is 1.55m x 1.765m and is large enough to accommodate appliances and storage.</p> <p>Internal laundry facilities have been provided. Any laundry not capable of being undertaken onsite and is contracted to an external provided would be required to comply with relevant standards.</p>
<p><b>4.3 Toilet and hygiene facilities</b> <b>Regulation 109 Education and Care Services National Regulations</b> A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> </ul>	<p>The toilet and nappy change facilities have been appropriately located for safe and convenient use with washing and drying facilities. It is considered age appropriate toilets have been provided.</p> <p>Junior toilet pans, low level sinks and hand drying facilities have been included.</p> <p>Low level sinks and handwashing facilities have been included within the bathrooms.</p> <p>Sink and handwashing facilities provided in all bathrooms.</p>



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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries</li> </ul>	<p>Direct access from activity rooms provided. Toilet facilities are accessible via the indoor and outdoor play space.</p> <p>Windows have been provided to bathrooms and cubicles.</p> <p>Location of external windows, prevents observation from neighbouring dwellings into the centre-based child care facility.</p>
<p><b>4.4 Ventilation and natural light</b> <b>Regulation 110 Education and Care Services National Regulations</b> Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p><b>Ventilation</b> 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><b>Natural Light</b> Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p>	<p>Windows to all four sides of the development have been provided. However, the proposal includes the following:</p> <ul style="list-style-type: none"> <li>• glass bricks within the NE elevation at first floor</li> <li>• acoustic recommendation for ground floor openings to remained closed in order to achieve acoustic criteria.</li> <li>• First floor dormer windows within first floor SW elevation without sufficient detail of the opening</li> <li>• Ground floor SW elevation including glass blocks and unopenable windows.</li> <li>• The first floor windows in the NW rear elevation are fixed.</li> </ul> <p>The proposal relies upon ventilation through the front to rear of the building, however at first floor this is not achieved by the fixed rear openings.</p> <p>At ground floor, the building depth of 17.89m would not facilitate cross ventilation through the building.</p>

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**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</li> </ul>	<p>No skylights proposed.</p> <p>2.5m floor to ceiling height proposed within the basement.</p> <p>3.2m floor to ceiling heights proposed on the ground floor.</p> <p>2.7m floor to ceiling heights proposed on the first floor.</p> <p>The floor to ceiling heights that are proposed within the indoor play space on the ground floor and first floor are proportional to room size.</p>
<p><b>4.5 Administrative Space</b></p> <p><b>Regulation 111 Education and Care Services National Regulations</b> A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>An internal administrative office has been provided on the ground floor. This area is adequately sized.</p> <p>In addition staff room with kitchenette facilities and terrace has been provided on the first floor. This area is adequately sized.</p>
<p><b>4.6 Nappy change facilities</b> <b>Regulation 112 Education and Care Services National Regulations</b> Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> </ul>	<p>The proposed centre-based childcare facility provides nappy change facilities within the indoor play areas on the ground floor and first floor which will prevent unsupervised access by children.</p> <p>Nappy changing benches have been provided.</p> <p>Bench type baby baths have been included on the submitted plans.</p> <p>Sinks/washing facilities are provided within the nappy change areas.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>positioning to enable supervision of the activity and play areas.</li> </ul>	<p>Positioned within the indoor play spaces to allow for supervision.</p>
<p><b>4.7 Premises designed to facilitate supervision</b></p> <p><b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> <li>solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities.</li> </ul> <p><b>4.8 Emergency and evacuation procedures</b> Regulations 97 and 168 Education and Care Services National Regulations Regulation</p>	<p>The proposed centre has been designed to allow for supervision of the children from within the indoor and outdoor play spaces. The toilets facilities are laid out in a manner that enables supervision where required.</p> <p>Solid walls have been provided between cubicles.</p> <p>Open nappy change facilities would be located out of view of visitors and adjoining sites.</p> <p>The rooms generally contain designs that enable supervision of all areas from a single space.</p> <p>Multi-level rooms are not proposed.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<p>168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service</li> </ul> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• a safe haven or separate emergency 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:</li> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> </ul>	<p>Basic instructions are provided on the concept evacuation floor plans.</p> <p>Emergency and evacuation floor plan has been submitted.</p> <p>Risk assessment has not been submitted.</p> <p>An emergency evacuation plan has been submitted details evacuation routes and muster points.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul>	
<p><b>4.9 Outdoor Space requirements</b></p> <p><b>Regulation 108 Education and Care Services National Regulations</b> An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><b>Verandahs as outdoor space</b> Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>be open on at least one third of its perimeter</li> <li>have a clear height of 2.1 metres</li> <li>have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>have adequate flooring and roofing • be designed to provide adequate protection from the elements.</li> </ul> <p><b>Simulated outdoor environments should include:</b> more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility</p> <ul style="list-style-type: none"> <li>skylights to give a sense of the external climate</li> <li>a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment</li> </ul>	<p>The proposed centre-based child care facility provides 519.55m<sup>2</sup> of unencumbered indoor space for 68 children. This equates to 7.64m<sup>2</sup> of unencumbered indoor space for each child which is compliant with the Education and Care Services National Regulation. However, concern is held regarding upon the reliance of 50 children aged 3 -5 years at the first floor having no direct access to the ground floor outdoor play spaces.</p> <p>Covered outdoor space areas comply with these requirements. Clear height in excess of 2.1m.</p> <p>The proposal includes columns and the transitional space at the rear and along the NE and SW boundaries are not enclosed. The architectural plans however do not nominate the roofing on plan for example site and analysis plan shows only the columns but the ground floor plan notates the area are being covered.</p> <p>The submitted landscape plan provides for hard surface plan including artificial turf, sand pit, in ground trampoline, campsite site, mound and racing slides, turfed areas, pavilion and decking over dry creek bed and timber balance activities and soft fall mulch.</p>

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**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> <li>• sand pits and water play areas</li> <li>• dense indoor planting and green vegetated walls</li> <li>• climbing frames, walking and/or bike tracks</li> <li>• vegetable gardens and gardening tubs.</li> </ul>	
<p><b>4.10 Natural Environment</b>  <b>Regulation 113 Education and Care Services National Regulations</b>  The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>• assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>	<p>The proposal provides for a variety of planting types including screen planting, trees, shrubs and ground cover surrounding the outdoor play areas along the side and rear boundaries. The development includes a combination of soft and hard landscaping.</p> <p>A variety of experiences is provided within the outdoor space including sand pit, in ground trampoline, campsite site, mound and racing slides, turfed areas, pavilion and decking over dry creek bed and timber balance activities and soft fall mulch.</p> <p>The outdoor play space provides for minimal changes in level at between 500mm - 300mm to enable sight lines to be maintained in the differing play areas.</p>



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Guideline	Compliance with standard/provision
<p><b>4.11 Shade</b> <b>Regulation 114 Education and Care Services National Regulations</b> The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p><b>Solar access</b> Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</li> <li>• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</li> </ul> <p><b>Natural Shade</b> Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> <li>• placing appropriately scaled trees near the eastern and western elevations</li> <li>• providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.</li> </ul> <p><b>Built shade structures</b> Built structures providing effective shade include:</p> <ul style="list-style-type: none"> <li>• permanent structures (pergolas, sails and verandahs)</li> <li>• demountable shade (marquees and tents)</li> <li>• adjustable systems (awnings)</li> <li>• shade sails.</li> </ul>	<p>Shade sails have been provided within the outdoor play space.</p> <p>Year round solar access is achieved to the outdoor play area.</p> <p>Shade structures proposed.</p> <p>Sufficient tree planting will be provided for natural shading.</p> <p>Shade sails proposed in addition to roofing of transition area immediately adjoining rear of the centre.</p>
<p><b>4.12 Fencing</b> <b>Regulation 104 Education and Care Services National Regulations</b> Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool</p>	<p>The proposal includes a 1.8m high solid acoustic barrier fence to the surrounds of the outdoor play space. The fencing is lap and cap timber and is designed in response to the acoustic engineer recommendations.</p>

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**ATTACHMENT 1**

Guideline	Compliance with standard/provision
<p>age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p> <p>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• Design considerations for side and rear boundary fences could include:</li> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <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><b>4.13 Soil Assessment</b></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"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the</li> </ul>	<p>A Preliminary Site Investigation (PSI) was submitted as part of the Development Application prepared by Alliance Geotechnical (dated 30 May 2020) and concluded that the site is suitable for the proposed development.</p> <p>The site has historically been used for residential use and is not located in close proximity to any known contaminated land.</p> <p>Council's Environmental Health Officer (EHO) has reviewed the submitted documentation raised no objections to the proposal in this regard.</p>

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>Guideline</b>	<b>Compliance with standard/provision</b>
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.	

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**ATTACHMENT 2**

**Compliance Assessment**

<b>LDA No:</b>	<b>LDA2020/0358</b>
<b>Date Plans Rec'd</b>	<b>18 March 2021 (Amended Plans)</b>
<b>Address:</b>	<b>26 Beattie Avenue, Denistone East</b>
<b>Proposal as lodged:</b>	<b>Demolition of existing structures and construction of a two storey child care centre for 73 children and 10 staff with basement parking for 14 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday. Approval is also sought for the removal of two (2) street trees.</b>
<b>Proposal as amended:</b>	<b>Demolition of existing structures and construction of a two storey child care centre for 68 children and 10 staff with basement parking for 13 vehicles. Proposed hours of operation are 7:00am to 6:00pm Monday to Friday. Approval is also sought for the removal of two (2) street trees.</b>

**COMPLIANCE CHECK**

<b>RYDE LEP 2014</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>2.7 Demolition requires development consent</b>	Demolition of the existing structures on site is sought as part of this consent.	Yes
<b>4.3(2) Height</b> • 9.5m	8.8m Top of ridge RL 89.60 EGL – 80.80	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1 Total Site Area: 1012m <sup>2</sup> Max GFA permitted: 506m <sup>2</sup>	Ground Floor – 201.39m <sup>2</sup> First Floor – 230.71m <sup>2</sup> Total – 432.10m <sup>2</sup>  GFA – 432.10m <sup>2</sup> FSR - 0.427:1	Yes
<b>5.10 Heritage Conservation</b>	The subject site does not contain an item of heritage; however, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of RLEP 2014:  • North Road (84m to the East)	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

	<ul style="list-style-type: none"> <li>87 North Road (Item No.81) (124m to the East)</li> </ul> <p>Due to the significant distance from the subject site to the Heritage Items, a referral to Council's Heritage Advisor was not required. See Assessment Report for further details.</p>	
<b>6.1 Acid Sulfate soils</b>	The subject site is not affected acid sulphate soils.	N/A
<b>6.2 Earthworks</b>	The extent of earthworks proposed raise issues with the development design, as discussed throughout the Assessment Report.	No
<b>6.3 Flood planning</b>	The subject site is not affected by flooding.	Yes
<b>6.4 Stormwater management</b>	The proposed stormwater management system is supported by Council's Senior Development Engineer subject to recommended conditions of consent.	Yes

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Part 3.2 – Child Care Centres</b>		
<b>Child Care Centre Design</b>		
A child care centre development is to be designed and drawn by a person who is an architect or who is accredited by the Building Designers Association of NSW Inc.	A review of the submitted documentation shows that the proposed development has been designed and drawn ADZ of Archizen Architects who is registered under the NSW Architects Registration Board.	Yes
The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for child care centres due to the particular nature of the requirements (refer in particular the requirements in section 6 Landscaping and Play Spaces under this Part)	The Landscape plan has been designed and drawn by Conzept Landscape Architects who have demonstrated experience in the design of external spaces for child care centres.	Yes
Child care centre development applications are required to be accompanied by a signed undertaking	Not provided. See Assessment report for further discussion.	No

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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
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		
<b>Technical Assessment Requirements</b>		
Technical assessments may also be required to be prepared and submitted with the development application, or while the development application is under assessment, to demonstrate support for the proposal and compliance with this DCP.	The submitted documents include technical assessments as required.	Yes
<b>Suitability of Location and Site for Child Care</b>		
<b>Preferred Locations</b>		
Single use developments street frontage and width >20m. Corner allotments > 17m	The proposed child care centre is not located on a corner allotment.  Street frontage – 20.11m	Yes
Single use – minimum site area of 800m <sup>2</sup> – regular in shape	Total Site Area - 1012m <sup>2</sup>  The subject site is regular in shape.	Yes
Not located on arterial or sub-arterial roads, refer Schedule 2	The proposed child care centre is not located on an arterial or sub-arterial road.	Yes
Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road	The proposal is not part of a mixed-use development.	Yes
No battle-axe allotments	The site is not a battle axe allotment	Yes
Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided	Beattie Avenue is not a cul-de-sac.	Yes



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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)	No sex-service premises have been identified within close proximity to the subject site.	Yes
Site flat or gently sloping and well drained i. Assist design of useable indoor and outdoor areas at same grade ii. Provide accessibility to all areas iii. Assist drainage after rain	There is a rear-to-front fall on the site. The maximum average fall across the site would be 2m (over a distance of 50.29m).  The topography of the site is suitable for useable outdoor areas.	Yes
Aspect permits maximum solar access and natural ventilation	Adequate solar access is provided to adjoining properties, and proposed outdoor space.	Yes
Located on land not affected by adverse overshadowing by existing or future development, undue heat loads from reflective surfaces of existing or future approved buildings on neighbouring sites	Given the zoning and height limitations within the surrounding area, it is unlikely that the child care centre would be significantly overshadowed by existing or future development on surrounding sites.	Yes
Site not subject to undue overlooking from existing or future adjoining development	Given the zoning and height limitations within the surrounding area, it is unlikely that the child care centre would be significantly overlooked by existing or future development on surrounding sites.	Yes
Preferred locations for larger centres in residential areas; - Sites located on street corners - Sites share common boundaries with compatible non-residential uses - Compatible land uses subject to acceptable traffic and parking	The proposed centre (as amended) would accommodate 68 places, and is therefore considered to be a larger centre. The development would not be located on a preferred site, noting that the site is not a corner allotment, does not share boundaries with non-residential uses, and its scale and likely traffic generation is not consistent with surrounding sites.	No

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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.	<p>The proposed development would occupy a single site, though it would cater for 68 children (as amended). It would share common boundaries with three (3) adjoining residential properties.</p> <p>It is noted that the subject site shares a boundary with a townhouse development directly to the west. The townhouse complex comprises of three (3) dwellings, and is strata subdivided into three (3) lots.</p>	Yes
Work based centres in mixed use developments adjacent to non-commercial/non-residential components to protect privacy and amenity of centre and neighbouring workers/residents.	The proposal is not part of a mixed-use development.	N/A
<b>Assessing Child Care Needs and Size of Facility</b>		
All development applications for child care centres are required to identify:		
i. Proposed total number of child care places.	The proposal seeks to accommodate 68 children (as amended).	Yes
ii. Proposed number of children by age group;	<p>The proposed age group breakdown for the child care centre is as follows</p> <p>0-2 years – eight (8) 2-3 years – ten (10) 3-6 years – fifty (50)</p>	Yes
iii. Proposed number of staff including all full time and part time staff, and role of each staff member	<i>The number of educators to children ratios is regulated by the Education and Care Services National Regulations.</i>	No

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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	<p><i>The ratios were updated on 1 January 2016. The ratios are provided as follows.</i></p> <p><i>1:4 (birth to 24 months)</i>  <i>1:5 (24-36 months)</i>  <i>1:10 (Older than 36 months)</i></p> <p>Proposed</p> <p>Playroom 1 – (0-2 years) – 8 children – 2 educators required. 2 educators provided.</p> <p>Playroom 2 - (2-3 years) – 10 children – 2 educators required 2 educators provided.</p> <p>Playroom 3 – (3-6 years) – 50 children – 5 educators required 5 educators provided.</p> <p>Total number of required educators is 9. However, a staff breakdown which includes, managerial staff, cooking staff has not been included with the submitted documentation.</p>	
<b>Site Analysis</b>		
A site analysis to be submitted for new child care centre developments including developments that involve the conversions of existing dwellings/other buildings	A site analysis plan has been submitted by Archizen Architects	Yes
A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD	Site analysis is based on the Survey Plan provided by C & A Surveyors.	Yes
<b>Design and Character</b>		
<ul style="list-style-type: none"> <li><b>All Child Care Centres</b></li> </ul> Designed in accordance with CPTED	It is considered that the proposed child care centre will provide opportunities for active and casual surveillance. The	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	proposed building entry fronts Beattie Avenue and provides clear sightlines from internal areas and public spaces.	
Orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces	The development is orientated for year round light.	Yes
Design to take advantage of natural lighting and opportunities to maximize solar access and natural ventilation	Amended plans indicate that acoustics blinds have been fitted to all windows enabling windows to remain open and allow for natural ventilation.	Yes
Avoid the proximity to and use of large expanses of UV reflective surfaces	It is considered that the proposal is not located in proximity to large expanses of UV reflective surfaces.	Yes
Maximize energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP	Sufficient detail was not provided. See Assessment Report for further discussion.	No
Building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements	Sufficient detail was not provided. See Assessment Report for further discussion.	No
Appliances to be used/installed in the centre should have a minimum 3.5 star rating.	Sufficient detail was not provided. See Assessment Report for further discussion.	No
Designed to reflect desired/expected character of buildings in the area	The submitted plans show that the proposed building materials will comprise of a face brick and rendered brick finish which is considered to be consistent with the broader streetscape and reflect the desired future character of the area.	Yes
Frontages and entries are to be designed to be readily apparent from the street frontage	The submitted plans show that entries are readily apparent from Beattie Avenue.	Yes

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<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Where fill is proposed to be used, clean fill must be used.	Can be addressed by conditions in the event of an approval.	Yes
<b>Setbacks</b>  <b>Note:</b> For residential zones, setbacks are to be in accordance with the requirements of Part 3.3 (Dwelling Houses and Dual Occupancies)		
<b>Side</b> <b>Single storey dwelling</b> 900mm to wall, includes balconies etc.	Proposed side setbacks: <ul style="list-style-type: none"> <li>• East: Minimum 1.5m</li> <li>• West: Minimum 1.5m</li> </ul>	Yes
<b>First floor addition</b> 1500mm to wall, includes balconies etc.	The proposal is not for a new structure, not additions.	N/A
<b>Two storey dwelling</b> 1500mm to wall, includes balconies etc.	Proposed side setbacks: <ul style="list-style-type: none"> <li>• East: 1.5m</li> <li>• West: 5.1m</li> </ul>	Yes
Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports	The subject site is not located on a corner allotment.	N/A
<b>Front</b> 6m to façade (generally)	Proposed front setbacks: <ul style="list-style-type: none"> <li>• 5.5m (to the stair)</li> <li>• 6.6m to the entry/façade</li> <li>• 11m to the basement car park entry</li> </ul> The proposed front setback is consistent with that of adjoining properties.	Yes.
2m to secondary street frontage	No secondary street frontage.	N/A
Garage setback 1m from the dwelling façade	Basement garage proposed has been set back 4m from ground floor façade above.	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Wall above is to align with outside face of garage below.	The face of the carpark entrance would be set forward of the levels above	N/A
Front setback free of ancillary elements e.g. RWT,A/C	The front setback is free of ancillary elements.	Yes
<b>Rear</b> 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 12.5m is 25% of site length</b>	25.39m	Yes
<ul style="list-style-type: none"> <li><b>Sites wider than they are long</b> One side setback of 8m or 20% of allotment width, whichever is greater. NB: Side setback on irregular allotments can be measured at the centre line of the site (must have 8x8 DSA).</li> </ul>	Site depth is greater than width.	N/A
Rear setback 4m min (in addition to 8m side setback)	Refer above	N/A
<b>Privacy</b>		
<b>Acoustic Privacy – for children in the centre</b>		
Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. Noise amelioration incorporated into design	<p>The Statement of Environmental Effects submitted with the application indicates that sleeping rooms and play areas have been located toward the centre and rear of the site.</p> <p>Further to this, the Acoustic Report submitted with the application states that sound levels of less than 35dBA will be achieved in any rest or quiet areas within the centre. The Report does note that this is a projected sound level only, and further notes that any internal rest areas will be subject to further acoustic attenuation measures at detailed design/construction stage.</p>	Yes



**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	In this instance insufficient information has been provided to determine compliance with this control, however, in the event of a determination for approval, a condition can be imposed recommending these measures be nominated and submitted to Council for assessment prior to the issue of a Construction Certificate.	
<b>Acoustic Privacy – for adjoining residents</b>		
Noise impacts on neighbouring properties are to be minimised by design measures including: <ul style="list-style-type: none"> <li>i. Orientating the facility having regard to neighbouring property layout</li> <li>ii. Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas</li> <li>iv. Using laminated or double glazing where necessary;</li> <li>v. Designing fencing which minimises noise transmission and loss of privacy</li> </ul>	<p>An acoustic report has been submitted with the proposed development application by NG Child and Associates, dated 24 July 2020.</p> <p>The acoustic report concludes that the proposed childcare centre will comply with the requirements of all relevant acoustic guidelines and regulations subject to a number of recommendations relating to building design.</p> <p>Council's environmental Health Officer reviewed the application as submitted and raised a number of concerns with the recommendations. These concerns related to the acoustic attenuation measures proposed and the impacts that would have on the cross ventilation of the centre.</p> <p>Amended documentation was submitted, which Council's Environmental Health Officer reviewed. No further concerns were raised in this regard.</p> <p>This matter is discussed further in the Assessment Report.</p>	Yes. Via Condition.

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Child care centres in residential areas with a side boundary set back of less than 3 metres, noise buffering measures should be considered	Complies. See above.	Yes
Acoustic report submitted including recommendations for noise attenuation measures and specifies pre and post development noise levels.	Acoustic report provides recommendations for noise attenuation measures.	Yes
<b>Visual Privacy – for children in the centre</b>		
Indoor areas adjacent to public areas shall be screened to prevent direct sight lines.	Indoor areas are appropriately screen and sited to avoid any overlooking.	Yes
Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including:- i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; iii. Permanent screening and landscaping.	Indoor areas are appropriately screen and sited to avoid any overlooking from public areas.	Yes
Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre.	The proposed windows of the indoor play areas allow for this opportunity whilst still being appropriately set back from the front boundary to maximise security. The locations of doors and windows should maximise security of children, as it would allow for surveillance of approaches to the building.	Yes
<b>Visual Privacy – for adjoining residents</b>		
Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:- i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; iii. Landscaping and screening.	Pathways, windows and door openings are proposed on both the ground and first floor and will result in overlooking of the private open spaces areas of properties to the east and west.	No

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences	Windows and doors to the proposed centre are not considered to be sited in locations which minimise privacy to adjoining properties.	No
<b>5.0 Car Parking, Traffic and Access</b>		
<b>Car Parking</b>		
All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	Adequate detail has not been provided in relation to driveway gradients.	No
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>A total of 14 car parking spaces are required (9 for parent use and 5 for staff use).</p> <p>A total of 13 car parking spaces have been provided (7 for parent used and 6 for staff use).</p> <p>This results in a shortfall of 2 car parking spaces for parent use. Council's Senior Development Engineer has reviewed the submitted application (as amended) as well as the Addendum Traffic and Parking Statement. The car parking shortfall is not supported.</p>	No
Parking requirement to be rounded up to nearest whole number	This matter is discussed further in the Assessment Report. Noted and applied.	-
1 accessible space located close to the continuous path of travel and where a minimum height clearance of 2.5 metres can be achieved	An accessible parking has been provided within the basement garage.	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Low Density Residential</b> Underground parking is not permitted	The proposed development incorporates a basement garage in accordance with the definition of a 'basement' within LEP 2014. The basement carpark would require significant excavation and is located below existing ground level.  See the Assessment Report for further discussion.	No
Not to dominate the streetscape	Refer above. The design of the carpark entrance would expose a significant portion of the lower ground floor/carpark level to the public domain. Aside from creating a dominant streetscape element, the large exposure of the lower ground floor level facilitates a design that results in the presentation of a part three-storey building design to the public domain.  See the Assessment Report for further discussion.	No
<b>Work based child care centres, and centres in mixed use facilities</b>	The proposed development is not located within a mixed-use facility.	N/A
Parking spaces and pick up/drop off a max 30m to centre main entrance, preferably at floor level. Direct access provided for those not at floor level,	Refer above	N/A
The drop off/pickup zones are to be exclusively available for use in conjunction with the child care centre throughout operating hours, spaces are to be clearly marked	Refer above	N/A
Driveway access, manoeuvring areas and parking areas are not to be shared with access, parking, manoeuvring areas used by other uses or truck movements.	Refer above	N/A

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>On Site Manoeuvrability</b>		
The site must be able to accommodate a “U” shaped one-way driveway system with sufficient driveway turning area in addition to the parking spaces to enable vehicles to enter and leave in a forward direction	The proposed development incorporates a basement garage. A “U” shaped one-way driveway system is not proposed. This matter is discussed further in the Assessment Report.	No
Variation on the requirement for a “U” shaped driveway meets following criteria <ul style="list-style-type: none"> <li>i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other</li> <li>ii. To enable vehicles to leave the site in a forward gear;</li> <li>iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses;</li> <li>iv. To ensure the front setback is not given over to traffic circulation and parking requirements which may unduly impact on streetscape and impact on the opportunity for landscaping to meet the requirements of Section 6 of this Part.</li> </ul>	The proposed development incorporates a basement garage. The design does not meet these variation requirements. This matter is discussed further in the Assessment Report.	No
Separation - Not < 9m on turning circle of 15m and a	Not required for basements with circulation area.	N/A
Separation - Minimum width of 12m between driveway laybacks.	Not provided.	No
Vehicle's not to encroach on pedestrian access ways. Barriers etc. do not block accessible paths of travel	There is no clear accessible path of travel to the front setback area if the lift were inoperable.	No
Separate pavement treatment to distinguish driveway from parking spaces	Not required for basements.	N/A
<b>Impact on Traffic Flow</b>		
Vehicles enter and leave the site in a forward direction. Drop off/pick up	Basement complies.	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
area designed separate to manoeuvring area SEE addresses likely impacts on amenity of existing streets.	The SEE submitted addresses the likely impacts on amenity that the proposed development will have on the existing street.	Yes
No to be located on high volume roads, centres located on high volume roads incorporate measures to alleviate associated traffic problems	The proposed development is not located on a high-volume road.	Yes
Road Safety Audit required for applications on collector roads where volume exceeds 5000(AADT)	The subject site is located on Beattie Avenue which is not listed as a collector road in accordance with Schedule 2 of DCP 2014 as such a Road Safety Audit was not required to be provided.	Yes
<b>Pedestrian Safety</b>		
Segregated from vehicle access with clearly defined paths	A separate pedestrian pathway from both the basement and the street frontage has been provided to the entrance of the proposed development. There is clear delineation between pedestrian and vehicular movements.	Yes
Drop off/pick up points provided no more than 30m from main entrance, well lit, allows safe movement,	The drop off/pick up point has not been specified on the submitted plans.	Yes
Vehicle movements separated from pedestrian access by safety fencing, gates etc.	Safety fencing has been provided to separate vehicle movements and pedestrian access.	Yes
<b>Accessibility</b>		
Access provided in accordance with AS1428.1 and Part D of BCA, Part 9.2 of DCP 2014.	An access report has been submitted which has been prepared by Design Confidence dated 25 August 2020.	Yes
Minor alterations must not reduce accessibility, improvements must be made where possible,	The proposal does not include building alterations.	N/A



**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Other matters to be considered include: Continuous path of travel from street/parking area into and within every room and outdoor area,	A continuous path of travel has not been provided from the front of the site and from within the basement car park.	Yes
Pathways 1200mm-1500mm and grades no steeper than 1:14	The front pedestrian pathway is 1.5m in width. The front pedestrian access ramp is 1.5m in width and has a grade of 1:14	Yes
One onsite parking space 3.6m wide with 2.5m height clearance	One accessible space has been provided within the basement that is 3.6m wide with a 2.5m height clearance.	Yes
<b>Landscaping and Play Spaces</b>		
<b>General Landscaping Requirement</b>		
<b>Landscape plan provided</b> <ul style="list-style-type: none"> <li>– Significant trees/vegetation to be retained and protection program during construction.</li> <li>– Hazardous plants avoided (poisonous, choking etc.)</li> <li>– Show landscaping of outdoor play spaces in accordance Section 6.2.2</li> <li>– Considers effect of outdoor play on soil</li> <li>– Considers potential of tree roots to up-lift outdoor surfaces</li> <li>– Identify opportunities for deep soil planting and appropriate tree species</li> <li>– Shrubs and trees that offer range of textures, colours and scents, for children's learning experience</li> <li>– Irrigation utilises rainwater or recycled water</li> </ul>	The proposal was referred to Council's Landscape Architect has reviewed the proposal and concluded that no objections are raised subject to appropriate conditions of consent.	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>– Landscaping setback of 2m along front boundary</li> <li>– Landscape buffer provided along side and rear boundaries in residential zone, minimum width 1m</li> </ul>		
– Landscape/setback buffers for centres in commercial and industrial zones depending on context,	The subject site is not located within a commercial or industrial zone.	N/A
<b>Play Spaces</b>		
<b>Size and Functionality of Play Spaces</b>		
Regular shapes with convenient access	The proposed internal and external play areas are regularly shaped.	Yes
Avoid location of play spaces in front setback	The outdoor play spaces are located in the rear yard.	Yes
New centres – 10m <sup>2</sup> of unencumbered outdoor play space /child care place <b>inclusive</b> of transition area	The outdoor play area complies with the Childcare Planning Guideline under the <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017)</i> (SEPP) which prevails over the DCP2014.	N/A SEPP Guidelines Prevail
New centres – at 4.5m <sup>2</sup> of unencumbered indoor play space for each / child care place <b>exclusive</b> of transition areas.	The indoor play area complies with the Childcare Planning Guideline under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017) (SEPP) which prevails over the DCP2014.	N/A SEPP Guidelines Prevail
<b>Outdoor Play Spaces</b>		
Shaped to maximise supervision and useability and stimulates early learning	The design of the play areas would enable supervision of all areas.	Yes
<b>Designed to</b>		
Be well drained	The proposal was referred to Council's Development Engineer, who raised no objection to the proposed methods of drainage, subject to conditions.	Yes
Takes advantage of existing natural features and vegetation	Refer above.	Yes
<b>Designs aim for</b>		

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
30% natural planting area	52.53m <sup>2</sup> of natural planting has been provided within the front setback. Approximately 108.01m <sup>2</sup> is proposed within the rear outdoor play space which equates to 20% of the total outdoor play space of 519.55m <sup>2</sup> .  (Total: 160.53m <sup>2</sup> 16% - approximately).  Note: Insufficient detail on plans to demonstrate calculations.	No
30% turfed area	Limited natural turf has been proposed.	No
- 40% hard surfaces (sand, paving, timber platforms)	411.54m <sup>2</sup> of hard surfaces provided which equates to 80% of the total outdoor play space of 519.55m <sup>2</sup> .	No
<b>Work based child care centres, and centres in mixed use facilities</b>		
Where outdoor spaces are provided externally above ground level (refer section 3.4 of this Part):	The proposal child care centre is not work based nor located within a mixed-use facility	N/A
i. make outdoor space of a similar quality to that achievable at ground floor level. designed to comply with requirements of section 6.2.2.	The proposal child care centre is not work based nor located within a mixed-use facility	N/A
ii. measures implemented for protection from excessive wind and other adverse climatic conditions	The proposal child care centre is not work based nor located within a mixed-use facility	N/A
iii. Adequate fencing is to be provided for the safety of the children and to prevent objects from being thrown	The proposal child care centre is not work based nor located within a mixed-use facility	N/A
Outdoor storage space does not impede supervision of the play areas. 0.5m <sup>2</sup> of space per child who will be using the area.	The proposal child care centre is not work based nor located within a mixed-use facility	N/A
<b>Indoor Play Spaces</b>		
- a. Indoor play spaces shall be designed to:	The indoor play spaces are regularly shaped and encourage passive surveillance from all rooms.	Yes
- i. Achieve passive surveillance from all rooms;		
- ii. Provide direct access to play areas;		
- iii. Allow maximum supervision of the indoor and outdoor play spaces;	The proposed internal viewing windows allow for supervision	Yes

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
– iv. Allow subspaces to be set up with discernible divisions to offer a variety of play areas.	from internal common areas to the outdoor play areas. No subspaces are proposed.	
<b>Miscellaneous Controls</b>		
<b>Signage</b>		
All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	No signage proposed.	N/A
<b>Exterior Lighting</b>		
Lighting is to be provided to assist access via the main entrance.	The submitted plans do not show proposed lighting, however this can be conditioned prior to the issue of the construction certificate.	Condition
The street number of the building is to be visible from the street day and night, by lighting and/or reflective material	Can be conditioned to comply in the event of an approval.	Condition
External lighting must not adversely impact adjoining properties.	Can be conditioned to comply in the event of an approval.	Condition
<b>Waste Storage and Management</b>		
Waste management plan submitted	Waste management plan has been submitted with the proposed development application	Yes
Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP.	A bin storage area has been provided within the ground floor of the centre. Council's Waste Officer raised no objection to the storage and collection of waste and recycling.	Yes
- In addition to the requirements of Part 7.2 of this Plan, applications for child care centre development are to address the following considerations.		
- special removal service required for the removal/disposal of nappies	Refer above	Refer above
- frequency of removal of waste to ensure regular removal and avoid undue build up of garbage	Refer above	Refer above
- opportunities for avoidance, reuse and recycling of waste	Refer above	Refer above
- convenience for staff of the location of bins	Refer above	Refer above

**ITEM 1 (continued)**

**ATTACHMENT 2**

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

**ITEM 1 (continued)**

**ATTACHMENT 2**

<b>RYDE DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
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 regard to the capacity of the child care centre including child to staff ratios.	adequately addresses each point.	
<b>Out of School Hours Care</b>		
Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities.	No out of school hours care proposed.	N/A
Operational elements which are to be provided separately for each service include: i. amenities (toilet facilities) ii. indoor play spaces, and iii. outdoor play areas (especially where vacation care is proposed).	No out of school hours care proposed.	N/A
Access to staff facilities should also be provided for staff of the OOSH facility	No out of school hours care proposed.	N/A
The operational elements are to be designed in accordance with any relevant controls under this Part (for example minimum area requirements for outdoor play areas, indoor play areas	No out of school hours care proposed.	N/A
Proposed number of staff and child care places are to be provided in accordance with section 2.2 of this Part	No out of school hours care proposed.	N/A
Parking requirements will be assessed in accordance with section 5 of this Part	No out of school hours care proposed.	N/A
Child care centres that include out of school hours care are not to result in an overdevelopment of the site.	No out of school hours care proposed.	N/A
The total number of places approved for the centre will include places approved for out of school hours care where this is proposed	No out of school hours care proposed.	N/A

<b>DEMOLITION</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
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**ITEM 1 (continued)**

**ATTACHMENT 2**

Plan showing all structures to be removed.	Not provided.	No
Demolition Work Plan	Not provided.	No
Waste Management Plan	Plan submitted	Yes

**Certification**

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

Name: Alicia Hunter