

Meeting Date: Thursday 12 August 2021
Location: Meeting held remotely
Time: 5.00pm

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

NOTICE OF BUSINESS

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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATION

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| 2 | 79-81 Station Street, West Ryde Demolition, new two storey child care centre accommodating 60 children with basement car parking for 13 vehicles. Two (2) street trees are also proposed to be removed.
LDA2020/0439 | 3 |
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There are no LPP Planning Proposals

DEVELOPMENT APPLICATIONS

2 79-81 Station Street, West Ryde

Demolition, new two storey child care centre accommodating 60 children with basement car parking for 13 vehicles.

Two (2) street trees are also proposed to be removed.

LDA2020/0439

Report prepared by: Senior Coordinator - Development Assessment

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

File Number: GRP/09/6/12/1/2 - BP21/751

City of Ryde Local Planning Panel Report

DA Number	LDA2020/0439
Site Address & Ward	79-81 Station Street, West Ryde Lot 1 in Deposited Plan 20624 West Ward
Zoning	R2 Low Density Residential
Proposal (as lodged)	Demolition, new two storey child care centre accommodating 61 children with basement car parking for 13 vehicles.
Proposal (as amended)	Demolition, new two storey child care centre accommodating 60 children with basement car parking for 13 vehicles. Two (2) street trees are also proposed to be removed.
Property Owner	Samer and Shady Megalli

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Applicant	Megalli Family Trust
Report Author	Kimberley Kavwenje, Senior Coordinator Development Assessment
Lodgement Date	17 December 2020
Notification - No. of Submissions	Twenty-two (22) submissions received, all objecting to the proposed development
Cost of Works	\$1,403,277.00
Reason for Referral to LPP	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>
Recommendation	Refusal
Attachments	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 79 to 81 Station Street, West Ryde and is legally described as Lot 1 DP 20624.

The subject development application (LDA2020/0439) was lodged on 17 December 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 is proposed to operate from 7:00am to 6:00pm Monday to Friday, will have a capacity of sixty (60) children and will employ ten (10) staff.

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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 11 January 2021 and 1 February 2021. Twenty-two (22) 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.

On 11 January 2021, Council wrote to the applicant requesting further information but given fundamental concerns, recommended the application be withdrawn. On 14 May 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 sixty-one (61) to sixty (60). The applicant also provided an updated plan of management, an emergency evacuation plan and an amended landscape plan. The amended documentation also included further traffic and arborist 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. The proposal has also failed to demonstrate that it does not result in any adverse impact upon the surrounding road network as a result of the traffic generation. In addition, the development is 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. LDA2020/0439 be refused.

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2. The Site and Locality



Figure 1 Aerial photograph of the site and locality

The site is located on the south-western corner of Station Street and Sherbrooke Road and is legally known as Lot 1 within DP 20624 and is known as No. 79-81 Station Street, West Ryde. The site has an area of 760.30m². The site has a frontage of 33.50m to Station Street and a secondary frontage of 19.33m to Sherbrooke Road. The site falls diagonally downward from the north-western corner (RL23.50) to the south-eastern (RL16.64) corner by approximately 6.8m.

The site presently accommodates a part single/part two storey dwelling and detached garage. The existing dwelling house is oriented towards Station Street (**Figure 2**) with a secondary frontage to Sherbrooke Road (**Figure 3**).

The site is underlain by significant rock outcrops which are tiered down the site with the existing dwelling mounted over the outcrops. Due to the topography of the site, the garden areas are terraced to allow for the fall of the land.

Surrounding development consists of a mixutre of residential typologies ranging from single storey detached dwellings to three (3) storey residential flat buildings. Further to the west is a residential care facility known as Meadowbank Grove. The site is adjoined

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to the south by No. 83 Station Street (**Figure 4**) which contains a two storey dwelling. The adjoining property to the west, is No. 4 – 6 Sherbrook Road (**Figure 5**) which contains a four (4) storey older residential flat building.



Figure 2 Site as viewed from Station Street



Figure 3 Site as viewed from Sherbrooke Road



Figure 4 Adjoining property to the south No. 83 Station Street



Figure 5 Adjoining property to the west, No. 4 - 6 Sherbrook Road

ITEM 2 (continued)**3. The Proposal**

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 (60) children; twenty (20) children will be aged from 0-2 years, ten (10) children will be aged 2-3 years and the remaining thirty (30) 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:

Basement Level (RL17.60) (Figure 6)

- The basement level will contain thirteen (13) car parking spaces to be allocated as follows:
 - Five (5) spaces for staff
 - Eight (8) spaces for visitors
- Inclusive of one (1) accessible space
- Vehicular access to this level is obtained via a ramp (with 1:9 and 1:15 gradients) located adjacent toward the western side boundary that will connect to the proposed driveway cross over and layback to Station Street
- Pedestrian access to this level is obtained via the lift and stairs
- Excavation to a depth of 5.60m will be required to enable the construction of the proposed basement.

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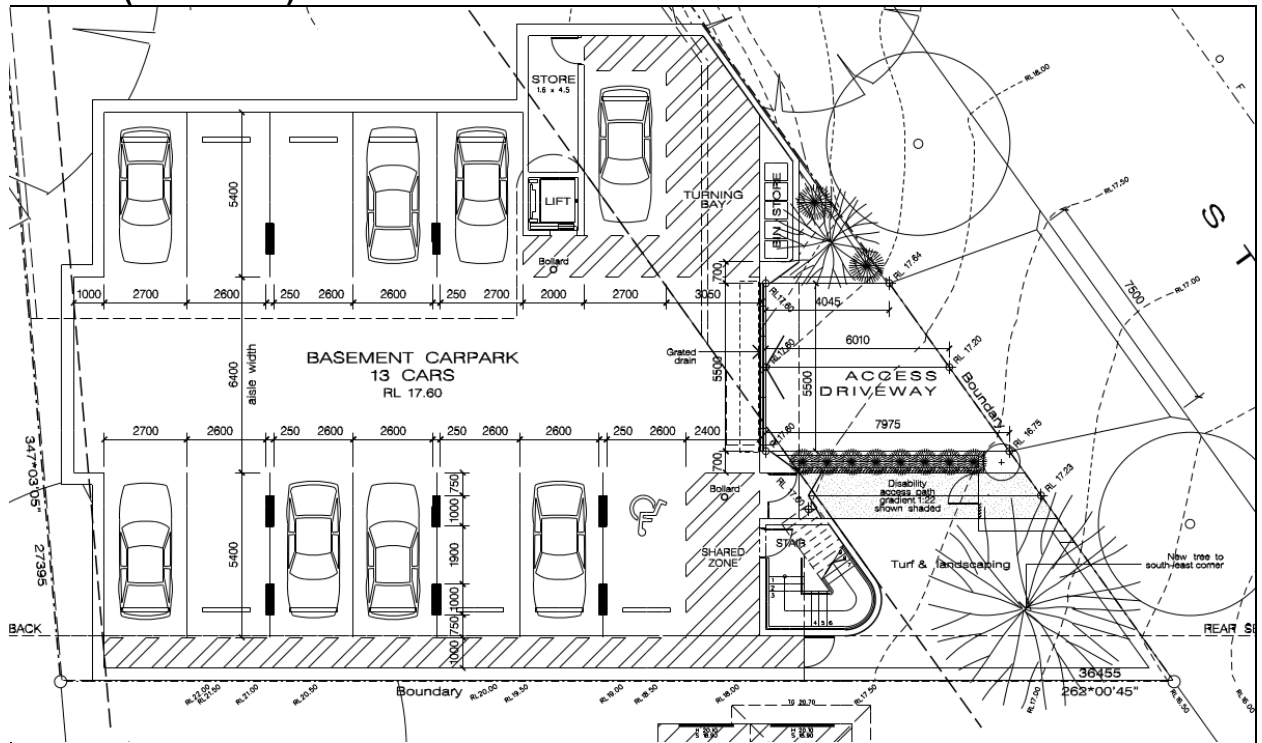


Figure 6 Proposed basement level Source: Manor House Design

Ground Floor Level (RL20.70) (Figure 7)

- Central hallway with lobby area
- Internal staircase and lift
- Office
- Indoor play area for 2-3 year olds (10 children)
- Indoor play area for 3-5 year olds (30 children)
- Outdoor play area for 2-5 year olds (40 children)
- Children's bathroom
- Kitchen and pantry
- Accessible toilet and shower
- Internal storage rooms and laundry
- Covered deck to the outdoor play area
- Pathway and accessible access (within front setback area) to the entry doors and
- Driveway ramp within the front setback area.

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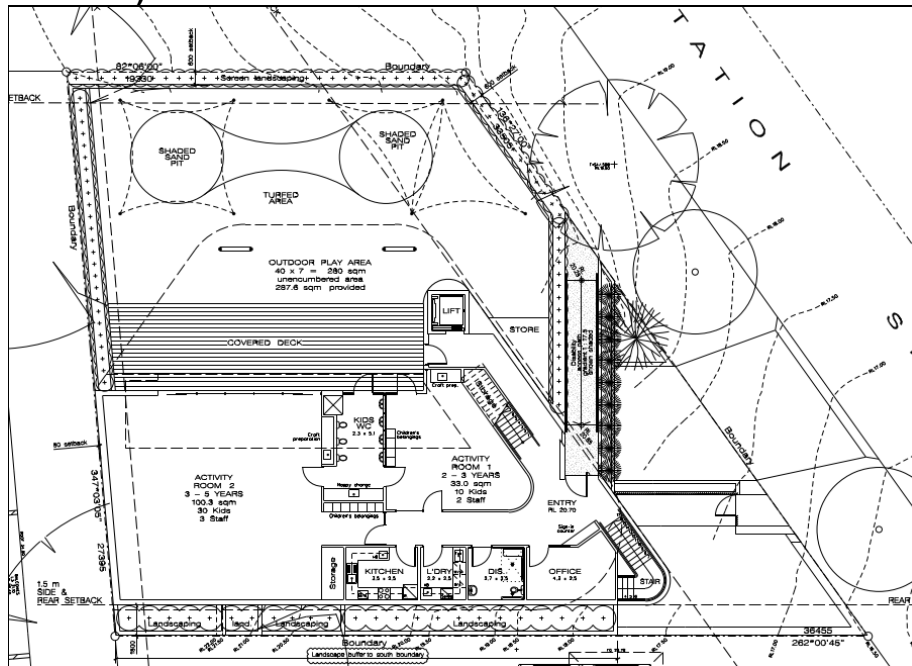


Figure 7 Proposed Ground Floor Plan **Source:** Manor House Design

First Floor Level (RL23.90) (Figure 8)

- Central hallway
- Internal staircase and lift
- Staff room
- Indoor play area for 0-2 year olds (20 children);
- Outdoor play area for 0-2 year olds (20 children);
- Sleep room with the provision of 8 cots
- Nappy change facilities and
- Internal storage area.

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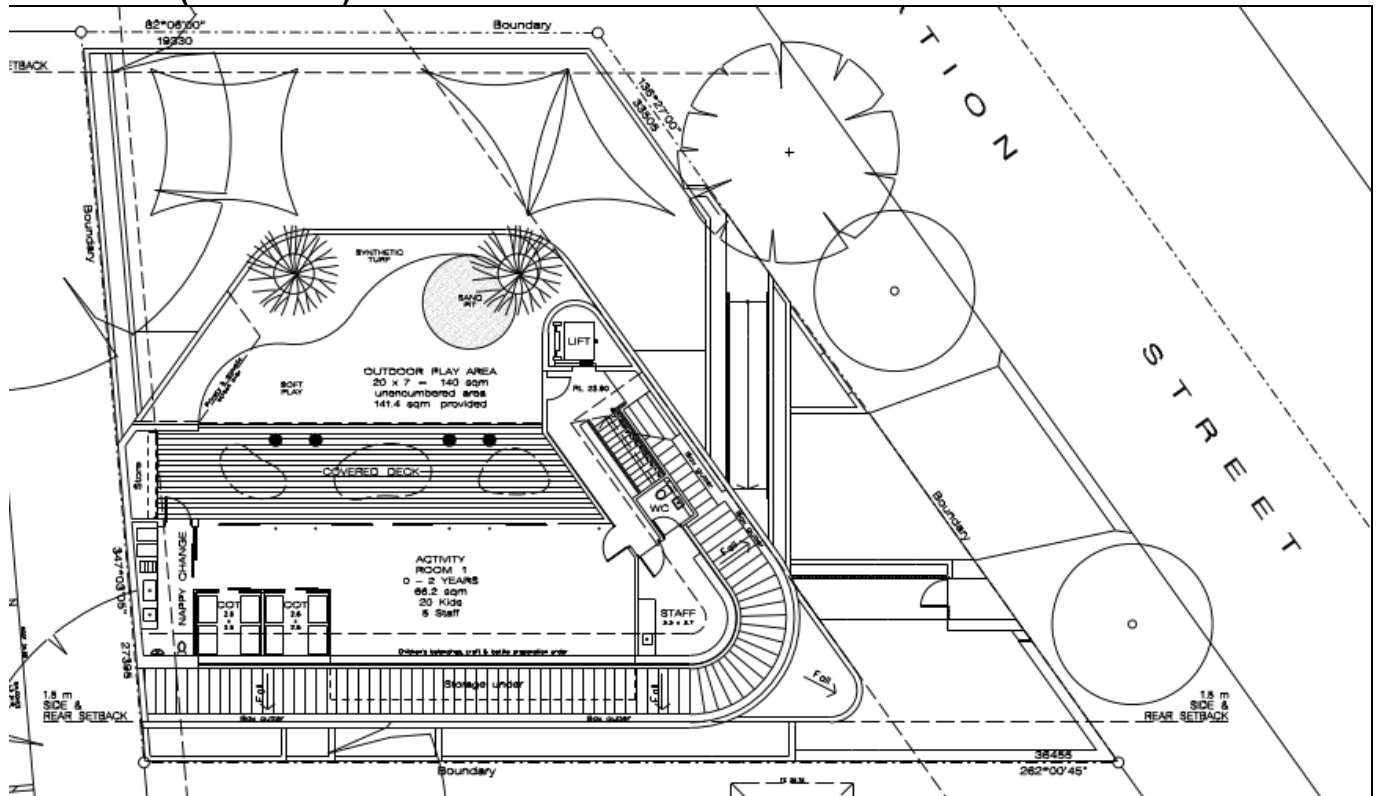


Figure 8 Proposed First Floor Plan

External

The proposed landscaping works are demonstrated in **Figure 9**. The works comprise the removal of two (2) street trees (Weeping Bottle Brush) being Trees 2 and 3. These trees are located in the council verge in Station Street and are required to be removed to provide the 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.

The outdoor play area and play equipment is located to the north of site adjacent to the Sherbrook Road frontage.

Vehicular access is proposed from Station Street. The proposal includes a ramp entrance to the northern of the driveway and another pedestrian access to the south of the driveway.

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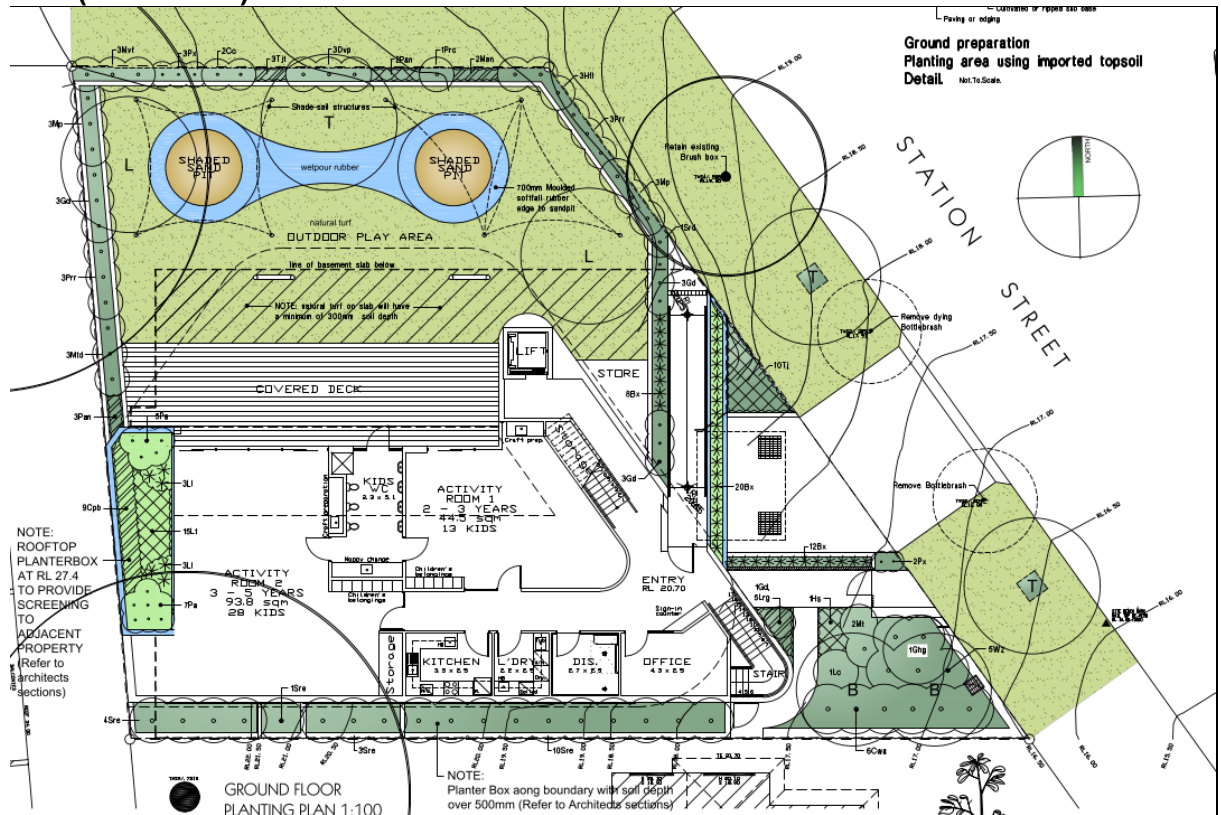


Figure 9 Proposed landscape plan

The proposal includes the erection of 1.8m high acoustic fencing around the perimeter of the outdoor play areas. Specific details were not provided.

4. Background

17 December 2020	Development Application LDA2020/0439 proposing the demolition of existing structures and construction of a two (2) storey child care centre for 61 children with basement car parking for 13 vehicles was lodged
11 January 2021 – 1 February 2021	The DA was notified to surrounding properties. In response, Twenty-two (22) submissions were received; all objecting to the proposed development
11 January 2021	<p>A Request for Information (RFI) was sent to the Applicant. Council identified the following issues with the proposal:</p> <ul style="list-style-type: none"> • Inconsistencies with design quality principles within <i>State Environmental Planning Policy (educational Establishments and Child Care Facilities) 2017</i> including building design and character issues and inappropriate landscaping treatments • Suitability of the site including traffic and parking impacts of the proposal • Compatibility with the character of the area

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	<ul style="list-style-type: none"> • 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, the proposed 61 space child care facility is considered to be an overdevelopment of the site • Loss of amenity for sensitive receivers (aural and visual privacy) • Amenity of future users of the centre (lack of natural ventilation) • Insufficient information including: <ul style="list-style-type: none"> ○ Lack of detail addressing the Child Care Planning Guidelines ○ Emergency and evacuation procedure ○ Plan of management <p>It was recommended that the application be withdrawn.</p>
20 January 2021	<p>Concerns raised by Council's Traffic Engineer were sent to the applicant. The following concerns were raised and/or additional information was requested:</p> <ul style="list-style-type: none"> • Inconsistent and insufficient traffic surveys • Non compliant parking numbers. • The architectural plans indicate that vehicular access to the off-street car park is controlled by a roller shutter door. Clarification was requested regarding the operation and potential impacts upon access efficiencies. • Concern was raised with the swept path plans and there being no turning bay/turnaround facility • Request for an operational traffic and parking management plan (OTMP) • Request for a Road Safety Audit (RSA) to be undertaken as the childcare centre is on a collector road.
9 April 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.</p> <p>At this meeting, Council's Development Engineer raised the following:</p> <ul style="list-style-type: none"> • The shortfall of 1 parking space for parent use.

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	<ul style="list-style-type: none"> • The plans not showing the allocation of parking spaces • The general delivery and service not being accommodated on site. This was required to be addressed within the 'Traffic & Parking Impact Assessment' and turning paths provided to demonstrate service vehicles are able to enter and exit the site in a forward direction. • A long section, taken along the steepest portion of the driveway, was requested. • The swept paths demonstrating that a vehicle can enter and exit the site simultaneously at the entrance to the basement.
9 April 2021	<p>A response to the RFI matters raised was received. The response indicated that a plan of management, emergency evacuation procedure, updated traffic surveys and swept paths would be provided. The response also indicated that the proposed basement carpark would be redesigned to comply with the required parking rates.</p> <p>The applicant further addressed matters raised in the RFI relating to the Child Care Planning Guidelines and Council's RDCP 2014.</p>
19 April 2021	<p>A request for information was sent to the applicant raising the following concerns:</p> <ul style="list-style-type: none"> • Root mapping was requesting in accordance with the submitted Arborist Report which recommended further assessment of Trees 9 and 10, due to major encroachments, to demonstrate they remain viable. • The submitted Landscape Plan was insufficient and does not satisfied the requirements of Clause 3.2 of the RDCP 2014.
14 May 2021	<p>The applicant submitted amended architectural and landscape plans. An amended Traffic and Parking Impact Assessment Report and Arborist Report was also submitted. The applicant provided a plan of management and emergency evacuation plan.</p> <p>The applicant also clarified proposed tree removal (noting two (2) street trees is proposed to be removed).</p> <p>The development was not required to be renotified given there were minimal changes to the architectural plans.</p>

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5. Planning Assessment

5.1 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy No. 55 – Remediation of Land		
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 Ei Australia (dated 17 November 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>	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017		
<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 two (2) trees within the road reserve which are Weeping Bottle Brush (Trees 2 and 3).</p> <p>The proposed trees to be removed are not significant, and in poor health. 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 an amended satisfactory arborist report, landscape plan and root mapping of Trees 9 and 10.</p> <p>Trees 9 and 10 are located on the adjoining property to the south and are not proposed to be removed as part of this application. The root mapping concluded that no tree roots of trees 9 and 10 would be impacted as a result of the proposed development. Council's Landscape Architect has reviewed the root mapping and is satisfied with the conclusion made.</p>	Yes

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	The proposal will not unduly impact upon any existing biodiversity, trees and/or vegetation on the site. The removal of the street trees is considered acceptable by the Landscape Architect and Council's Tree Management Officer.	
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017		
<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 Attachment 1. This matter has also been discussed in greater detail following the table.</p>	No
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
<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 and controls for the catchment as a whole.</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

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:

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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. The 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 has been designed with extensive cut which extends across the entire site with reliance upon retaining walls within the front, side and rear setbacks.

The retaining walls within the front setback contribute to uncharacteristic visual presentation to the streetscape, which is not responsive to the site's topography (**Figure 10**).

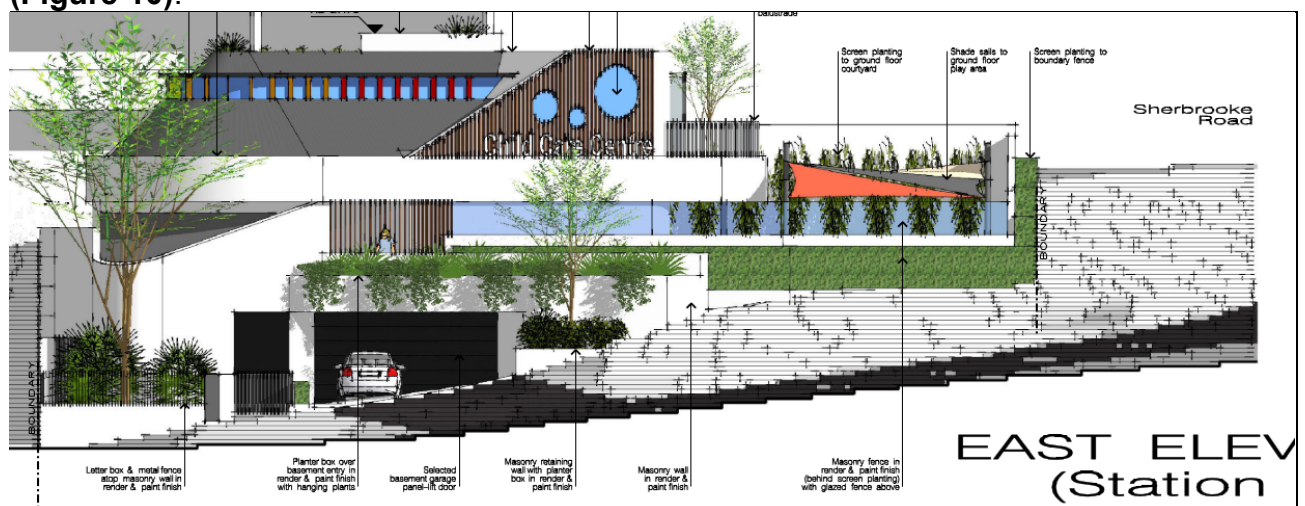


Figure 10 Front Elevation (Station Street) Source Manor House Design

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The proposed setbacks are not considered to be appropriate, particularly the reduced setback along the western boundary and the resultant wall height of 3.74 metres presenting to 4 – 6 Sherbrook Road and their main private open space (balconies) within their eastern elevation.

The proposed ground floor level has been excavated and is subterranean with enclosing walls of up to 2.96 metres surrounding the play space. This is a poor outcome for the amenity of the children.

The proposed development does not contribute positively to the character of the area due to inconsistencies with a suite of built form controls and the resultant amenity impacts of the development being unacceptable.

Design Quality Principle 3 – Adaptive learning spaces

The proposal has been designed with the ground floor level being excavated at least 1.16 metres (**Figure 11**). The submitted plans notate a western wall height of 1.8m, however as a result of the excavated level of the play space has an enclosing western wall 2.96 metres in height. Additionally, the northern elevation of the play space contains a 2.7 metre wall resulting in poor amenity to the play space.

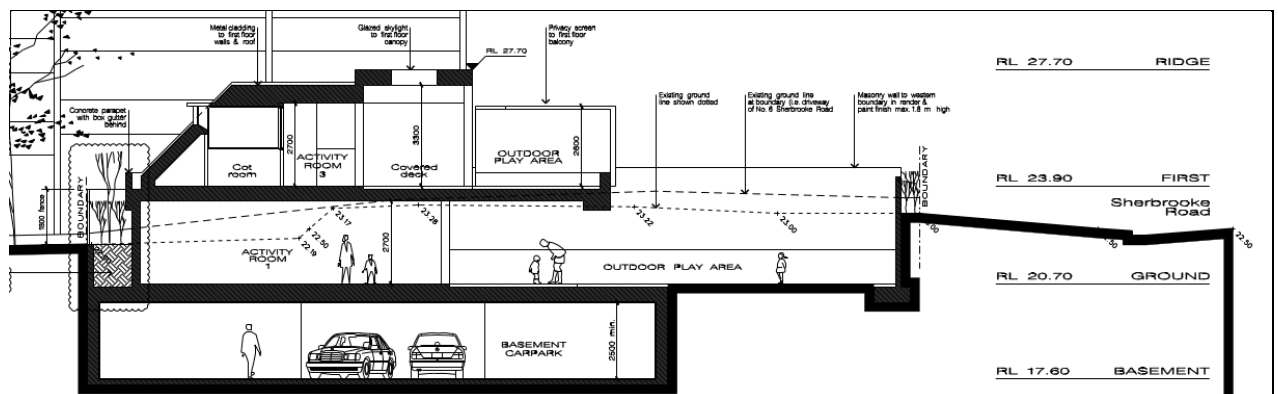


Figure 11 Cross section **Source Manor House Design**

The submitted plans notate that there will be a specialised landscape design for the outdoor play spaces. However, insufficient detail has been provided to demonstrate that there is a mix of inclusive learning spaces to cater for all students and different modes of learning. The development lacks appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

The proposal does not provide a high level amenity for children or staff due to the concerns held regarding the excavation levels, resultant height of enclosing walls and the absence of finalised landscape design.

ITEM 2 (continued)*Design Quality Principle 4 – Sustainability*

The proposal has not been supported by a Section J report addressing sustainability and the proposal has not demonstrated consistency with this principle. The acoustic report recommendations rely upon the closure of external windows which reduces cross ventilation (also considering the absence of windows within the western and southern elevations) and the proposal has not demonstrated reasonable solar access is achieved to the centre as a result of the surrounding wall heights.

Design Quality Principle 5 Landscape

Concern is held with the proposed landscaping outcome on site. This is due to the development being reliant upon planter boxes along the western and southern boundaries and the lack of specific design details regarding the outdoor play spaces. The proposed landscape design does not contribute to the existing landscape character of the streetscape and neighbourhood. A lack of landscape buffer zones and deep soil planting results in poor amenity for users of the site as well as adjoining residents. Insufficient details have been provided with regard to outdoor spaces.

Design Quality Principle 6 – Amenity

The proposal has not been designed to provide high levels of amenity for the children. Insufficient detail regarding indoor or outdoor learning spaces has been provided. As a result of the extent of excavation and wall heights the north facing play spaces at ground floor will not receive compliant solar access.

The proposal results in reduced setbacks along the western side boundary and the amended proposal has included a planter box. The proposal has a resultant wall height of 3.74 metres setback 50mm. The provided setback is not sufficient to accommodate a wall of this height given it immediately adjoins the balconies within 4 – 6 Sherbrooke Road (**see Figure 12**).

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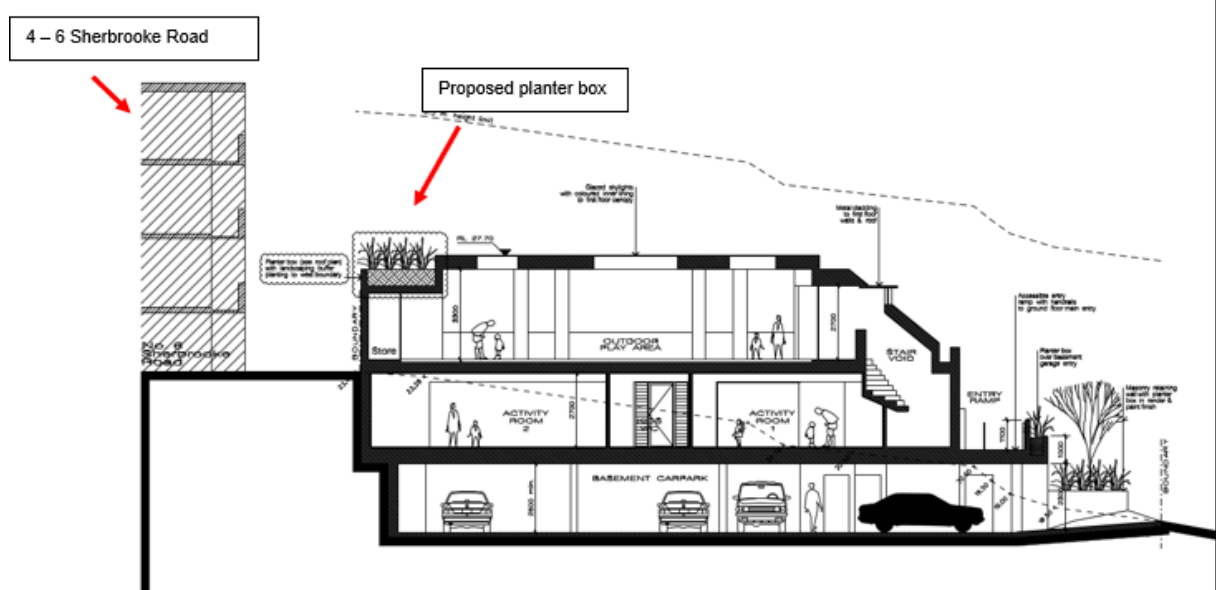


Figure 12 Cross section (setback along the western elevation shown) Source Manor House Design

Due to the extent of the excavation required to create a level building platform, the outdoor ground floor play space will have a subterranean feel. Although, specific details have not been provided, it is calculated that retaining walls in addition to fencing result in a wall height of 2.96m along the western boundary and a height of 2.7m along the northern boundary.

The proposal has not been designed to provide a high level of amenity to children or staff. In addition, the development will adversely impact on the amenity of the adjoining residential flat building at 4-6 Sherbrook Road.

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

3.1 – Site selection and location

The proposal is not considered to be suitable for the site. The proposal is defined as a large centre as it includes greater than 50 children and relies upon non compliant setbacks and extensive excavation. The site has a significant cross fall of 6.86 metres from the north western to the south eastern boundary and the design response is not considered to be appropriate. The proposal has been designed with extensive excavation and reduced setbacks.

The proposal has not satisfactorily demonstrated there will not be acoustic impacts and the assumptions made within the acoustic report rely upon a limitation on the number

ITEM 2 (continued)

of children utilizing the outdoor play space and the supporting documentation has not dealt with how this will be managed. The assumptions made within the report has not been reflected in the design including the provision of the first floor outdoor play space being roofed and the closure of windows and doors. The proposal has not been supported by acoustic fencing being notated on plans.

The development includes setbacks which are inconsistent with surrounding residential development. The basement has a nil setback from the southern boundary and eastern boundary and approximately a 300mm setback from the western boundary.

The proposed centre based child-care facility has a front setback of 6m to the entry/façade. The proposal at ground and first floor provides for a 5.1m setback from the northern boundary and 1.5 metres from the southern. The proposed building has 50mm setback from the western boundary. This is not consistent with surrounding residential properties which all include a side setback.

The proposed front setback is consistent with that of adjoining properties and those applicable to two storey residential development. The front setback additionally contains driveway, pedestrian pathways, ramps and retaining structures which is inconsistent with surrounding development. The provided setbacks are unacceptable and result in amenity impacts.

3.2 - Local Character, streetscape and the public domain interface

As the site is located within a low density residential area, smaller scale developments (fewer than 50 child care places) are preferred. The proposal includes 60 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.

Local Character

The scale and extent of earthworks required for the proposal which includes the ground floor level being excavated in addition to the proposed basement carpark will result in excavation to a depth of 5.68m (**Figure 13**). The extent of excavation does not have regard for the natural topography of the site, or the visual amenity of Station Street. Retaining walls 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 the 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.

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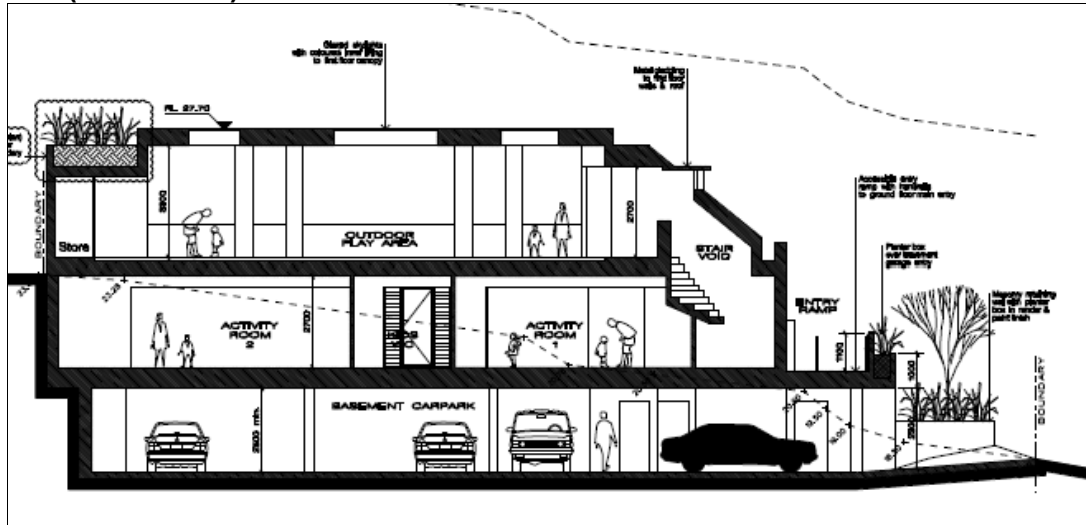


Figure 12 Extent of excavation proposed Source: Manor House Design

Streetscape

The proposal presents as a three storey building to Station Street (**Figure 14**). The proposal includes nil setbacks at the basement level for part of the eastern front boundary which limits landscaping opportunities in addition to the required retaining walls both along the eastern boundary and then to the north and south of the driveway in response to the created levels within the site. This results in retaining walls, pathway, planter boxes and ramp access within an already reduced landscape area. The purpose of a front setback within the low density residential area to provide a landscape setting, in which the proposal does not. The basement extends 26 metres across the 33.5 metre frontage and the siting of the ground and first floor and required ancillary elements results in a poor streetscape outcome.

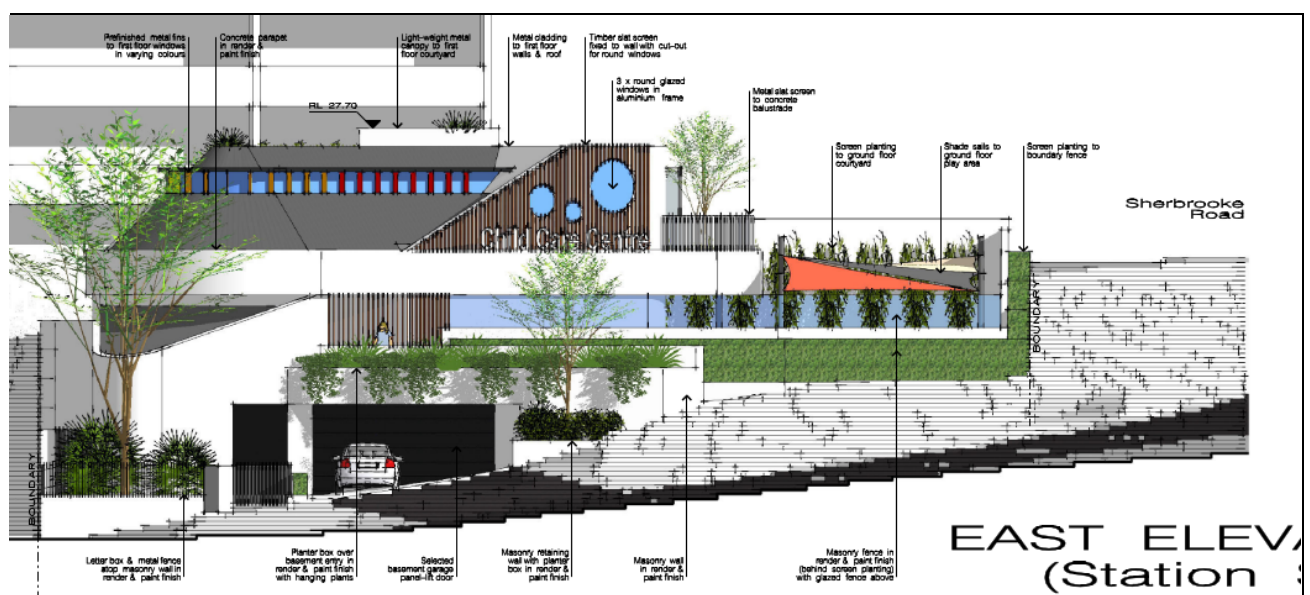


Figure 13 Street elevation Source: Manor House Designs

ITEM 2 (continued)

The scale of the retaining wall along the eastern boundary presenting to Station Street does not respond to nor is it complementary the character of the existing streetscape. These elements are obtrusive in terms of bulk, scale and appearance. The extent of hard surface within the eastern front setback limits landscaping and therefore does not contribute positively to the streetscape or neighbouring landscape character. The retaining walls associated with the driveway access have a maximum height of 1.9 metres and will be visible in the oblique angle from Station Street.

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 and ramps within the setbacks. This contributes to uncharacteristic visual presentation to the streetscape, which is not responsive to the site's topography.

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.

Streetscape and Character

The scale and extent of earthworks required for the proposal will disturb and have an adverse impact upon the overall amenity of the centre. The natural topography of the site will be altered to such an extent that the amenity values and streetscape character of Station Street will be degraded. The approximate height of the masonry fence along the eastern boundary ranges between 750mm to 2.25 metres. Additionally, the retaining walls along the northern and southern sides of the driveway visible in the oblique view from the streetscape has a height up to 1.9 metres. The cumulative effect of these walls upon the streetscape is unacceptable as they will dominate the typical landscape setting of the low density environment.

Solar Access

The proposal includes an enclosing wall 2.96 metres in height along the western elevation and 2.7 metres along the northern elevation of the ground floor play space. The submitted shadow diagrams have not taken into consideration the shadows cast from these surrounding structures and impacts the amenity of the centre. Solar access has not been optimized despite the unconstrained north eastern aspect of the site.

Setbacks and Siting

ITEM 2 (continued)

The proposal provides for a 50mm setback from the western boundary and includes a 3.74m wall presenting to 4 – 6 Sherbrook Road. The proposal is not considered to be appropriately sited. The proposal relies upon a planter box to provide for landscape screening. No detail has been provided regarding access for maintenance purposes of the planter boxes along the southern and western boundaries.

Safe and Accessible Environments

As a result of the extensive excavation, the ground floor outdoor play space will be sunken, creating a closed, subterranean environment and does not achieve the desired amenity for the outdoor play space. The access report has not been prepared by an Access Consultant and contains insufficient detail with regards to compliance with relevant legislation.

3.4 – Landscaping

The submitted landscaping plans contains insufficient level details to accurately interpret the proposed development. The proposal includes a considerable cross fall in addition to extensive excavation works. The proposed design is required to provide levels, including spot levels and top of wall heights given the reliance upon changed levels throughout the site. The landscape design relies upon retaining walls along each boundary in addition to internal walls to create levels for the play spaces.

The proposal relies upon planter boxes within the reduced setbacks to achieve landscape screening between properties which is consistent with the landscape character of a low density residential area. Particular concern is held regarding the siting of the development within the south western corner and the relationship with adjoining residential properties.

3.5 – Visual and Acoustic Privacy

All adjoining properties surrounding the subject site contain a residential use. The adjoining property to the south is single dwelling with the development to the west, being a residential flat building.

The submitted acoustic report recommends a 1.8 metre high acoustic fence along the boundaries of the site. The submitted plans are inconsistent with Section A showing a wall height of 2.5m high wall adjacent to the southern boundary presenting to 83 Station Street (as a result of the level differences) and Section B showing a 1.8m fence.

The proposal includes a 3.74m fence height along the western boundary shared with 4 – 6 Sherbrook Road (**Figure 15**). The wall immediately adjoins the eastern balconies and principal private open space of these dwellings. The proposal results in an unacceptable visual presentation as a result of the wall height and non compliant setback.

ITEM 2 (continued)

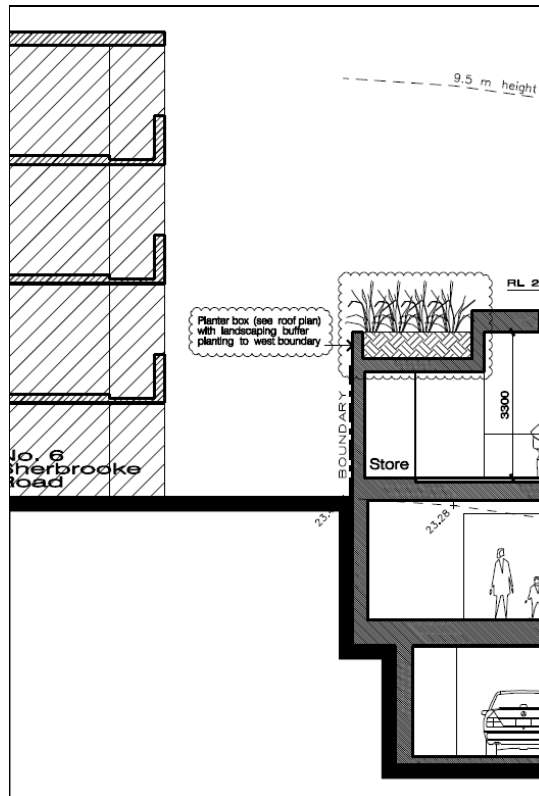


Figure 14 Proposed wall on western boundary

3.6 – Noise and Air Pollution

An air quality assessment was not submitted as part of this application. This requirement is not satisfied.

The submitted acoustic report has concluded that traffic noise intrusion generated from Station Street to the indoor areas of the childcare centre will not exceed the noise criteria if all doors and windows remain closed. This will result in a non-compliance with ventilation requirements as per C28 of the CCPG. This forms part of the recommendation for refusal.

3.8 – Traffic, parking and pedestrian circulation

Council's Senior Traffic Engineer reviewed the Traffic Impact Assessment and the supplementary information provided and determined that insufficient information was provided and the information provided did not accurately represent existing traffic conditions in the local road network. Further, a Road Safety Audit was not provided.

Pedestrian access is provided from the car park to the facility via stair and lift access. A pathway within the basement is provided along the southern edge. However, no pathway is provided for access to parking spaces along the northern edge of the car

ITEM 2 (continued)

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

4.9 - Outdoor space requirements

No detail regarding outdoor learning environment has been provided as such the application does not demonstrate that appropriate, stimulated outdoor space has been provided. This forms a fundamental reason of refusal of this application.

Further, due to the extent of the excavation and finished level of the ground floor, the outdoor play space is surrounded by a western wall 2.96m in height, a northern wall 2.7 metres in height and the eastern wall calculated to be 1.8 metres in height (although this is not precisely clear on the submitted plans). The resultant walls results in overshadowing and the enclosure of the space which results in poor amenity for the children.

4.11 – Shade

The submitted landscape plan shows shaded sand pit areas within the northern setback. However, it has not been demonstrated that the play space immediately adjoining the centre receives compliance sunlight access. Compliance with this regulation is not able to be determined and forms part of the recommendation for refusal.

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 2 (continued)

Clause	Proposal	Compliance
4.3(2) Height of Buildings		
9.5m	7.70m Top of ridge RL 27.70 EGL – RL 20.00	Yes
4.4(2) Floor Space Ratio		
0.5:1 (506m ²)	Ground Floor – 237.10m ² First Floor – 130.1m ² Total – 367.35m ² GFA – 367.35m ² FSR - 0.48:1	Yes
6.1 Acid Sulfate Soils		
The subject site is affected by an Acid Sulfate Soil classification of 5 and is located approximately 175m from land with a classification of 2.	A geo-tech report prepared by Ei Australia dated 12 October 2020 included a number of recommendations that in the event of approval would be required to be carried out in order to ensure that the proposed development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Any approval would include a condition to require compliance with this report.	Yes
6.2 Earthworks		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The proposed extent of excavation (up to 5.68m) exceeds the maximum permitted excavation of 1.2m under Clause 2.6.2 in Part 3.3 of the Ryde DCP 2014. Concerns is held in regard to the extent of excavation across the site in creating the ground floor level to be cut into the natural topography. The proposed design response recreates new levels which is not consistent with surrounding properties and relies upon internal retaining walls (up to 2.96m in height) external to the building to accommodate this design.</p> <p>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.</p> <p>Further, temporary effects, including visual effects, sediment run-off and erosion, dust, noise and vibration and</p>	No

ITEM 2 (continued)

Clause	Proposal	Compliance
	<p>traffic effects during the proposed construction period will result in adverse effects on the environment or neighbouring properties.</p> <p>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.</p>	
6.4 Stormwater Management		
(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.	<p>The proposed stormwater management system for the development discharges to the kerb in Station Street and incorporates an onsite detention system complying with Councils requirements. No impacts to adjoining properties, native bushland and receive waters is considered to occur.</p> <p>Council's Senior Development Engineer has reviewed the stormwater management scheme and has raised no objections in regard to stormwater management.</p>	Yes

5.3 Draft Environmental Planning Instruments

Instrument	Proposal	Compliance
Draft Remediation of Land State Environmental Planning Policy		
<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</p>	Yes

ITEM 2 (continued)

	there is a low potential for the development to cause land and/or groundwater contamination, and that the site is suitable for the proposed development, subject to recommendations.	
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"> - State Environmental Planning Policy No. 19 – Bushland in Urban Areas - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 	The proposal is not inconsistent with the provisions of the draft SEPP.	Yes

5.4 Development Control Plans

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

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,*

ITEM 2 (continued)

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

A detailed assessment of the proposal against the 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 not consistent with such requirements being, the subject site does not meet minimum site area requirements. The RDCP requires sites to have a minimum area of 800m². The subject site has an area of 760.30m². Further, the site has a significant slope from the north west corner to the south west corner of 6.8m. 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***Energy Efficiency***

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

ITEM 2 (continued)*Streetscape*

Matters relating to compatibility with the existing streetscape and desired future character of the area are discussed in detail in Section 5.1 of this report.

Section 4.0 – Privacy

Section 4.0 of the RDCP requires that the siting and design of child care centre developments provide visual and acoustic privacy and high amenity for the children and staff of the centre.

Acoustic privacy for children in the centre

The submitted acoustic report has concluded that traffic noise intrusion generated from Station Street to the indoor areas of the childcare centre will not exceed the noise criteria if all doors and windows remain closed. This will result in a non-compliance with ventilation requirements. This forms part of the recommendation for refusal.

The proposal has not demonstrated that children's play and sleep areas are not subjected to excessive traffic noise, or other external noises.

The submitted acoustic report is considered to be insufficient and forms part of the recommendation for refusal.

Acoustic privacy for adjoining residents

An acoustic report has been submitted with the proposed development application prepared by Acouras Consultancy dated 25 September 2020. As detailed above, the findings in the report were based on impractical and incorrect assumptions.

The proposal has not demonstrated that site layout and building design, including internal layout, minimises the noise emitted from the centre and does not have an adverse impact on the amenity of surrounding residences.

The submitted acoustic report is considered to be insufficient as it has failed to give any consideration to plant noise. For this reason it forms part of the recommendation for refusal.

Section 5.0 – Car Parking, Traffic and Access*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

ITEM 2 (continued)

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 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.
- The basement results in the need for extensive excavation across the site which is not responsive to the sites topography and is inconsistent with the character of the area.

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

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 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. Further, a Road Safety Audit was not provided.

Insufficient information has been submitted to satisfy this Part of the RDCP 2014.

Accessibility

Section 5.0, Clause 5.1 Car Parking, Traffic and Access and Part 9.3 Parking Controls of the Ryde DCP 2014 requires consideration be given to providing an environment that is physically to all members of the community.

Documentation is required to be submitted demonstrating that all child care centres are designed to make adequate provision for access by people with disabilities over and above the requirements of the Building Code of Australia to assist compliance with the Disability Discrimination Act (DDA) 1992 and Disability (Access to Premises-Buildings) Standards 2010.

ITEM 2 (continued)

The submitted BCA and Access report has not been prepared by an accredited Access Consultant. This report is considered to be insufficient and forms part of the recommendation for refusal.

Part 3.3: Dwelling Houses and Dual Occupancy*Streetscape*

Clause 2.5.1 of the RDCP 2014 requires that new development is compatible with the positive characteristics of the existing streetscape and the desired future character of the low density residential areas.

The design of the building presents as part two, part three storey to Station Street. The basement entrance is wholly above the ground with a two storey element above and dominates the streetscape. The proposal is not compatible with the existing streetscape or desired future character of the area.

Rear Setback

The site is a corner allotment which is subject to two frontage requirements. Strictly applying the controls, the western boundary would be subject to a rear boundary setback of 4 metres, given the property is wider along the eastern boundary than it is deep along the southern. The proposal provides for a 50mm setback from the western boundary. The proposed setback is inconsistent with the established setbacks and the proposal results in the provision of a 3.74m high wall presently along the western boundary shared with 4 – 6 Sherbrook Road.

The proposed setback does not provide for adequate area for mature tree growth, deep soil areas, water percolation areas or access to landscape planters for maintenance purposes. The proposed 50mm setback is not consistent with the existing or desired future character of the area. Surrounding residential development includes setbacks to provide separation of the massing of built form when viewed from the streetscape. The proposal is inconsistent with the pattern of massing. The proposal is unacceptable in this regard.

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. If the Panel were of a mind to approve the development, a Section 7.12 contribution would be applicable.

ITEM 2 (continued)**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.

Education and Care Services National Regulations

These Regulations underpin the operational and specific design requirements for education and care providers. With regard to the DA, these Regulations govern physical environment design requirements for centre-based child care facilities, and form part of the design guidelines within the CCPG. The proposal has not demonstrated compliance with the outdoor area requirements in terms of storage and solar access. Reference is made to the assessment in **Attachment 1** for further detail.

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 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.

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.

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.

ITEM 2 (continued)**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 11 January 2021 and 1 February 2021. During the notification period, twenty-two (22) submissions were received objecting to the proposal.

All concerns raised have been addressed below:

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 extent of excavation does not have regard for the natural topography of the site, or the visual amenity of Station Street. Retaining walls will be required to be constructed within the front setback resulting in a loss of residential character, cohesion and amenity values.

Further, insufficient detail has been provided to demonstrate acceptable impacts on the amenity of adjoining residential properties with regard to:

- Traffic and parking impacts of the proposal on residential amenity and
- Acoustic privacy of adjoining residential properties

The proposed child care is an overdevelopment for the site. The scale (up to 60 children).

ITEM 2 (continued)

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 as the subject site does not meet minimum site area requirements. Further, the site has a significant slope from the north west corner to the south west corner of 6.8m.

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 7.7m which is compliant with the height development standard of 9.5m. However the basement level results in the development having a 3 storey appearance from Station Street which is inconsistent with the character of the R2 zoning.

Overshadowing of adjoining properties.

Comment: Due to the site orientation and the siting of the built form, the proposal results in overshadowing between 9:00am and 12:00pm only to a portion of the private open space to the adjoining property to the south, at No. 83 Station Street. For the remainder of the day, the development does not result in overshadowing of openings or the principal POS. The proposal is consistent with maintaining 3 hours solar access to neighbouring properties.

Basement excavation is excessive and may cause structural instability for adjoining properties.

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.

ITEM 2 (continued)

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.***

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

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 a forms reason for the refusal of the application.

Proposed tree removal

Comment: The application proposes the removal of two (2) street trees (Weeping Bottlebursh) located toward the eastern boundary. These trees are 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.

Extent of notification

Comment: The application was notified in accordance with the Ryde Community Participation Plan between 11 January 2021 and 1 February 2021.

10. Referrals**Structural Engineer**

The amended proposal was referred to Council's Consultant Structural Engineer who raised no objections to the proposed development subject to the recommendations in the submitted geotechnical report being implemented as conditions.

Senior Development Engineer

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

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Stormwater Management

The proposed stormwater management system for the development discharges to the kerb in Station Street and incorporates an onsite detention system complying with Councils requirements.

Vehicle Access and Parking

It is noted that the applicant has amended the nominated number of staff since the original application. The following table presents the level of parking required by the DCP;

	No.	Rate* (parking space/ unit)	Parking Req	Parking (Rounded)
Children	60	1 space / 8 children	7.5	8
Staff	10	1 space / 2 employees	5	5
TOTAL				13

The development provides 13 offstreet spaces and is therefore compliant.

A review of the parking design notes;

- The internal basement parking aisle is aligned at some 55 degrees with the front boundary alignment and not perpendicular (90 degrees) as preferred. Despite this, the design has attempted to transition the driveway over the verge from the site to the road being some 16 degrees off perpendicular. Additionally an excessive sight distance splay has been provided on the uphill side of the drive (the direction where sight distance would be most impacted for an emerging driver) of dimensions 5m at the boundary by 3m deep into the property. The footpath is also well elevated in this location. The extent of splay is considerably greater than that required by AS 2890.1, which simply warrants only 2m at the boundary by 2.5m deep into the property. As such, the proposed arrangement does not present a pedestrian safety risk and is acceptable.
- The supplementary Traffic Report (D21/65555) has supplied a vehicle swept path analysis which demonstrates two way vehicle flow can be achieved at the vehicle entrance.
- The nominated driveway grades entering the basement garage area are modest and comfortably in compliance with the Australian Standards. The provided driveway profile indicates sufficient headroom clearance has been provided. Noting that the uphill section of driveway has more extreme grades, a cursory check notes that the available headroom is still compliant and does not warrant concern.
- Councils Traffic Section are noted to have drawn concern for the proposed installation of a security gate to the basement garage entry. The applicant does

ITEM 2 (continued)

not appear to have responded to this in the request for information however it is considered the matter may be addressed by condition of consent, requiring the operator to have the gate opened at all hours of operation of the childcare centre.

- A review of the proposed internal parking area notes that all parking spaces and aisle widths have dimensions compliant with the Australian Standard. There is a space located in the northeast corner of the basement garage which adjoins the lift area. It would be prudent to allocate this car space to a staff member as frequent vehicle movements in this area would present some risk for pedestrian safety.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to appropriate conditions of consent being included in any approval.

City Works – Traffic

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

- *Please provide the raw traffic volume survey data, which should have been independently undertaken by a professional traffic surveyor for objectivity of assessment for review by Council's Transport Department*
- *The submitted plan of management should include traffic and parking management measures to assist with managing the safety and efficiency of the children pick-up/drop-off traffic associated with the child care component of the proposed development to ensure the impact on the surrounding public roads (including on-street parking) is minimised and*
- *Clause 5.3(e) of Section 3.2 (Child Care Centres) of Council's DCP requires a Road Safety Audit (RSA) to be undertaken for a childcare centre development on a collector road. The development site is situated off Station Street, which is defined as a collector road under Council's road hierarchy. In this regard, a RSA is required to be submitted as part of the subject application for review by Council's Transport Department.*

Environmental Health Officer

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

SEPP 55

A preliminary site investigation report has been completed by EI Australia dated 17 November 2020 and titled "Preliminary Site Investigation 79-81 Station

ITEM 2 (continued)

Street, West Ryde E24821.E01_Rev 0" states that the "land was deemed suitable for the proposed (child care) development, subject to the implementation of the recommendations provided in section 7". The recommendations have been included as conditions for this application.

Waste Management

The waste management plan does not provide a location of the waste depot where the materials will be sent. The waste management plan shall be modified to include the details of the waste depot where the materials will be sent – this has been included in the proposed conditions.

Acoustic

The acoustic report prepared by Acoustic Consultancy dated 25/9/20, titled "79-81 Station Street, West Ryde Childcare Centre Acoustic Assessment" states that "with the recommended acoustic barriers and sound absorption materials, activity noise emissions will comply with noise criteria for children activity." However, it is recommended that during the Construction Certificate phase of the development an assessment for plant noise be undertaken.

Conclusion

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

Council's Environmental Health Officer reviewed the amended proposal and raised no additional concerns.

Council's Landscape Architect

Council's Landscape Architect reviewed the proposal including the amended plans and Arborist Report and noted:

Arborist Report

Rooting Mapping of Tree 9 and 10 has been undertaken by Advanced Treescapes Consulting. From the report there are no roots from Tree 9 extending into the subject site.

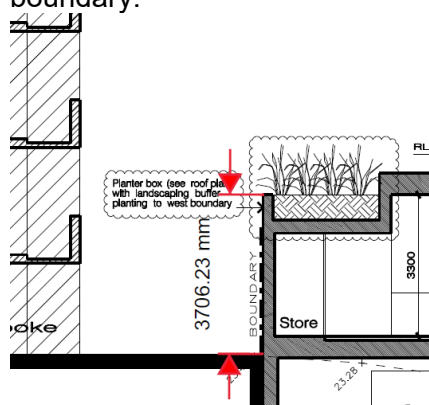
Root Mapping of Tree 10 in the subject site could not be undertaken because of a concrete slab. It is unlikely that any roots would extend under the slab into the site.

The Arborist report is now satisfactory.

ITEM 2 (continued)

Landscape Plans

Council's Landscape Architect raised a number of concerns relating to the proposed landscape scheme. The below table outlines each concern as well as the response received.

DCP requirement	Referral 13/04/2021	Response
Identify opportunities for deep soil planting and choice of appropriate species to suit the Conditions. (p41)	Unsatisfactory. The areas of deep soil do not have any trees planted in them.	Satisfactory. 3 trees have been planted in the Deep Soil Area.
Irrigation should be designed to use rainwater or recycled water. (41)	Unsatisfactory. No irrigation is proposed	Satisfactory There is a note on the plan stating irrigation will be provided to all planting areas
A landscape buffer is to be provided along the side and rear boundaries of the site for childcare centres in residential zones of a minimum width of 1 metre. (p41)	Unsatisfactory. No landscape buffer is provided along the south and west boundaries.	Unsatisfactory Planting areas on structure have been provided to south and west areas. However, the planting bed to the western boundary is at the roof level. This presents a 3.7 metres high blank wall on this boundary to the adjoining property. A blank wall on the boundary should be no more than 1.8 metres high, the same height as a normal fence on the boundary. 
Designs are to aim for ratios : i. 30% natural planting area (excluding turf); ii. 30% turfed area; and iii. 40% hard surfaces (sand, paving, timber platforms).	Unsatisfactory. The ratios for this play space are: i. 3% natural planting area (excluding turf); ii. 65% turfed area; and iii. 32% hard surfaces (sand, paving, deck).	Unsatisfactory The Landscape Plan states a "Specialist Playground Design" is to be prepared, however, this plan has not been supplied

ITEM 2 (continued)

	The areas of natural planting need to be increased and turf reduced.	
Sandpits. A wide paved sweeping edge (approx 750 mm wide) and an adjacent tap are essential	Unsatisfactory. The edge is only 300mm wide and no tap shown.	Refer above
Formal quiet areas are designed for activities such as finger painting and storytelling. They are generally 12-25 m ² each, and two is the minimum required.	Unsatisfactory. No obvious quiet areas have been provided.	Refer above

Secret places	Unsatisfactory. No obvious secrete places have been provided.	Refer above
Active areas should be sited away from the building and usually contain climbing equipment and swings if there is sufficient space	Unsatisfactory. The play space is quite large however no active areas have been provided	Refer above
Surfaces are very important in play spaces. Natural surfaces are always preferable to artificial – for example grass, sand, mulch and pebbles are always better than artificial grass	Unsatisfactory Garden Beds with mulch need to be provided in the Outdoor Play Area	Refer above
Planting should be the dominant element in a play space providing shade, wind protection, and sensory richness A wide variety of shrubs should be chosen. (p44)	Unsatisfactory. Only 3% of the play space is planting.	Refer above
Designs are to incorporate suitable species which will achieve a canopy cover of 50-60% of the outdoor	Unsatisfactory. No canopy trees are shown to be planted in the Outdoor Play Area	Refer above

ITEM 2 (continued)

p play area within 5 years of planting. (p44)		
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The amended landscape plan did not satisfactorily address all matters raised, and therefore is not supported in its current form.

Council's Heritage Advisor

Council's Heritage Advisor reviewed the proposal as the site is located within the vicinity of Nos. 72 and 75 Station Street, which are both items of heritage significance, listed on Schedule 5 of the *Ryde LEP 2014*. Council's Heritage Advisor concluded:

While the subject site is within the vicinity of two listed items of local heritage significance, the dwellings (Nos.72 and 75 Station Street) are situated towards the crest of the hill and are separated by multiple properties, whereby there is no direct visual relationship between the heritage items and the subject site.

In this manner, the proposed redevelopment of the site can occur independently of the visual setting of the heritage items and the proposal is supported on heritage grounds accordingly.

No objections were raised to the proposed development. No conditions were recommended.

Council's Tree Management Officer

Council's Tree Management Officer reviewed the application with regard to the proposed removal of two (2) street trees (Bottlebrush) located toward the eastern boundary. Both trees are 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.

ITEM 2 (continued)

2. 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.

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 LDA2020/0493 for the construction of a two storey child care centre for 60 children, 10 staff and basement car parking for 13 car spaces on land at No. 79 to 81 Station Street, West 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. Insufficient detail has been provided with regard to adaptive learning spaces.
 - Part 2, Principle 4 – Sustainability. A Section J report addressing sustainability has not been submitted.
 - Part 2, Principle 5 - Landscape. The proposed landscape design does not contribute to the existing landscape character of the streetscape and neighbourhood. A lack of landscape buffer zones and deep soil planting result in poor amenity for users of the site as well as adjoining residents.
 - Part 2, Principle 6 – Amenity. The proposal has not been designed to provide high levels of amenity for the children, with the design

ITEM 2 (continued)

incorporating a subterranean outdoor play space. Part 3, 3.1 – Site selection and location. The proposal has not demonstrated the acoustic impacts on the adjoining residential properties. The findings in submitted acoustic report were based on inconsistent and impractical assumptions.

- 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.
- 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 or adjoining properties.
- Part 3, 3.4 - Landscaping. The proposed landscaping design does not contribute to streetscape and amenity.
- Part 3, 3.5 – Visual and acoustic privacy. Insufficient detail has been provided with regard to the proposed acoustic fence.
- Part 3, 3.6 – Noise and Air Pollution. The submitted acoustic report has concluded that traffic noise intrusion generated from Station Street to the indoor areas of the childcare centre will not exceed the noise criteria if all doors and windows remain closed. This will result in a non-compliance with ventilation requirements.
- 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, Principle 4.9 – Outdoor space requirements. The proposal provides for a subterranean outdoor space which is enclosed in by 1.8m high retaining walls which sit on top of proposed fencing.
- Part 4, 4.1 – Shade. The submitted documentation does not demonstrate that year round solar access is provided to outdoor play areas.

ITEM 2 (continued)

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 5.68m depth for the basement, 2.58m for the ground floor and 2.52m 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*:

- Section 2.0 – Size, Location and Site Selection 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.
 - The subject site does not meet minimum site area requirements. The RDCP requires sites to have a minimum area of 800m². The subject site has an area of 760.30m².
- Section 3.1, 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.
- Section 3.1, Clause 3.1 - All Child Care Centres. Clause 3.1 of the Ryde DCP 2014 requires that all child care centres are compatible with the streetscape. The proposal is not consistent with the existing or desired future character of the area.

ITEM 2 (continued)

- Section 4.0, Clause 4.1 Acoustic Privacy for children in the centre. The proposal has not demonstrated that children's play and sleep areas are not subjected to excessive traffic noise, or other external noises.
- Section 4.0, Clause 4.2 Acoustic Privacy for adjoining residents. The proposal has not demonstrated that site layout and building design, including internal layout, minimises the noise emitted from the centre and does not have an adverse impact on the amenity of surrounding residences.
- Section 3.0, Clause 3.2 and Section 5.0, Clause 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 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;
 - The proposal is inconsistent with Clause C36 in the Child Care Planning Guidelines and Clause 5.2(d) in Part 3.2 of the Ryde DCP 2014 as the proposal does not provide a designated loading area for service vehicles to ensure that service vehicles do not impede on pedestrian access to the site or impact on pedestrian safety;
 - The 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.
- Section 5.0, Clause 5.1 Car Parking, Traffic and Access and Part 9.3 Parking Controls of the Ryde DCP 2014. The application has not been supported by an access report prepared by a suitability qualified and accredited person.

ITEM 2 (continued)

- Section 3.0, Clause 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.
 - Section 3.3, Clause 2.5.1 Streetscape. The proposal is not compatible with the existing streetscape or desired future character of the area.
 - Section 3.3, Clause 2.9.3 – Rear Setback. The proposed 0.5m setback is not consistent with the existing or desired future character or the area.
4. The following documentation was not submitted and/or was considered to be inadequate:
- A landscape plan including details specifying the outdoor play space environment and prepared by a suitability qualified person was not submitted
 - An Air Quality Report was not submitted
 - A Section J report addressing sustainability was not submitted
 - An Access Report prepared by an accredited access consultant was not submitted
 - The findings in submitted acoustic report were based on inconsistent and impractical assumptions
 - Detail regarding the acoustic fencing, its location and height are inconsistent throughout the documentation submitted and
 - 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.

ITEM 2 (continued)

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. 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 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 LEP/DCP Compliance Table
- 3 Architectural Plans - subject to copyright provisions

Report Prepared By:

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Report Approved By:

Sandra Bailey
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Liz Coad
Director - City Planning and Environment

ITEM 2 (continued)

ATTACHMENT 1

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

Relevant clauses	Compliance with standard/provision	Compliance
Part 3 Early education and care facilities – specific development controls		
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.) 201.68m ² of indoor space provided, complying with regulation 107 (ii.) 422.59m ² of outdoor 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 2 (continued)

ATTACHMENT 1

Child Care Planning Guideline August 2017

Guideline	Compliance with standard/provision
Part 2 Design Quality Principles	
<p>Principle 1. Context Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and 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 with reliance upon retaining walls.</p> <p>The proposed building will appear overly dominant and out of character with the surrounding environment when viewed by the public domain.</p>
<p>Principle 2. Built Form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>The proposal seeks extensive cut across the site which necessitates retaining walls along all boundaries of the site. The proposed basement level necessitates retaining walls within the front setback. 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 which does not contribute positively to the character of the area due to the traffic impacts, increase hazards for pedestrians and impacts the amenity of surrounding properties.</p> <p>Further to this, the extent of excavation associated with the outdoor play area will add to the bulk of the proposal and creates a negative visual impact to the streetscape.</p>
<p>Principle 3. Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of</p>	<p>Insufficient detail has been provided with regard to the proposed adaptive learning spaces. The proposal includes extensive</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<p>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>excavation in the outdoor play space resulting in a subterranean space enclosed by retaining walls. This is not considered to provide a high level amenity for children or staff.</p>
<p>Principle 4. Sustainability Combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal has not been supported by a Section J report addressing sustainability. The proposal has not demonstrated consistency with this principle.</p>
<p>Principle 5. Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>The proposed landscape design does not contribute to the existing landscape character of the streetscape and neighbourhood. A lack of landscape buffer zones and deep soil planting result in poor amenity for users of the site as well as adjoining residents.</p> <p>Limited detail has been provided with regards to outdoor spaces design relating to the designated play areas.</p>
<p>Principle 6. Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments</p>	<p>The proposal has not been designed to provide high levels of amenity for the children. No detail regarding indoor or outdoor learning spaces has been provided.</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<p>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>Due to the extent of the excavation required to create a level building platform, the outdoor ground floor play space will have a subterranean feel. Enclosing walls along the western boundary have a height 2.96m and 2.7m along the northern elevation. The scale of these walls result in poor amenity for the space and limit available solar amenity and cross ventilation.</p> <p>The proposal has not been designed to provide a high level of amenity to children or staff. Comfortable, diverse and attractive spaces to learn have not been demonstrated.</p>
<p>Principle 7 - Safety Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>The proposal has been designed to provide a safe and accessible environment for parents and children. The application has been supported by an assessment against the CPTED.</p>
Part 3 Matters for Consideration	
3.1 Site Selection and Location	
<p>C1. For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> The acoustic and privacy impacts of the proposed development on the residential properties 	<p>An acoustic report has been submitted with the proposed development application prepared by Acouras Consultancy dated 25 September 2020. The findings in the report were based on the following assumptions:</p> <ul style="list-style-type: none"> <i>Source noise is averaged of the entire area of the outdoor playarea. For each outdoor playarea we have assumed the following number of children:</i> <ul style="list-style-type: none"> <i>Nursery (0-2), up to 20 children.</i> <i>Toddler (2-3) up to 14 children.</i> <i>Preschool (3-5) up to 27 children.</i>

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ATTACHMENT 1

Guideline	Compliance with standard/provision
	<ul style="list-style-type: none"> • <i>During outdoor play times, a maximum of:</i> <ul style="list-style-type: none"> • <i>Ground level: 14 children aged 3-5 and 14 children aged 2-3.</i> • <i>Level 1: 20 children aged 0-2.</i> • <i>On the ground level and level 1, there is a solid awning over the outdoor play areas. The underside of the awning covering the outdoor play area is to be lined with sound absorption material (min. NRC 0.5), such as Acoufelt or CSR Martini.</i> • <i>On the perimeter the ground level outdoor play area there is a 1.8 metre high fence (above the ground level), the total height from the ground floor play area is approximately 4.8 metres. Refer to Figure 2. On level 1, play area there is a 1.2m high solid balustrade. Refer to Figure 3. There are to be no gaps in the barriers.</i> • <i>Calculations have been conducted based on ISO9613 using CadnaA (version 4.5.149). Source height is taken a 1m above the play area level.</i> • <i>Pre-recorded music played in the centre has not been included in these predictions. However, if any pre-recorded music is played in the indoors activity rooms, it is recommended that all doors and windows closed.</i> • <i>The internal noise level (with windows/doors closed) is predicted to be less than 35dBA at the receivers and therefore has not been included in the calculation tables.</i> <p>The abovementioned assumptions are not considered practical. No detail has been provided on how these assumptions would be managed in the day to day operation of the centre. Specifically no detail was provided on how the staff would be able to split each room or the ratios required to achieve this.</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> The setbacks and siting of buildings within the residential context 	<p>Further, the assumption that a solid awning is proposed over the outdoor play areas is incorrect. No awning is proposed over the first floor outdoor play area.</p> <p>In addition to this, the findings have been based on the assumption that the internal noise levels will be less than 35dBA. This is based on windows and doors being closed. This is impractical as in order to achieve this the proposal would not achieve cross ventilation requirements.</p> <p>This report is considered to be insufficient and forms part of the recommendation for refusal.</p> <p>The basement has a nil setback from the southern boundary and eastern boundary and an approximate 300mm setback from the western boundary.</p> <p>The proposed centre based child-care facility has a front setback of 6m 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"> North side boundary – 5.1m South boundary – 1.5m <p>The following setbacks have been provided to the side and rear boundaries from the first floor:</p> <ul style="list-style-type: none"> North side boundary – 5.1m South boundary – 1.5m <p>The proposed building has 50mm setback from the western boundary. This is not consistent with surrounding residential properties.</p> <p>The proposed front setback is consistent with that of adjoining properties and those</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Traffic and parking impacts of the proposal on residential amenity. • For proposed developments in commercial and industrial zones, consider: • Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • The potential impact of the facility on the viability of existing commercial or industrial uses. 	<p>applicable to two storey residential development.</p> <p>A Traffic and Parking Impact Assessment Report and subsequent addendum prepared by Hemanote Consultants has been submitted.</p> <p>Council's Senior Traffic Engineer reviewed the Traffic Impact Assessment and the supplementary information provided and determined that insufficient information was provided to 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> <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>C2</p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • The location and surrounding uses are compatible with the proposed development or use • The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • The characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse 	<p>The site has a significant cross fall from the north west corner to the south eastern corner of 6.86m. The proposal relies upon a basement level to accommodate off street parking. The application proposes sixty (60) children and is defined as a large centre. The proposed use is not considered to be appropriate.</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.</p>

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ATTACHMENT 1

Guideline	Compliance with standard/provision
<p>environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</p> <ul style="list-style-type: none"> Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use There are suitable drop off and pick up areas, and off and on street parking The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	
<p>C3. A child care facility should be located:</p> <ul style="list-style-type: none"> Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship Near or within employment areas, town centres, business centres, shops With access to public transport including rail, buses, ferries In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>Ross Smith Avenue Neighbourhood Park is approximately 150m from the subject site.</p> <p>The site is also within 500m walk to bus stops and Meadowbank Train Station.</p>
<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> Proximity to: <ul style="list-style-type: none"> Heavy or hazardous industry, waste transfer depots or landfill sites 	<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</p>

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ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> – LPG tanks or service stations – water cooling and water warming systems – odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. 	<p>relevant standards, children should not be foreseeably exposed to hazardous materials.</p>
3.2 Local Character, streetscape and the public domain interface	
<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • Contribute to the local area by being designed in character with the locality and existing streetscape • Reflect the predominant form of surrounding land uses, particularly in low density residential areas • Recognise predominant streetscape qualities, such as building form, scale, materials and colours • Include design and architectural treatments that respond to and integrate with the existing streetscape • Use landscaping to positively contribute to the streetscape and neighbouring amenity • Integrate car parking into the building and site landscaping design in residential areas. 	<p>Refer to assessment of Design Quality Principles.</p>
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • Fencing to ensure safety for children entering and leaving the facility • Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • Integrating existing and proposed landscaping with fencing. 	<p>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 – noting the subject site is a corner site. The proposed acoustic fencing is located above the retaining wall along the western boundary and results in a height of 3.2 metres when viewed from the proposed play space at ground floor.</p> <p>The proposal provides for a first floor balcony within the northern elevation which provides passive surveillance of Sherbrooke Road and Station Street adding an element of safety to the proposed development.</p>

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ATTACHMENT 1

Guideline	Compliance with standard/provision
	The proposed landscape design integrates the front fence within the design.
C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	A single building is proposed. All entry points have been designed for legibility and access by visitors.
C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: <ul style="list-style-type: none"> • Clearly defined street access, pedestrian paths and building entries • Low fences and planting which delineate communal/ private open space from adjoining public open space • Minimal use of blank walls and high fences. 	The development does not adjoin public parks, open space or bushland.
C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	The proposal includes rendered masonry walls along the boundaries. The exact height of the proposed retaining walls along the eastern elevation cannot be ascertained due to insufficient detail. It has calculated the proposal will result in wall heights up to 2m along the side and front boundaries when viewed from Station Street and Sherbrooke Road.
C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Not applicable as the site is not a classified road.
3.3 Building orientation, envelope and design	
C11	

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • Optimise solar access to internal and external play areas • Avoid overshadowing of adjoining residential properties • Minimise cut and fill • Ensure buildings along the street frontage define the street by facing it 	<p>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 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. Due to the extent of the excavation proposed, the ground level play space will have enclosing walls of between 2.96m along the western boundary and 2.7m along the northern. This will result in unacceptable solar access to the outdoor play space, particularly given it is additionally roofed and is discussed further in the assessment report.</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 5.68m associated with the basement garage. This has been calculated from the finished floor level of the basement garage: RL 17.60 and the existing ground level RL 23.28.</p> <p>The rear outdoor play area immediately adjoining play room 2 is noted within a FFL20.70 and includes 2.52m of cut.</p> <p>The extent of cut has not been minimised and this forms part of the recommendation for refusal.</p> <p>The design of the building presents as three storey to Station Street. The basement entrance is wholly above the ground with a two storey element above and dominates the streetscape. The proposal is not consistent with the existing streetscape or desired future character of the area.</p>

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ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>See the assessment report for further discussion.</p> <p>The proposed centre (playrooms, play areas) are not located above ground level. The proposed ground floor play areas has a RL20.70 and relies upon 2.52m of cut. The proposal includes a western wall 2.96m height surrounding the play space and results in an unacceptable outcome.</p>
<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> Building height should be consistent with other buildings in the locality Building height should respond to the scale and character of the street Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility Setbacks should provide adequate access for building maintenance Setbacks to the street should be consistent with the existing character. 	<p>The maximum building height of the proposed development is 7.7m. This has been calculated at the roof ridge RL 27.70 and an interpreted existing ground level directly below at EGL RL 20.00.</p> <p>The proposed building height of 7.7m is compliant with the maximum height control of 9.5m specified within RLEP 2014. Despite the height of the centre, the proposal includes three levels which present directly to Station Street and is contrary to the low scale residential development along the eastern side of Station Street.</p> <p>The proposed centre is setback 1.5m from the northern side boundary and 5.1m from the southern side boundary to the buildings edge.</p> <p>The proposal is setback 50mm from the western boundary. This is not consistent with that of surrounding properties and does not provide for adequate space for access for building maintenance. The proposal includes a western wall height of 3.74m presently to 4 – 6 Sherbrook Road and results in an unacceptable visual impact, particularly given the reduced setback.</p> <p>The proposed centre based child-care facility has a front setback of 6m to the front</p>

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Guideline	Compliance with standard/provision
	faced. Whilst the proposed setback is reflective of the adjoining property, the proposal is not consistent with the existing streetscape or desired future character of the area.
<p>C13 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>Station Street is not a classified road.</p> <p>The proposed centre based child-care facility has a front setback of 6m to the front faced. Whilst the proposed setback is reflective of the adjoining property, the proposal is not consistent with the existing streetscape or desired future character of the area.</p>
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The side setbacks of the proposed development are not consistent with the broader streetscape. This is not consistent with the requirements of the RDCP 2014 or consistent with surrounding properties.</p>
<p>C15 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"> • Respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • Retains and reinforces existing built form and vegetation where significant • Considers heritage within the local neighbourhood including identified heritage items and conservation areas • Responds to its natural environment including local landscape setting and climate <p>Contributes to the identity of place</p>	<p>Refer to discussion of Design Quality Principles.</p>
<p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • Located to allow ease of access, particularly for pedestrians • Directly accessible from the street where possible 	<p>The entry point to the proposed development allows for ease of access with a 1 in 17 pathway/access ramp which leads up to the building entry.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Directly visible from the street frontage • Easily monitored through natural or camera surveillance • Not accessed through an outdoor play area. • In a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The entry to the proposed development is directly accessible from the street via a pedestrian access ramp.</p> <p>The front entry of the proposed centre-based child care facility is clearly visible from Station Street.</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>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • Providing accessibility to and within the building in accordance with all relevant legislation • Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry 	<p>An BCA and Access report was submitted with the application. The report contained insufficient detail with regard to compliance with relevant legislation. Further, the author of the report, Manor House Design Australia Pty Ltd does not appear to be an accredited Access Consultant. A search of the Association of Consultants in Access Australia Inc directory confirmed this.</p> <p>This report is considered to be insufficient and forms part of the recommendation for refusal.</p> <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>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	The extent of ramping has been minimised.
3.4 Landscaping	
<p>C18 Appropriate planting should be provided along the boundary integrated with fencing.</p> <p>Screen planting should not be included in calculations of unencumbered outdoor space.</p>	<p>Screen planting has been proposed along the southern and northern boundaries.</p> <p>To the western boundary buffer planting is proposed along the roof top. Noting this does present as a 3.74m high blank wall to the adjoining property.</p> <p>This is not an acceptable outcome and is further discussed in the assessment report.</p>
<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings Taking into account streetscape, local character and context when siting car parking areas within the front setback 	<p>Not applicable as basement car parking is proposed.</p> <p>No car parking would be located within the front setback.</p>
3.5 Visual and acoustic privacy	
<p>C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	The proposed development is not a mixed-use development.
<p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> Appropriate site and building layout Suitably locating pathways, windows and doors 	As a result of the extensive excavation, the ground floor outdoor play space will be sunken, creating a closed, subterranean environment and does not achieve the desired amenity for the outdoor play space.

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> Permanent screening and landscape design. 	
<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> Appropriate site and building layout 	<p>Indoor and outdoor play spaces have been suitably located to minimise overlooking to indoor and outdoor play spaces from the public domain. However, due to the extent of the excavation proposed, the outdoor ground floor play space will be subterranean. The play area will be surrounded by enclosing walls up to 2.96m in height.</p> <p>This is an unacceptable outcome and is discussed further in the assessment report.</p> <p>Pathways and doors suitably located.</p>
<ul style="list-style-type: none"> Suitable location of pathways, windows and doors Landscape design and screening. 	<p>Landscaping design treatments have been used to provide screening and prevent overlooking into adjoining dwellings.</p>
<p>C23 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). 	<p>All adjoining properties surrounding the subject site contain a residential use. The proposal has stated a 1.8m masonry acoustic fence along the front, side and rear boundaries are proposed</p> <p>Exact height of the proposed masonry fence is unknown as insufficient detail has been provided, however, calculations estimate the wall height will be approximately 3.7m above existing ground level when viewed from 4 – 6 Sherbrooke Road and 2m to 1.2m along the side boundary when viewed from Sherbrooke Road.</p> <p>The proposed fence when viewed from 83 Station Street will have a height of 1.8m.</p> <p>The approximate height of the masonry fence at the front of the site was unable to be determined.</p> <p>This matter is discussed further in the assessment report.</p>

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Guideline	Compliance with standard/provision
3.6 Noise and Air Pollution	
<p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • Creating physical separation between buildings and the noise source • Using landscaping to reduce the perception of noise • Limiting the number and size of openings facing noise sources • Locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>The proposal provides adequate setbacks as well as acoustic fences to separate from external noise sources. However, the proposed height of the masonry acoustic fencing is considered an unacceptable outcome.</p> <p>Refer to earlier comments in relation to screening planting.</p> <p>Door and window openings are located away from Station Street. Door openings facing Sherbrooke Road are setback approximately 18m.</p> <p>Play areas and cot rooms would be located towards the rear of the proposed development.</p>
<p>C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • On a major or busy road • Other land that is impacted by substantial external noise 	<p>The subject site is located within the R2 Low Density Residential Zone and is not located within an ANEF contour.</p> <p>The submitted acoustic report has concluded that traffic noise intrusion generated from Station Street to the indoor areas of the childcare centre will not exceed the noise criteria if all doors and windows remain closed. This will result in a non-compliance with ventilation requirements.</p>
<p>C27 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.</p>
<p>C28</p>	

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Guideline	Compliance with standard/provision
<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility 	<p>An Air Quality assessment report was not submitted as part of this application and forms part of the recommendation for refusal.</p> <p>Further, as stated above in order to achieve high levels of acoustic amenity for users of the centre and adjoining properties, all windows and doors will be required to remain shut. Cross ventilation will not be achieved.</p>
3.7 Hours of Operation	
<p>C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>The proposed hours of operation are 7:00am to 6:00pm Monday to Friday.</p>
<p>C30 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>
3.8 Traffic, parking and pedestrian circulation	
<p>C31. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking</p>	<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 60 children and 10 staff.</p>

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<p>should be provided at the following rates: Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high-density business or residential zone • the site is in proximity to high frequency and well-connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>A total of 13 car parking spaces are required (8 for parent use and 5 for staff use).</p> <p>A total of 13 car parking spaces have been provided (8 for parent used and 5 for staff use).</p>
<p>C32 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>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected 	<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. Further, a Road Safety Audit was not provided.</p>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> there will be no impacts on the safe operation of the surrounding road network. 	<p>Insufficient information has been submitted to satisfy this principle.</p>
<p>C34. Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	<p>N/A</p>
<p>C35. Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>N/A</p>
<p>C36. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas 	<p>Pedestrian access is provided from the car park to the facility via stair and lift access. A pathway within the basement are provided along the southern edge. However, no pathway is provided for access to parking spaces along the northern edge of the car park.</p> <p>Separate pedestrian and vehicle entries have been provided from Station Street.</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>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. 	<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. A full assessment in regard to this principle was not able to be undertaken.</p>
<p>C37. Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not applicable, as the site development is not for a mixed use.</p>

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<p>C38. Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>Child safe fencing has been provided to separate car parking areas from the building entrance.</p> <p>Clearly marked accessible parking has been provided within the basement.</p> <p>Disabled parking has been provided within the basement.</p>
Part 4 Applying the National Regulations to development proposal	
<p>4.1 Indoor Space Requirements</p> <p>Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Storage It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> a minimum of 0.3m³ per child of external storage space 	<p>The proposed centre-based child care facility provides 201.68m² of unencumbered indoor space for 60 children. This equates to 3.36m² 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 amount of external storage required is 18.3m³ (61 x 0.3m³). The plans indicate that outdoor storage is provided adjacent to the NE side boundary. The room has an area of 6m². The submitted plans do not represent the height of this room and compliance with this requirement is unable to be determined.</p> <p>The amount of internal storage required is 12.2m³ (61 x 0.2m³). Storage rooms on both the ground and first floor are proposed. The</p>

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<ul style="list-style-type: none"> a minimum of 0.2m³ per child of internal storage space. 	<p>combined space equates to 18m³. This requirement is considered to be met.</p>
<p>4.2 Laundry and hygiene facilities</p> <p>Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.</p> <p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> a washer or washers capable of dealing with the heavy requirements of the facility a dryer laundry sinks adequate storage for soiled items prior to cleaning an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2) <p>External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p>Laundry facilities have been provided in the ground floor level and therefore the proposed development is compliant with Regulation 106 (Education and Care Services National Regulations).</p> <p>The proposed laundry is 2.2m x 2.5m 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>4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations 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>The toilet and nappy change facilities have been appropriately located for safe and convenient use with washing and drying facilities.</p>

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<p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	<p>Insufficient detail has been provided to determine compliance with this Part.</p> <p>Low level sinks and handwashing facilities have been included within the bathrooms.</p> <p>Sink and handwashing facilities provided in all bathrooms.</p> <p>Direct access from activity rooms provided. Toilet facilities are accessible via the indoor and outdoor play space.</p> <p>Insufficient detail has been provided to determine compliance with this Part.</p> <p>Location of external windows, prevents observation from neighbouring dwellings into the centre-based child care facility.</p>
<p>4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p>Ventilation To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p>	<p>The submitted acoustic report has concluded that traffic noise intrusion generated from Station Street to the indoor areas of the childcare centre will not exceed the noise criteria if all doors and windows remain closed. This will result in a non-compliance with ventilation requirements. This forms part of the recommendation for refusal.</p> <p>No skylights proposed.</p> <p>2.5m floor to ceiling height proposed within the basement.</p>

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<p>Natural Light Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations • using skylights as appropriate • ceiling heights. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest. 	<p>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>4.5 Administrative Space</p> <p>Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>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>4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>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>

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<p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area • positioning to enable supervision of the activity and play areas. 	<p>Sinks/washing facilities are provided within the nappy change areas.</p> <p>Positioned within the indoor play spaces to allow for supervision.</p>
<p>4.7 Premises designed to facilitate supervision</p> <p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> • solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision • locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties • avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children • avoiding multi-level rooms which compromise, or require additional staffing, 	<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>Specific details of the toilet facilities have not been provided.</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>

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<p>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.</p> <p>4.8 Emergency and evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations • 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: 	<p>Basic instructions are provided on the concept evacuation floor plans.</p> <p>Emergency and evacuation floor plan have 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>

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Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> the mobility of children and how this is to be accommodated during an evacuation the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios. 	
<p>4.9 Outdoor Space requirements</p> <p>Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> be open on at least one third of its perimeter have a clear height of 2.1 metres have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter have adequate flooring and roofing been designed to provide adequate protection from the elements. <p>Simulated outdoor environments should include:</p>	<p>The proposed centre-based child care facility provides 422.59m² of unencumbered outdoor space for 60 children. This equates to 7.04m² of unencumbered outdoor space for each child which is compliant with the Education and Care Services National Regulation.</p> <ul style="list-style-type: none"> Both the ground and first floor verandah areas are open for at least one third of their perimeter Each verandah area has a height of 2.7m Adequate flooring and roofing is proposed. <p>Insufficient detail has been provided to enable an assessment against this part of the Guideline. This matter is discussed further in the assessment report.</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • 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 • skylights to give a sense of the external climate • 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 • sand pits and water play areas • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks • vegetable gardens and gardening tubs. 	
<p>4.10 Natural Environment</p> <p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • assist supervision and minimise opportunities for bullying and antisocial behaviour 	<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>Specific detail of outdoor play equipment has not been provided.</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 	
<p>4.11 Shade Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Solar access Outdoor play areas should:</p> <ul style="list-style-type: none"> have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. <ul style="list-style-type: none"> provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area <p>Natural Shade Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> placing appropriately scaled trees near the eastern and western elevations providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter. <p>Built shade structures</p>	<p>Shade sails have been provided within the outdoor play space.</p> <p>Due to the extent of the excavation required to create a level building platform, the outdoor ground floor play space will have a subterranean feel. Retaining walls to a maximum height of 5.2m will be erected along the rear boundary, and a height of 3.5m along the northern boundary. This will result in unacceptable solar access to the outdoor play space.</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>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. 	
<p>4.12 Fencing Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p> <p>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • Design considerations for side and rear boundary fences could include: • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering</p>	<p>The proposal includes a 1.8m high solid acoustic barrier fence to the surrounds of the outdoor play space.</p> <p>Specifications have not been provided with regard to the proposed fence.</p>

ITEM 2 (continued)

ATTACHMENT 1

Guideline	Compliance with standard/provision
<p>unsupervised by use of childproof locking systems (refer to Figure 11).</p>	
<p>4.13 Soil Assessment Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>A Preliminary Site Investigation (PSI) was submitted as part of the Development Application prepared by Ei Australia (dated 17 November 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>

ITEM 2 (continued)

ATTACHMENT 2

Compliance Assessment

LDA No:	LDA2020/0439
Date Plans Rec'd	14 May 2021 (Amended Plans)
Address:	78-81 Station Street, West Ryde
Proposal as lodged:	Demolition, new two storey child care centre accommodating 61 children and 9 staff with basement car parking for 13 vehicles.
Proposal as amended:	Demolition, new two storey child care centre accommodating 60 children and 9 staff with basement car parking for 13 vehicles.

COMPLIANCE CHECK

RYDE LEP 2014	PROPOSAL	COMPLIANCE
2.7 Demolition requires development consent	Demolition of the existing structures on site is sought as part of this consent.	Yes
4.3(2) Height • 9.5m	7.70m Top of ridge RL 27.70 EGL – RL 20.00	Yes
4.4(2) & 4.4A(1) FSR • 0.5:1 Total Site Area: 760.30m ² Max GFA permitted: 380.15m ²	Ground Floor – 237.10m ² First Floor – 130.1m ² Total – 367.35m ² GFA – 367.35m ² FSR - 0.48.5:1	Yes
5.10 Heritage Conservation	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: • 72 Station Street • 75 Station Street Due to the significant distance from the subject site to the Heritage Items, Council's Heritage Advisor raised no objections to the proposed	Yes

ITEM 2 (continued)

ATTACHMENT 2

	development. See Assessment Report for further details.	
6.1 Acid Sulfate soils	The subject site is affected by an Acid Sulfate Soil classification of 5 and is located approximately 175m from land with a classification of 2. See Assessment Report for further details.	Yes
6.2 Earthworks	The extent of earthworks proposed raise issues with the development design, as discussed throughout the Assessment Report.	No
6.3 Flood planning	The subject site is not affected by flooding.	Yes
6.4 Stormwater management	The proposed stormwater management system is supported by Council's Senior Development Engineer subject to recommended conditions of consent.	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
Part 3.2 – Child Care Centres		
Child Care Centre Design		
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 by Sam Tadros by Manor House Design who is registered under the NSW Architects Registration Board.	Yes
Suitability of Location and Site for Child Care		
Preferred Locations		
Single use developments: Corner allotments > 17m	The proposed child care centre is not located on a corner allotment. Street frontage: 33.50m	Yes
Single use – minimum site area of 800m ² – regular in shape	Total Site Area: 760.30 m ² The site is a corner shaped allotment.	No

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
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	Station Street is not a cul-de-sac.	Yes
Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)	No sex-service premises have been identified within close proximity to the subject site.	Yes
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	The site falls 6.6m from the north west corner to the south west corner. The application proposes approximately 2.5m excavation in the northern portion of the site in order to ensure the outdoor play areas are at the same grade as indoor.	No. See assessment report for further discussion.
Aspect permits maximum solar access and natural ventilation	Adequate solar access is provided to proposed outdoor play space. Portions of the private open space of the property to the south are overshadowed throughout the day. A small portion directly to the rear of the dwelling will be in complete shadow. Windows along the northern elevation of the existing dwelling will also be in shadow.	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	To the west of the site is a four (4) storey residential flat building to the west. This building was constructed in 1993. However, given the zoning and height limitations	Yes

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
	within the surrounding area, it is unlikely that the child care centre would be significantly overshadowed by existing or future development on surrounding sites.	
Site not subject to undue overlooking from existing or future adjoining development	<p>To the west of the site is a four (4) storey residential flat building. Balconies look directly over the roof of the centre which create potential for overlooking of the ground floor outdoor play area.</p> <p>The existing residential flat building is located approximately 5m behind the main ground floor outdoor playspace. Further, the residential flat building is setback a distance of 4.5m from the subject site.</p> <p>Given the location of the existing residential flat building being behind the ground floor play spaces area as well as the existing separation distance, no overlooking concerns are raised.</p>	Yes
<p>Preferred locations for larger centres in residential areas;</p> <ul style="list-style-type: none"> - Sites located on street corners - Sites share common boundaries with compatible non-residential uses - Compatible land uses subject to acceptable traffic and parking 	<p>The proposed centre (as amended) would accommodate 60 places, and is therefore considered to be a larger centre. The development would not be located on a preferred site, noting:</p> <ul style="list-style-type: none"> • The site does not meet minimum site area requirements • The site has a significant slope from the north west corner to the south west corner of 6.6m • The site is overlooked by the existing residential flat building to the west • The site does not share boundaries with non- 	No

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
	residential uses, and its scale and <ul style="list-style-type: none"> The likely traffic generation is not consistent with surrounding sites. 	
In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.	The proposed development would occupy a single site, though it would cater for 60 children (as amended). It would share common boundaries with two (2) adjoining residential properties.	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
Assessing Child Care Needs and Size of Facility		
All development applications for child care centres are required to identify: i. Proposed total number of child care places. ii. Proposed number of children by age group; iii. Proposed number of staff including all full time and part time staff, and role of each staff member	<p>The proposal seeks to accommodate 60 children (as amended).</p> <p>The proposed age group breakdown for the child care centre is as follows</p> <p>0-2 years – twenty (20) 2-3 years – ten (10) 3-6 years – thirty (30)</p> <p><i>The number of educators to children ratios is regulated by the Education and Care Services National Regulations.</i></p> <p><i>The ratios were updated on 1 January 2016. The ratios are provided as follows.</i></p> <p>1:4 (birth to 24 months) 1:5 (24-36 months)</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
	<p><i>1:10 (Older than 36 months)</i></p> <p>Proposed</p> <p>Playroom 1 – (0-2 years) – 20 children – 5 educators required. 5 educators provided.</p> <p>Playroom 2 - (2-3 years) – 10 children – 2 educators required 2 educators provided.</p> <p>Playroom 3 – (3-6 years) – 30 children – 3 educators required 3 educators provided.</p> <p>A staff breakdown which includes, managerial staff, cooking staff has not been included with the submitted documentation.</p>	
Site Analysis		
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 Manor House Design.	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 S.j Surveying Services.	Yes
Design and Character		
<ul style="list-style-type: none"> All Child Care Centres Designed in accordance with CPTED	It is considered that the proposed child care centre will provide opportunities for active and casual surveillance. The proposed building entry fronts Station Street and provides clear sightlines from internal areas and public spaces.	Yes

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
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	Adequate natural ventilation can be achieved. Solar access is provided to the first floor of the proposed centre via sky lights, highlight windows and the glazed doors to the covered deck. Solar access to the ground floor of the proposed centre is proposed via highlight windows and the glazed doors to the covered deck. The highlight windows will be in shade most of the day. The outdoor play space will be further shadowed by the 1.8m high masonry fence which runs along the boundaries creating a subterranean environment.	No. See assessment report for further comment.
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 rendered brick finish and timber slats which is considered to be consistent with the broader streetscape and	Yes

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
Frontages and entries are to be designed to be readily apparent from the street frontage	reflect the desired future character of the area. The submitted plans show that entries are readily apparent from Station Street.	Yes
Where fill is proposed to be used, clean fill must be used.	Can be addressed by conditions in the event of an approval.	Yes
Setbacks Note: For residential zones, setbacks are to be in accordance with the requirements of Part 3.3 (Dwelling Houses and Dual Occupancies)		
Side Single storey dwelling 900mm to wall, includes balconies etc.	Proposed side setbacks: <ul style="list-style-type: none"> • North: 1.5m • South: 5.1m 	Yes
First floor addition 1500mm to wall, includes balconies etc.	The proposal is not for a new structure, not additions.	N/A
Two storey dwelling 1500mm to wall, includes balconies etc.	Proposed side setbacks: <ul style="list-style-type: none"> • North: 1.5m • South: 5.1m 	Yes
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	18.28m to the rear wall of the ground floor/7.4m to first floor outdoor deck.	Yes
Front 6m to façade (generally)	Proposed front setbacks: <ul style="list-style-type: none"> • 6m to the entry/façade • 0m setback to the basement car park Outdoor store room located within the setback area. The store room is located along the Station Street façade and is	No

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
2m to secondary street frontage	behind the 1.8m high masonry wall. 18.28m to the rear wall of the ground floor/7.4m to first floor outdoor deck.	Yes
Garage setback 1m from the dwelling façade	Basement garage proposed is setback 0m from the front boundary.	No
Wall above is to align with outside face of garage below.	The face of the carpark entrance is partially forward of the front building line.	No
Front setback free of ancillary elements e.g. RWT,A/C	The front setback is free of ancillary elements.	Yes
Rear 8m to rear of dwelling OR 25% of the length of the site, whichever is greater.	N/A	N/A
Sites wider than they are long 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).	Average site depth is: 27.87m Average site width is: 30.17m Setback: 18.28m to the rear wall of the ground floor/7.4m to first floor outdoor deck.	Yes
Rear setback 4m min (in addition to 8m side setback)	50mm	No
Privacy		
Acoustic Privacy – for children in the centre		
Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. Noise amelioration incorporated into design	The report contains insufficient information to enable assessment against this part of the RDCP 2014.	No
Acoustic Privacy – for adjoining residents		

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>Noise impacts on neighbouring properties are to be minimised by design measures including:</p> <ul style="list-style-type: none"> i. Orientating the facility having regard to neighbouring property layout ii. Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas iv. Using laminated or double glazing where necessary; v. Designing fencing which minimises noise transmission and loss of privacy 	<p>An acoustic report has been submitted with the proposed development application prepared by Acouras Consultancy dated 25 September 2020.</p> <p>The report contains insufficient information to enable assessment against this part of the RDCP 2014.</p> <p>This matter is discussed further in the Assessment Report.</p>	No
<p>Child care centres in residential areas with a side boundary set back of less than 3 metres, noise buffering measures should be considered</p>	Complies. See above.	Yes
<p>Acoustic report submitted including recommendations for noise attenuation measures and specifies pre and post development noise levels.</p>	Acoustic report provides recommendations for noise attenuation measures.	Yes
Visual Privacy – for children in the centre		
<p>Indoor areas adjacent to public areas shall be screened to prevent direct sight lines.</p>	Indoor areas are appropriately screen and sited to avoid any overlooking.	Yes
<p>Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including:-</p> <ul style="list-style-type: none"> i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; iii. Permanent screening and landscaping. 	Indoor and outdoor areas are appropriately screen and sited to avoid any overlooking from public areas.	Yes
<p>Windows and doors in the proposed centre are to be sited in locations which</p>	The proposed windows of the indoor play areas allow for this opportunity whilst still being	Yes

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
maximise security for children attending the centre.	appropriately set back from the front and side boundaries 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.	
Visual Privacy – for adjoining residents		
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 not private open spaces areas of properties to the east and south.	Yes
- 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 maximise privacy to adjoining properties.	Yes
5.0 Car Parking, Traffic and Access		
Car Parking		
All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	Council's Development Engineer reviewed the proposal and advised all on-site parking has been designed in accordance with Australian Standard AS2890.1 and AS 2890.2.	Yes
Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack parking for staff only and max 2 spaces	A total of 13 car parking spaces are required (8 for parent use and 5 for staff use). A total of 13 car parking spaces have been provided (8 for parent used and 5 for staff use).	Yes
Parking requirement to be rounded up to nearest whole number	Noted and applied.	-

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
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
Low Density Residential 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 building presents as three storey to Station Street. The basement entrance is wholly above the ground with a two storey element above and dominates the streetscape. The proposal is not consistent with the existing streetscape or desired future character of the area. See the Assessment Report for further discussion.	No
Work based child care centres, and centres in mixed use facilities	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

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
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
On Site Manoeuvrability		
The site must be able to accommodate a "U" shaped one-way driveway system with sufficient driveway turning area in addition to the parking spaces to enable vehicles to enter and leave in a forward direction	The proposed development incorporates a basement garage with a turning area. Council's Development Engineer reviewed the proposal and advised all on-site parking has been designed in accordance with Australian Standard AS2890.1 and AS 2890.2.	Yes
Variation on the requirement for a "U" shaped driveway meets following criteria i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other ii. To enable vehicles to leave the site in a forward gear; iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; iv. To ensure the front setback is not given over to traffic circulation and parking requirements which may unduly impact on streetscape and impact on the opportunity for landscaping to meet the requirements of Section 6 of this Part.	N/A	N/A
Separation - Not < 9m on turning circle of 15m and a	N/A	N/A
Separation - Minimum width of 12m between driveway laybacks.	N/A	N/A
Vehicle's not to encroach on pedestrian access ways. Barriers etc. do not block accessible paths of travel	Vehicles will not encroach on pedestrian access ways.	Yes

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
Separate pavement treatment to distinguish driveway from parking spaces	Not required for basements.	N/A
Impact on Traffic Flow		
Vehicles enter and leave the site in a forward direction. Drop off/pick up area designed separate to manoeuvring area SEE addresses likely impacts on amenity of existing streets.	Basement complies. The SEE submitted addresses the likely impacts on amenity that the proposed development will have on the existing street.	Yes 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 Station Street 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
Pedestrian Safety		
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
Accessibility		
Access provided in accordance with AS1428.1 and Part D of BCA, Part 9.2 of DCP 2014.	Insufficient information was provided to enable assessment	No

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
Minor alterations must not reduce accessibility, improvements must be made where possible,	against this part of the RDCP 2014. The proposal does not include building alterations.	N/A
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 1:17.	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
Landscaping and Play Spaces		
General Landscaping Requirement		
Landscape plan provided <ul style="list-style-type: none"> – Significant trees/vegetation to be retained and protection program during construction. – Hazardous plants avoided (poisonous, choking etc.) – Show landscaping of outdoor play spaces in accordance Section 6.2.2 – Considers effect of outdoor play on soil – Considers potential of tree roots to up-lift outdoor surfaces – Identify opportunities for deep soil planting and appropriate tree species 	The proposal was referred to Council's Landscape Architect has reviewed the proposal and advised that the landscape plans are insufficient and lacks relevant information. The proposal is not supported.	No

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> – Shrubs and trees that offer range of textures, colours and scents, for children's learning experience – Irrigation utilises rainwater or recycled water – Landscaping setback of 2m along front boundary – Landscape buffer provided along side and rear boundaries in residential zone, minimum width 1m 		
<ul style="list-style-type: none"> – 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
Miscellaneous Controls		
Signage		
All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	No signage proposed.	N/A
Exterior Lighting		
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
Waste Storage and Management		
Waste management plan submitted	Waste management plan has been submitted with the proposed development application	Yes
Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP.	A bin storage area has been provided within the basement carpark. 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		

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
child care centre development are to address the following considerations.		
- special removal service required for the removal/disposal of nappies	Insufficient details were provided to enable an assessment under this Part of the RDCP 2014. However, in the event of approval this matter can be conditioned.	Yes
- 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
- 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

ITEM 2 (continued)

ATTACHMENT 2

RYDE DCP 2014	PROPOSED	COMPLIANCE
Emergency Evacuation		
- 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
<p>The Fire Safety and Evacuation Plan is to address:</p> <ul style="list-style-type: none"> - i. The mobility of children and how this is to be accommodated during an evacuation; - ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and - iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios. 	Emergency Evacuation procedures and an emergency evacuation floor plan have been submitted with the proposed development application. The plan adequately addresses each point.	Yes