

**Item 1**

**5 Aeolus Street, Ryde - LDA2021/0445**

**Demolition, construction of 48 place child-care centre**

**Report prepared by:** Senior Coordinator - Development Assessment

**Report approved by:** Executive Manager City Development

**City of Ryde  
Local Planning Panel Report**

<b>DA Number</b>	LDA2021/0445
<b>Site Address &amp; Ward</b>	5 Aeolus Street, Ryde Lot 10 DP 7159 Central Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	Demolition of structures and child care centre
<b>Property Owners</b>	Mr N Navasardian and Mrs S Navasardian
<b>Applicant</b>	Mr Nigel White, Planning Direction P/L
<b>Report Author</b>	Holly Charalambous, Senior Coordinator Development Assessment
<b>Lodgement Date</b>	23 December 2021
<b>No. of Submissions</b>	Fifteen (15) submissions objecting to the development and 1 petition consisting of 12 signatures during the first notification period.
<b>Cost of Works</b>	\$2,470,050.00
<b>Reason for Referral to Local Planning Panel</b>	<b>Contentious Development</b> – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application - Schedule 1, Part 2 of Local Planning Panels Direction and <b>Departure from development standards</b> – contravention of the floor space ratio development standard by more than 10% - Schedule 1, Part 3 of Local Planning Panels Direction
<b>Recommendation</b>	Refusal

<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed plans</li> <li>2. SEPP Table of Compliance</li> <li>3. DCP Table of Compliance</li> <li>4. Operational Management Plan</li> <li>5. Independent traffic and parking peer review by TTPP</li> </ol>
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## 1. EXECUTIVE SUMMARY

The proposal is for the construction and operation of a 48 place child care centre with at-grade parking at 5 Aeolus Avenue, Ryde.

This application is reported to the Ryde Local Planning Panel (RLPP) for determination in accordance with the *Environmental Planning and Assessment Act 1979* (*the Act*), Section 9.1 - Directions by the Minister for the following reason:

- The proposal is a 'Contentious development' to which more than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application; and
- Contravention of the floor space ratio development standard by more than 10%.

The key issues that need to be considered by the Panel in respect of this application are:

- Access, traffic and congestion
- Bulk and scale
- Restrictive operation of the facility
- Site suitability
- Issues raised in submissions including access, traffic and congestion; safety; safety during construction; inadequate parking on and off site; suitability of the site; accessibility; overdevelopment; noise, privacy and amenity; overshadowing to adjoining property to the south at No. 3A Aeolus Avenue; and non-compliance with the controls (Child Care Planning Guidelines, Ryde LEP 2014 and Ryde DCP 2014).

Each of these key issues have been addressed in the report.

The development application was notified to the surrounding property owners and occupants and 15 submissions and 1 petition consisting of 12 signatures were received in response. The applicant submitted amended plans and reports in response to the issues raised in submissions. The majority of the objections are not considered to be resolved by the amended plans. On this, basis, the amended plans were not re-notified. The issues raised in these submissions are considered sufficient to warrant the refusal of the application and are addressed in this report.

Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have identified issues of concern that cannot be dealt with by conditions of consent.

The proposal comprises a balcony play space area with acoustic barriers to a height greater than 1.4m. Council's position is that the balcony space is included in the calculation of floor space ratio (FSR) under clause 4.4 of the Ryde Local Environmental Plan 2014, which results in the proposal exceeding the development standard for FSR permitted on the site. The applicant has argued that this area should not contribute to the FSR calculation and on that basis no clause 4.6 variation request was submitted. Council does not support this argument, and the proposal cannot be supported in the absence of a Clause 4.6 variation request.

The proposal is not consistent with the requirements of the *Childcare Planning Guideline*, including several of the design quality principles, matters for consideration and Regulations, as well as with development controls contained within the Ryde Development Control Plan 2014.

It is recognised that the proposed child care facility is permissible with consent. However, when considered on balance, the site is not suitable for this development due to access to and from the site being obstructed by traffic congestion, and the operation of the facility is likely to further exacerbate this issue. The applicant has failed to resolve this traffic issue during the assessment of this subject Development Application (DA), as well as 2 previous DAs submitted to Council. The proposed built form is of a considerable size due to the acoustic screening required to enclose the parking area and first floor balcony and the resulting bulk and scale is excessive in the context of this Low Density Residential setting. The operation of the facility is constrained in order to achieve suitable acoustic levels for children using the indoor play spaces and neighbouring dwellings, which is likely to result in adverse impacts to neighbouring residents.

The proposal results in significant adverse impacts upon neighbouring properties and in terms of safety for vehicles and pedestrians, which cannot be suitably managed by conditions of consent. The site is not considered suitable for the purpose of a child care facility and is not supported. The application is therefore unsatisfactory when evaluated against section 4.15 of the Act.

The application is accompanied by a Preliminary Environmental Site Investigation Report prepared by Land and Groundwater Consulting Pty Ltd. The report states that residential structures have occupied the site since the 1920s and that no evident sources of mobile contamination were visually identified on site. The report concludes that the site is suitable for the proposed child care facility. The proposal is considered to satisfy the requirements of clause 4.6 of Chapter 4 Remediation of land of State Environmental Planning Policy (Resilience and Hazards) 2021.

This report concludes that in its context, this development proposal is not able to be supported in terms of the development's broader strategic context, function and overall public benefits.

This report recommends that the Panel refuse the application for the reasons detailed in this report.

## 2. THE SITE & LOCALITY

The site is known as No. 5 Aeolus Avenue, Ryde. The site is rectangular in shape with a width of 20.18m and a length of 59.145m. The site has an area of 1,206m<sup>2</sup> and is legally described as Lot 10 in DP 7159.

The site currently accommodates a dwelling house and garage with vehicular access at the western corner of the site. There are 14 small trees generally located around the perimeter of the site, all of which are considered to be exempt due to their size and/or species). The site slopes downwards to the southern corner at the rear by up to 5.03m.

The adjoining site to the south accommodates a single storey residential dwelling which is sited near the road frontage, with a substantial grassed area at the rear. Further to the south is an apartment building development (3 storey walk up) and an aged care facility (Saint Antonio da Padova Nursing Village on the corner of Aeolus Avenue, North Parade and Blaxland Road).

The adjoining sites to the north comprise a single storey villa development with vehicular access along the boundary shared with this subject site, and a dual occupancy development which fronts Wolger Road. That is a total of 5 dwellings which share the northern boundary of the subject site. Further to the north is a 2 storey residential dwelling.

The western side of Aeolus Avenue comprises single and 2 storey dwellings.

Adventure Park is located to the west (rear) of the site and comprises an open grassed area and play equipment. This Park is zoned RE1 Public Recreation and comprises a stormwater drainage easement along its western boundary that benefits the sites to the north of the subject site.

The application is accompanied by a letter prepared by Fluenta Plumbing which indicates that the site has an existing connection to the stormwater pit inside the Council Reserve to the rear (see **Figure 3** below). However, a review of Council's records indicates that there is no legal right or easement for this connection.

The site is located approximately 1km north from the Top Ryde Shopping Centre and bus stops.

The subject site is shown in **Figure 1** to **Figure 8** below.



**Figure 1:** Aerial photo of the site and surrounds.



**Figure 2:** Aerial photo of the site showing the existing structures and location of trees. Source: Tree Inspection Report prepared by Treehaven Environments.



**Figure 3:** Extract from the letter prepared by Fluenta Plumbing identifying the location of the existing stormwater connections from the site to the Council Reserve to the east (rear).



**Figure 4:** Photo of the subject site as viewed from Aeolus Avenue.



**Figure 5:** Photo of the properties to the north of the subject site, being villas (centre) and a 2 storey dwelling (left).



**Figure 6:** Photo of No. 7 Aeolus Avenue showing the driveway access to the 3 villas (left). The boundary shared with the subject site is shown on the right.



**Figure 7:** Photo of the properties to the south of the subject site (left), being a single storey dwelling, 3 storey walk up apartment development and aged care facility (right).

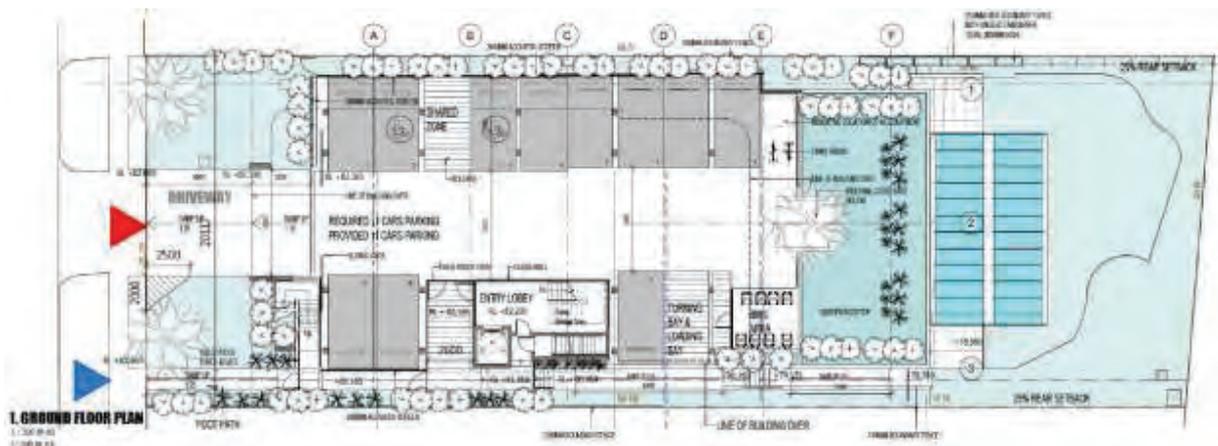


**Figure 8:** Photo of the boundary shared between the subject site (left) and No. 3 Aeolus Avenue (right).

### 3. THE PROPOSAL

This proposal, as amended, seeks approval for the construction and operation of a part 2/part 3 level child care facility catering for up to 48 children serviced by 11 on-site car parking spaces. Demolition of the existing structures will form part of a separate application.

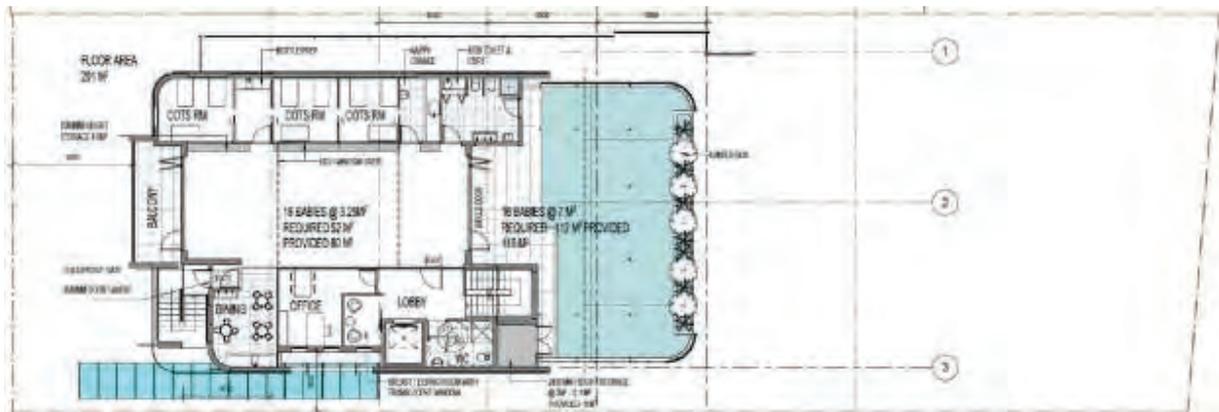
As shown in **Figure 9** below, the ground level provides at-grade parking which is accessed via a centrally located two-way driveway. The parking comprises 11 spaces, including 2 accessible parking spaces. An entry lobby, access stairs and lift are centrally located with direct access from the car park and a pedestrian pathway along the southern boundary of the site. The ground level also accommodates a turning bay / loading bay, bin storage areas and storage racks for 2 bicycles. A garden rooftop is provided at the rear, being the roofline of the level below. The boundary fencing is 1.8m in height to the north and 2.1m in height to the south. The car parking area is acoustically screened by 2.4m high acoustic screening to the northern, western (front) and part of the southern sides; and 2.1 high acoustic screening to the west (rear) and part of the southern sides.



**Figure 9:** The Ground Level Plan comprising the entry lobby, parking and loading areas.

As shown in **Figure 10** below Level 1 accommodates 16 x 0-2 year olds and is accessed via a lift and stairs. The indoor space comprises an open play area, cot rooms, a nappy change room, toilets and laundry. There is also an office and mother's feeding room and accessible bathroom. There is a feature balcony orientated towards the street which is required to be kept closed at all times to achieve acoustic compliance to the indoor play area.

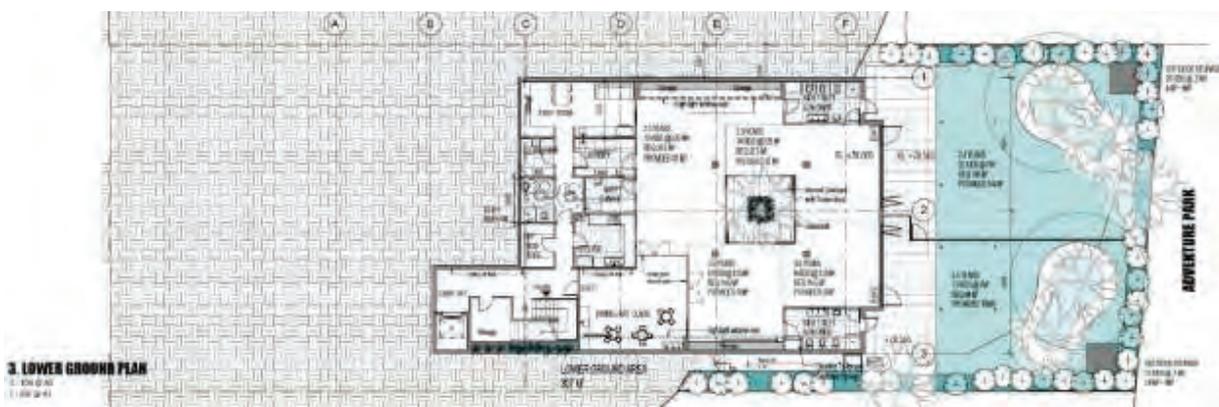
The rear terrace accommodates the outdoor play area. The perimeter of the play area is required to be treated with a translucent 1.8m high acoustic barrier to achieve acoustic compliance to the surrounding residential receivers. The western (rear) side of the terrace features landscape screening. The applicant has not provided any details of the embellishment of the outdoor play area in terms of further landscaping and play equipment.



**Figure 10:** The Level 1 Plan comprising the indoor and outdoor (rear terrace) space for 16 x 0-2 year olds and associated cot rooms, a nappy change room, toilets and laundry. An office and mother's feeding room is also provided.

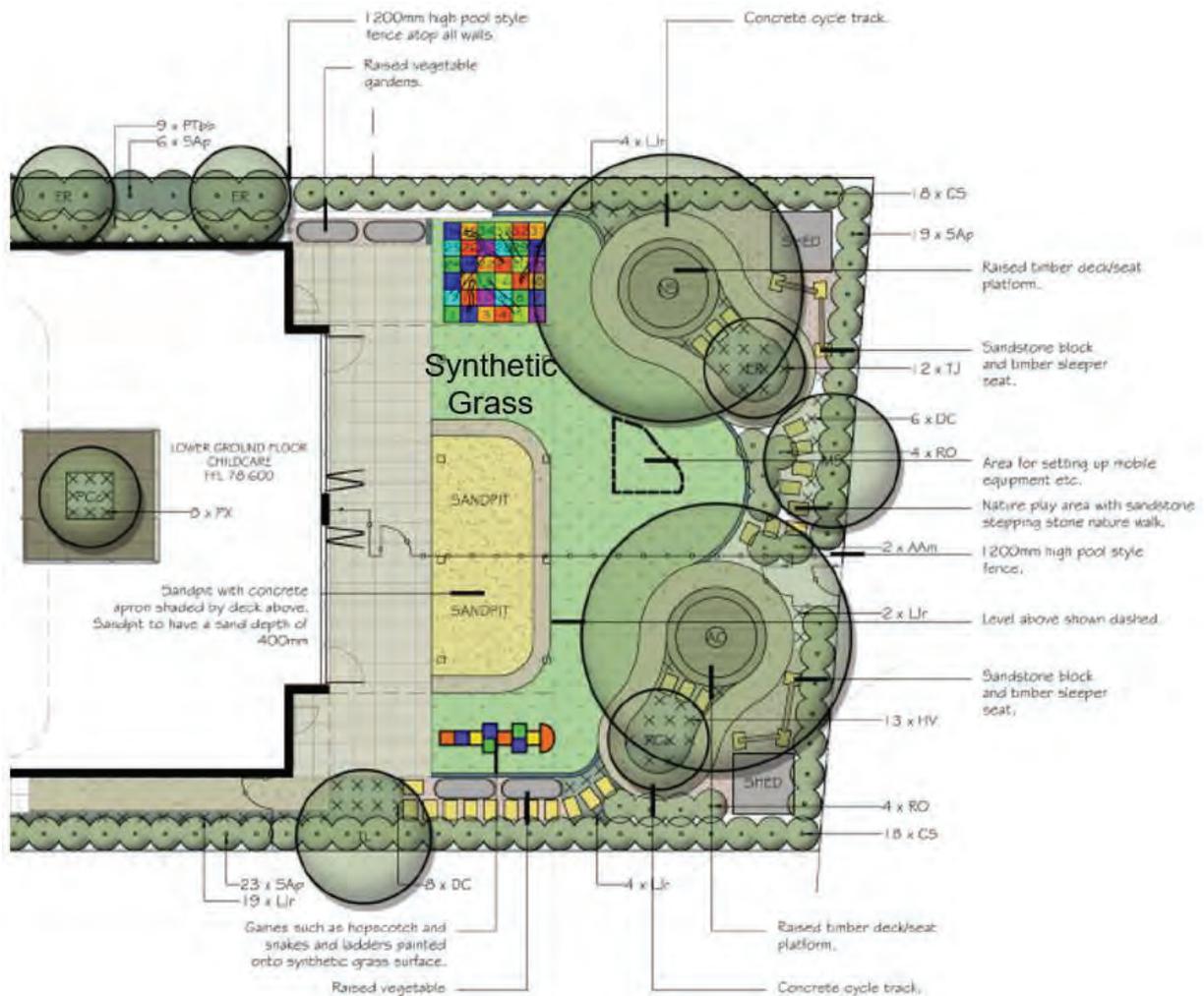
As shown in **Figure 11** below the Lower Ground Level is centrally located within the site and is accessed by the lift and stairs. This level accommodates the staff room, kitchen, laundry, accessible bathroom and storage areas. Indoor and outdoor play spaces are provided for 20 x 2-3 year olds and 12 x 3-5 year olds, along with the associated nappy change room and toilets.

The rear part of the site is embellished with landscaping, play equipment and 2 storage sheds. A transition area is also provided between the indoor and outdoor spaces which is covered by a decorative shade structure. Maintenance access is available along the southern boundary. To achieve acoustic compliance to the surrounding residential receivers the play area is divided by a 1.5m high acoustic barrier; a 2.1m high acoustic barrier is provided to the eastern (rear) and southern (side) boundaries; and a 2.1m high acoustic barrier with an angled cantilever on top (total height of 2.6m) is provided to the northern (side) boundary.



**Figure 11:** The Lower Ground Plan comprising the indoor and outdoor spaces for 20 x 2-3 year olds and 12 x 3-5 year olds and associated nappy change room and toilets. A staff room, kitchen, laundry, accessible bathroom and storage areas are also provided.

The rear playground is proposed to be furnished with sandpits, play equipment and soft-fall play areas to stimulate child interaction and promote physical activity including a bicycle track and climbing equipment. Shaded areas are provided with a decorative shade structure over the transition area and trees. The proposed Landscape Plan is shown in **Figure 12** and **Figure 13** below.



**Figure 12:** The Landscape Plan showing the plantings and play features of the rear outdoor play area.



**Figure 13:** Extract from the Landscape Plan showing examples of the play features in the rear outdoor play area.

The development is designed as a split level building with a visually permeable ‘undercroft’ parking area and rear balcony on Level 1. The majority of the building mass is focused to the front of the property and reflects the minimum building setbacks required by the Ryde Development Control Plan (DCP) 2014. Excavation is proposed at the central part of the site to accommodate the Lower Ground level which creates the appearance of a 2 storey building as viewed from neighbouring properties and the public domain. The building features a flat roof form with a raised window to allow for sunlight. The presentation of the proposed development is shown in **Figure 14** below. The split level arrangement of the development is shown in **Figure 15** below.

The applicant states that the building has been purposely designed to appear as a contemporary modern building in keeping with the general revitalisation of the housing stock in the locality; and is sympathetic to the surrounding residential buildings and the building will be a contributory feature of the streetscape. Landscape pockets are proposed across the frontage of the site and towards the rear of the property to compliment the built form.



**Figure 14:** The Elevation Plans (boundary acoustic fencing is not shown).



**Figure 15:** The Section Plan showing the extent of excavation for the Lower Ground Level. The development satisfies the maximum permitted height of buildings as shown by the 9.5m height limit line.

The proposed operation of the child care facility is as follows

- Hours of operation: 7am to 6pm Monday to Friday. Closed weekends and public holidays.
- Special Events: 4 x Saturdays between 9am and 5pm for a Christmas party and open days.
- Care for up to 48 children comprising:
  - 16 x 0-2 year olds (infants)
  - 20 x 2-3 year olds (toddlers)
  - 12 x 3-5 year olds (pre-kindy and pre-school)

- Staffing comprises 1 nominated full time supervisor, 10 full time educators, 1 part time educator and 1 part time educator / cook.
- Staff are mainly expected to travel to the site by public transport.
- The operator expects that a few children will arrive at 7am, and those children will be kept inside until the set outdoor play times commence.
- The drop-off period is expected to be between 7am and 8am (according to the operator).
- The pick-up period is expected to be between 5pm and 5:45pm (according to the operator).
- Enrolments are conducted between 10am and 3pm.
- 11 car parking spaces are provided for the use of staff, parents / guardians and visitors. Parents will be requested to use the on-site spaces, and not park on the opposite side of the street.
- The turning area / loading area is available for van deliveries involving 1 weekly food order, 1 monthly hygiene order and a toy order every 6 months.
- Entry to the car park will be available during hours of operation.
- Entry to the site will be secure and CCTV will be in operation within the lobby and car parking area.
- Lighting will be used to illuminate the paths of travel during hours of operation.
- Waste will be taken to the ground level bin storage area daily by staff and cleaners. Staff will present the 4 general waste bins and 3 recycle bins for collection by a private waste contractor outside of operating hours.
- Laundry will be undertaken on site by staff.
- A cleaner will clean the site daily after 6pm.
- Meals will be prepared on-site by the cook between 10am and 1pm daily.
- Noise attenuation measures to achieve acoustic compliance to the indoor play spaces and neighbouring dwellings include:
  - Closing the first floor windows and doors at all times
  - Closing the sliding doors between the indoor and outdoor spaces on the lower level when any children are playing outside
  - The installation of substantial acoustic screens to the balcony and boundaries (with a height up to 2.6m)
  - No music in the outdoor areas
  - Limitations on the number of children permitted to use the outdoor play spaces at any one time: 16 x 0-2 year olds, 10 x 2-3 year olds and 6 x 3-5 year olds. The use of the outdoor play spaces will be managed by staff in terms of the times of use and number of children at any one time (there is no information about how this will be managed / scheduled in line with the Noise Impact Assessment).

#### 4. HISTORY OF THE SITE

5 December 2018	LDA2018/0069 was refused under delegation by Council for a 2 storey child care centre for 49 children with basement parking for 11 cars and 1 at-grade parking space. The key reasons for refusal included:
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	<ul style="list-style-type: none"> <li>• Failing to meet the design quality principles of the Child Care Planning Guideline with particular regard to context, adaptive learning spaces, sustainability, landscape, amenity and safety;</li> <li>• Failure to satisfy the controls in the Child Care Planning Guideline regarding site selection and location, streetscape, building design and accessibility, landscaping, traffic and parking,</li> <li>• The site was considered not suitable for a child care centre due to the existing traffic congestion.</li> </ul>
16 April 2019	The applicant lodged a Section 8.3 Review application to LDA2018/0069 (approximately 4 months from the date LDA2018/0069 was refused). The application to review the refusal was not determined before the 6 month timeframe.
4 June 2019	The applicant filed a Class 1 appeal to the NSW Land and Environment Court (2019/173197) in respect to the Section 8.3 Review of determination of LDA2018/69. The court proceedings were discontinued by the applicant as the statutory time to determine the application had expired.
10 December 2020	<p>LDA2020/167 was refused by the Ryde Local Planning Panel for a 2 storey child care centre for 59 children and basement parking for 13 cars. The key reasons for refusal included:</p> <ul style="list-style-type: none"> <li>• Failure to comply with Clause 22 of SEPP (Educational Establishments and Child Care Facilities) 2017 as insufficient outdoor space was provided and concurrence was not obtained from the Department of Education.</li> <li>• The DA failed to comply with the Child Care Planning Guidelines regarding site suitability; non-compliance with the relevant Australian Standards regarding vehicular access and parking;</li> <li>• Lack of safety fencing and surveillance; inappropriate acoustic fencing (2.7m in height);</li> <li>• Adverse impacts on neighbouring properties from the use of the outdoor play spaces with regard to noise and privacy; overshadowing of a neighbouring dwelling; and excavation which exceeds that permitted under the Ryde DCP 2014.</li> <li>• Insufficient setbacks;</li> <li>• Insufficient information regarding parking and existing traffic conditions; lack of a loading area and two-way vehicular which did not impede safe access to the site; underground car parking which is not permitted in low density zoned residential areas; and no accessible parking space.</li> <li>• The DA provided insufficient information; failed to comply with the National Regulations and failed to demonstrate that</li> </ul>

	<p>the stormwater management plan was safe and would not adversely impact adjoining properties and public safety.</p> <p>A critical issue with this DA was site suitability for a child care centre given the existing traffic conditions and congestion that result in the driveway being blocked.</p>
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## 5. HISTORY OF THIS DEVELOPMENT APPLICATION

<p>23 December 2021</p>	<p>LDA2021/0445 was lodged for a new part 2/3 level Child Care Facility for up to 48 children (ages 0-5 years) and 15 on-site car parking spaces (including 3 spaces in the front setback area).</p>
<p>10 January to 22 February 2022</p>	<p>The application was notified to the surrounding property owners and occupants. In response, 15 unique submissions (1 in support) and 1 petition with 12 signatures were received objecting to the proposal.</p>
<p>30 March 2022</p>	<p>Letter sent to the applicant raising concern that the DA has not demonstrated that the site is suitable for the proposed development with particular regard to the potential adverse impact on traffic, parking and pedestrian safety in the immediate vicinity, as well as the potential impact to the visual and acoustic amenity of surrounding residential properties. The following issues were raised:</p> <ol style="list-style-type: none"> <li>1. Environmental Health: The proposal has the potential to impact the amenity of the surrounding residents by creating excess/intrusive noise. A Plan of Management is required which demonstrates that the operational limitations in the Noise Impact Assessment can be imposed to ensure that the outdoor spaces will be effectively managed to prevent intrusive noise and ensure compliance with relevant noise legislation and predicted noise modelling.</li> <li>2. Urban Design: A number of major issues in regard to streetscape, public domain interface, bulk and scale, the car parking arrangement, visual privacy, daylight and sunlight access and landscaping. Substantial redesign is expected to resolve the design issues.</li> <li>3. Landscape Architecture: Non-compliances with the DCP include the proportion of surfaces (lack of natural planting and turfed area), insufficient visual privacy. Insufficient visual privacy and no details of the landscaping design for the Level 1 outdoor play area.</li> <li>4. Traffic: Traffic efficiency and safety concerns were raised regarding extensive queuing within the westbound Aeolus Avenue carriageway during the weekday afternoon peak period, which will be exacerbated by the additional traffic generated by the proposal. This 48 place Child Care is</li> </ol>

	<p>considered to generate additional traffic and pedestrian demands and does not offer solutions to address the above issues to mitigate associated traffic impacts.</p> <p>5. Development Engineering: Clarification sought regarding access, parking and the serviceability of the site.</p>
20 April 2022	<p>Meeting held with the owner/applicant and their town planner (Nigel White). Council confirmed with the applicant that the proposal is not supported in its current form. Key issues are site suitability and traffic congestion along Aeolus Avenue and nearby intersections. The applicant was advised that the traffic issues raised throughout the previous development applications was still unresolved. The applicant was also advised that they are within their right to lodge an appeal. The applicant was advised that the Ryde Local Planning Panel is the consent authority due to the number of submissions received.</p>
2 May 2022	<p>The applicant submitted interim amended plans for discussion purposes only. Council provided feedback outlining a number of issues and reiterated the traffic issues remained unresolved.</p>
14 June 2022	<p>Council provided more detailed feedback on the concept plans advising that the presentation of the front façade is improved, the deletion of parking in the front setback is an improvement, the reduced floor to floor height, overall building height and wall plate height is improved. The applicant was requested to clarify if the first floor balcony is to be included in GFA due to the acoustic walls, and the applicant is to demonstrate that the verandah as outdoor space' is consistent with the requirements of the Child Care Planning Guideline in terms of being open 1 third and wall heights of less than 1.4m. If there is a non-compliance, concurrence will be required. The applicant was requested to demonstrate that No. 3A Aeolus Avenue receives adequate sunlight in accordance with the DCP (Control 2.14.1(e.ii) requires the retention of sunlight access to the neighbouring north-facing living areas) and it was recommended that the plans and 3D views include the dwellings on the neighbouring properties to demonstrate suitable bulk and scale is demonstrated.</p>
15 July 2022	<p>The applicant submitted amended plans and supporting reports, including advice from their Traffic Consultant advising that the "New Normal" is reduced traffic congestion, and that the impact of the potential traffic generation of this DA will increase the queue length by 1 vehicle in the afternoon peak hour.</p>
28 July & 19 August 2022	<p>The Assessment Officer attended the site in the evening period to assess the current traffic conditions, and on both occasions</p>

	the vehicles travelling westbound were queued along Aeolus Avenue and blocked entry/exit to the subject site.
10 August 2022	Council engaged independent traffic consultants, TTM, to undertake weekday peak hour traffic volume and queue length surveys at the intersection of North Road and Aeolus Avenue, Ryde between 4pm – 6pm on 2 days.
31 August 2022	<p>TTM provided their peak hour traffic volume and queue length survey taken on Thursday 11<sup>th</sup> August and Tuesday 16<sup>th</sup> August 2022. The survey confirmed that the location of the driveway proposed in this DA was blocked on 4 separate occasions for over 5 minutes at 4:57pm, 52 seconds at 5:05pm, 45 seconds at 5:09pm and 30 seconds at 5:31pm on Tuesday 11 August 2022.</p> <p>The survey also confirmed that the location of the driveway proposed in this DA was blocked on 8 separate occasions for 26 seconds at 5:26pm, over 6 minutes at 5:38pm, over 1 minute at 5:46pm, 18 seconds at 5:49pm, 50 seconds at 5:51pm, 56 seconds at 5:53pm, over 1 minute at 5:55pm and 34 seconds at 5:57pm on Thursday 16 August 2022.</p> <p>These verified traffic conditions demonstrate that the subject site is not suitable for the proposed use as suitable access is not available for parents and staff to enter/exit the site, and due to the proposed driveway location being frequently blocked during the evening peak period, the operation of the child care facility will further exacerbate traffic congestion on Aeolus Avenue.</p>
12 October 2022	Independent traffic peer review received from The Transport Planning Partnership.

## 6. PLANNING ASSESSMENT

This section provides an assessment of the DA against section 4.15(1) matters for consideration of the *Environmental Planning and Assessment Act 1979*.

### 6.1 State Environmental Planning Instruments

#### **State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land**

SEPP (Resilience and Hazards) 2021 (formerly SEPP No. 55 – Remediation of Land) aims to ‘provide a State-wide planning approach to the remediation of contaminated land.’ Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

The application is accompanied by a Preliminary Environmental Site Investigation Report prepared by Land and Groundwater Consulting Pty Ltd. The report states that residential structures have occupied the site since the 1920s and that no evident sources of mobile contamination were visually identified on site and that it is considered that potential contaminants associated with past and present land uses are minimal. The site condition and past and present site activities indicate a low potential for significant or gross contamination. The report concludes that the site is suitable for the proposed child care facility. The proposal is considered to satisfy the requirements of clause 4.6 of Chapter 4 Remediation of land of State Environmental Planning Policy (Resilience and Hazards) 2021.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

### Chapter 2 Vegetation in non-rural areas

SEPP (Biodiversity and Conservation) 2021 provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of Chapter 2 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. The site contains 14 small trees generally located around the perimeter of the site, all of which are considered to be exempt due to their size and/or species. The site is not identified as containing any trees or vegetation required to be protected for their biodiversity value. There are no trees on the surrounding site that are impacted by the proposed development. Therefore, the proposal is not considered to impact upon any existing biodiversity or trees or vegetation on the site.

### Chapter 6 Bushland in urban areas

The general objectives of Chapter 6 of SEPP (Biodiversity and Conservation) 2021 is to protect and preserve bushland within the urban areas. To preserve its value to the community as part of natural heritage, aesthetic value, and value as a recreational, educational and scientific resource.

The proposal does not impact any existing bushland.

### Chapter 10 Sydney Harbour Catchment

Chapter 10 of SEPP (Biodiversity and Conservation) 2021 applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The objective of improved water quality is satisfied

as the proposal includes appropriate soil erosion and sediment control and stormwater detention measures. Also refer to the discussion provided below by Council's engineers below.

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

Part 3 of the ESEPP specifies development standards set out for childcare facilities, a detailed assessment of all relevant matters for consideration under this part of the SEPP can be found within **Attachment 2**. The proposal is inconsistent with a number of the matters for consideration which are discussed further below.

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

The site does not comply with regulation 108 (outdoor unencumbered space requirements) of the *Education and Care Services National Regulations* given the first floor play space appears to be simulated outdoor play space due to not being open for at least one third of its perimeter and has a surrounding wall height greater than 1.4m.

Clause 22 of the ESEPP indicates that the concurrence of the Regulatory Authority is required for applications that do not comply with the minimum outdoor space requirements. Concurrence of the Regulatory Authority (the Department of Education) is required in these circumstances. To initiate their consideration of the matter and pursuant to regulation 252A(5) of the *Environmental Planning and Assessment Regulation 2000* and based on the amended plans, the applicant is required to pay a referral fee to the NSW Department of Education via the Planning Portal. However, given the outdoor play space non-compliance was not nominated in the application, the required concurrence was not paid, and the application has therefore not been referred to the Department of Education.

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

Clause 23 provides that:

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

The *Child Care Planning Guideline* (herein referred to as 'the Guideline') prepared by the Department of Planning and Environment (amended September 2021), establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.

The Guideline is structured as follows:

- Part 1 – Introduction
- Part 2 – Design Quality Principles

- Part 3 – Matters for consideration
- Part 4 – Applying the National Regulations to development proposals

## Part 2 - Design Quality Principles

Part 2 contains design quality principles, which establish the broad design context guide of all new proposals for child care facilities.

The proposal would be inappropriate amongst adjoining residential development within the R2 zone. The proposal fails to satisfy the following Design Quality Principles:

- Principle 1 - Context
- Principle 2 - Built Form
- Principle 3 - Adaptive Learning Spaces
- Principle 4 - Sustainability
- Principle 6 - Amenity
- Principle 7 - Safety

A discussion of broad issues associated with these Principles is provided below.

### *Principle 1 Context*

The proposed development is not considered to complement the low density residential character of the surrounding area due to the impact on the amenity of the surrounding properties resulting from the proposed development.

The proposal is not considered to enhance the quality and identity of the area due to the considerable bulk caused due to the acoustic screening required to enclose the at-grade car parking area and first floor balcony. The resulting bulk and scale are excessive in this context.

### *Principle 2 Built Form*

The built form principles contained within the childcare planning guideline are as follows:

- *Good design achieves a scale, bulk and height appropriate to the existing desired future character of the surrounding area.*
- *Good design achieves an appropriate built form for a site and the buildings 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.*

The applicant states that the building has been purposely designed to appear as a contemporary modern building in keeping with the general revitalisation of the housing stock in the locality. It is anticipated that the redevelopment of some properties in the immediate vicinity will be redeveloped in future for dwellings of a more modern appearance. However, the proposal is considered to result in significant bulk and scale due to the acoustic screening required to enclose the at-grade car parking area and first floor balcony. The proposal also has poor internal amenity and a lack of ventilation due to the windows and doors required to be closed to achieve acoustic attenuation. The bulk and scale of this development is not compatible with building design within the context of the surrounding locality.

#### *Principle 3 – Adaptive Learning Spaces*

The Level 1 Plan does not specify the fitout of the external play area for 0-2 year olds. The design guidelines for outdoor space (discussed in detail below) is not satisfied. However, given this balcony is capable of being appropriately embellished, as an individual matter, this does not warrant the refusal of the DA.

Concern is also raised regarding the level of amenity for children using the balcony due to the enclosure of the balcony walls to a height of 1.8m to achieve acoustic compliance.

#### *Principle 4 – Sustainability*

Natural cross ventilation is limited as the windows and doors are required to remain closed to achieve acoustic attenuation.

#### *Principle 6 – Amenity*

The amenity for children and staff within the centre is generally appropriate. However, concern is raised that there is insufficient amenity for the outdoor play area on the Level 1 balcony due to a lack of embellishment of the learning space (landscaping and play features) and being enclosed to a height of 1.8m. The Lower Ground outdoor play area is limited in terms of hours of use and the number of children at any one time. Ventilation is also limited as the window and doors are to remain closed to achieve acoustic compliance.

The proposal does not demonstrate that good amenity is provided to the residential neighbours due to the significant boundary fencing proposed and strict constraints on the operation of the site to achieve acoustic compliance.

#### *Principle 7 – Safety*

The proposal generally provides satisfactory passive surveillance to Aeolus Street. The quality of passive surveillance would be improved by providing a staffed lobby/office

area at the ground level entry. However, as an individual matter, this does not warrant the refusal of this DA.

Significant safety issues are raised with regard to traffic congestion during the evening peak hour which obstructs vehicular access to and from the site, and subsequent impacts on the obstruction of sightlines and pedestrian safety, as further discussed below in this report.

### Part 3 and Part 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 were identified in relation to the assessment of the *Child Care Planning Guideline*. These non-compliances are detailed in **Attachment 2**, and are summarised below:

- The selection of this site for a child care centre is not suitable as the operation of the centre is significantly constrained in order to meet the acoustic attenuation to protect the amenity of surrounding residential properties (C1 of Part 3.1 of the Guideline).
- The selection of this site for a child care centre is not suitable as the traffic and parking impacts of the proposal will adversely impact residential amenity and road safety (C1 of Part 3.1 of the Guideline).
- The selection of this site for a child care centre is not compatible with the surrounding land uses as its operation is constrained by extensive acoustic attenuation measures and experiences traffic congestion during the peak evening period (C2 of Part 3.1 of the Guideline).
- The selection of this site for a child care centre is not suitable as access to on-street parking is not readily accessible during the evening peak hour periods due to congestion along Aeolus Avenue. Access to and from the site is obstructed during the peak evening period (C2 of Part 3.1 of the Guideline).
- The selection of this site for a child care centre is not suitable due to high traffic volume along Aeolus Avenue during the evening peak period which creates an unsafe situation for vehicles and pedestrians accessing the site (C2 of Part 3.1 of the Guideline).
- The proposal fails to provide outdoor space at the ground level to reduce impacts on amenity from fences/barriers up to 2.6m in height onto adjoining residences, and a good design solution is not provided (C5 of Part 3.2 of the Guideline).
- The proposal fails to demonstrate how amenity will be minimised as a result of the operation of the development and its associated parking and traffic impacts (C32 of Part 3.8 of the Guideline).
- The first floor balcony outdoor play space is not able to be included in the calculation for outdoor space given the balcony is surrounded by 1.8m acoustic walls as required by the Noise Impact Assessment; and the balcony is not open for more than a third of the perimeter. The Guideline states that verandahs can only be used as outdoor play space if it is open on at least one third of the perimeter. The play space is therefore 'simulated' outdoor play space, which is

relatively unusual in low density areas. The proposal does not adequately address the outdoor play space requirements and has not received the concurrence of the Department of Education (Part 4.9 of the Guideline and clause 108 of the Education and Care Services National Regulations Services).

- The site experiences significant traffic congestion and safety issues, see the detailed discussion below under likely impacts of the development. (C32 of Part 3.8 of the Guideline).
- The proposal provides poor cross ventilation due to the windows and doors being required to be kept closed to achieve acoustic attenuation (Part 4.4 of the Guideline and clause 110 of the Education and Care Services National Regulations Services).
- The Level 1 outdoor space fails to create a natural environment including the use of natural features such as trees, sand and natural vegetation (Part 4.10 of the Guideline and clause 113 of the Education and Care Services National Regulations Services).

## 6.2 Draft Environmental Planning Instruments

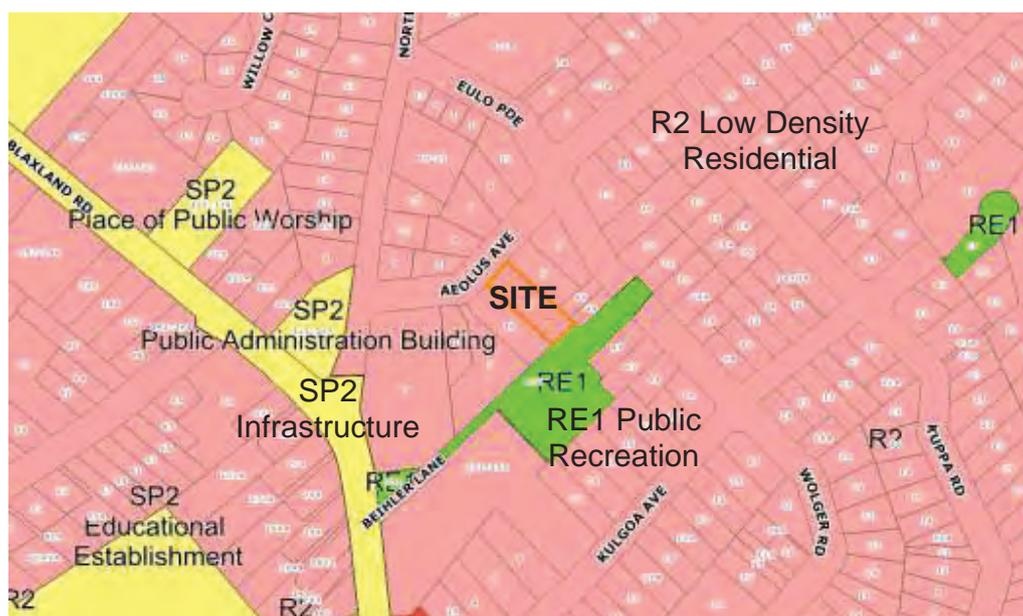
There are no draft Instruments relevant to the site.

## 6.3 Ryde Local Environmental Plan (LEP) 2014

This section provides a detailed assessment of the Ryde LEP 2014 and its relevant development standards.

### Zoning and Permissibility of Ryde LEP 2014

The site is zoned R2 Low Density Residential as shown in **Figure 16** below.



**Figure 16:** Extract from Ryde Maps indicating the zoning of the site and surrounds.

The proposal is contrary to the relevant objectives of the R2 Low Density Residential zone, as discussed in the following table.

Objectives of the R2 Low Density Residential	How the proposal achieves the objective
a. To provide for the housing needs of the community within a low density residential environment.	Not applicable. The proposal seeks to remove the existing dwelling from the site, and replace it with a child care facility, which is permissible with consent.
b. To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed child care facility is consistent with this objective to the extent that it provides early childhood care and teaching which services the needs of residents.  However, existing traffic congestion and road safety concerns make the site unsuitable for a child care centre in this location. The proposal is contrary to this objective.
c. To provide for a variety of housing types.	Not applicable.

Principal Development Standards of Ryde LEP 2014

**Clause 4.3 Height of buildings:** The proposal satisfies the maximum permitted height of buildings, being 9.5m.

**Clause 4.4 Floor space ratio:** The proposal does not satisfy the maximum permitted floor space ratio of 0.5:1. The gross floor area (GFA) of the development has been calculated to be 660m<sup>2</sup>. With a site area of 1,206m<sup>2</sup> (according to the applicant’s Survey plan) this equates to an FSR of 0.547:1.

The gross floor area definition as prescribed in the Dictionary of Ryde LEP 2014 only excludes terraces and balconies if the outer walls are less than 1.4m high. However, the outdoor play spaces contain outer walls of at least 1.4m in height (required to address acoustic impacts) and therefore are included in the calculation of GFA.

No written clause 4.6 variation has been provided by the applicant to consider the exceedance to the FSR development standard, in accordance with the relevant matters under clause 4.6. Without the inclusion of enclosed balconies, the development would achieve compliance with clause 4.4.

In response to Council’s concerns regarding the inclusion of the first floor balcony as GFA, the applicant provided the following response:

*“The upper level balcony to be used by 0-2 year old children is not enclosed. The entire rear elevation only has a balustrade wall 1.1m high. The light weight acoustic panels along the sides are not a wall but an addition to the wall to address a separate purpose – acoustic shielding to protect neighbours. Accordingly, the space does not constitute floor space by definition as the space also only has 3 sides.”*



**Figure 17:** Extract from the 3D View Plan showing the acoustic barriers enclosing the side of the first floor balcony. The acoustic barrier is also required to enclose the rear side of the balcony (not shown in this image).

The applicant’s description of the acoustic panels is incorrect. The Noise Impact Assessment submitted by the applicant specifies that the 1.8m high acoustic panels are required to fully enclose all sides of the balcony in order to provide adequate noise attenuation as shown in **Figure 17** above. This includes solid construction material (such as 12mm thick Perspex or polycarbonate) that is free from holes and gaps.

Commissioner Gray in *C & J Corporation Pty Ltd v Canterbury-Bankstown Council* [2020] NSWLEC 1431 (*‘C & J Corporation’*) recently set out that the first floor balconies should not be included in the calculation of gross floor area. The circumstances of this case are explained in the following extract from that decision:

*“On the first and second floors, the external play area is bounded to the western side setback by a 1800mm high solid fence, and to the north and east frontages at Clissold Parade and Browning Street by a 1350mm high solid fence. There are also vertical aluminium slats located along the external face of the fence of the north and east frontages, which project above 1350mm. At no point are any of the west, north or east sides of the outdoor play areas enclosed by something that constitutes an external wall”.*

The facts of *C & J Corporation* differ to that of the subject proposal, specifically given that above 1.39m, the outdoor balcony areas considered in that matter were surrounded

only by timber slat fencing, and this is an important factor in interpreting the Commissioner's decision. The subject proposal includes solid noise barriers with a height of minimum 1.8m on all perimeters of the first floor balcony outdoor play area and does not provide open style fencing similar to that considered in *C & J Corporation*.

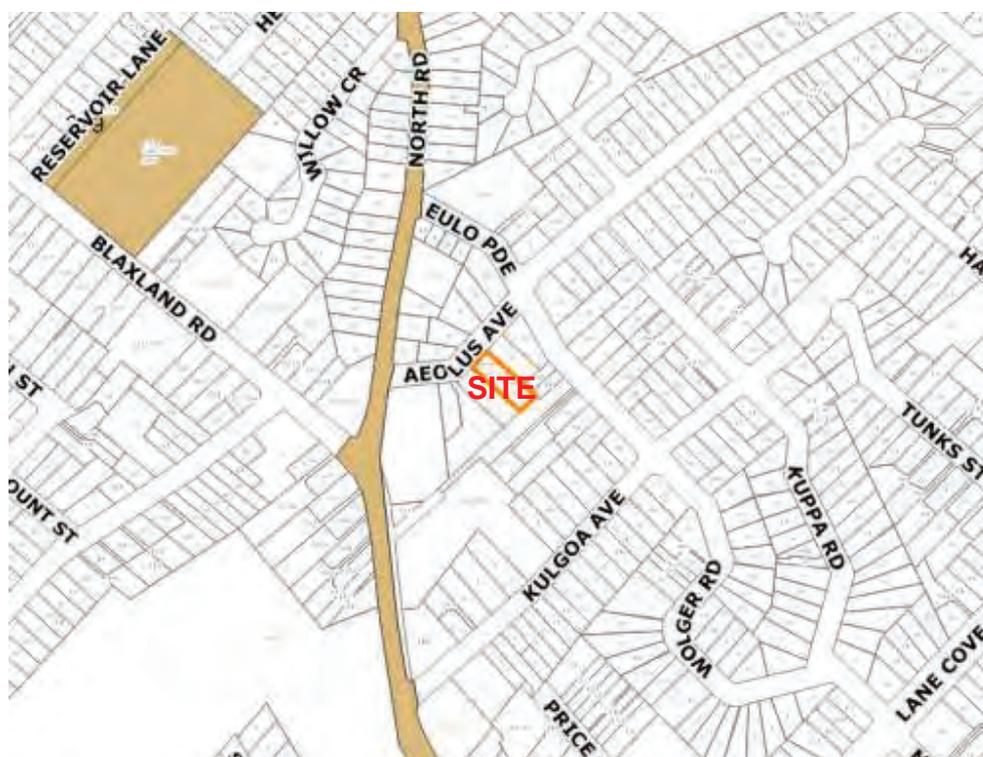
Moreover, Commissioners of the Court have previously found that where solid walls surrounding balconies are provided at a height of 1.4m or greater, they are to be treated as external walls (*Haralambis Management Pty Ltd v Council of the City of Sydney* [2013] NSWLEC 1009 and *Antonioni v Georges River* [2017] NSWLEC 1570).

The Applicant has failed to provide a written Clause 4.6 variation to justify the departure from the development standard, and as such, the application cannot be supported.

**Clause 4.6 Exceptions to development standards:** No written request submitted by the applicant with regard to FSR. The application cannot be supported.

#### Miscellaneous Provisions of Ryde LEP 2014

**Clause 5.10 Heritage conservation:** The site is not identified as a heritage item or within a heritage conservation area. As shown in **Figure 18** below, North Road is identified as State Heritage Item 54, being Great North Road from Bedlam Point to Eastwood. The subject site is located 72m from North Road and the proposal is not considered to result in any direct impacts (visually or physically) on the heritage items in the vicinity.



**Figure 18:** Extract from the Ryde LEP 2014 indicating the local heritage items in the locality.

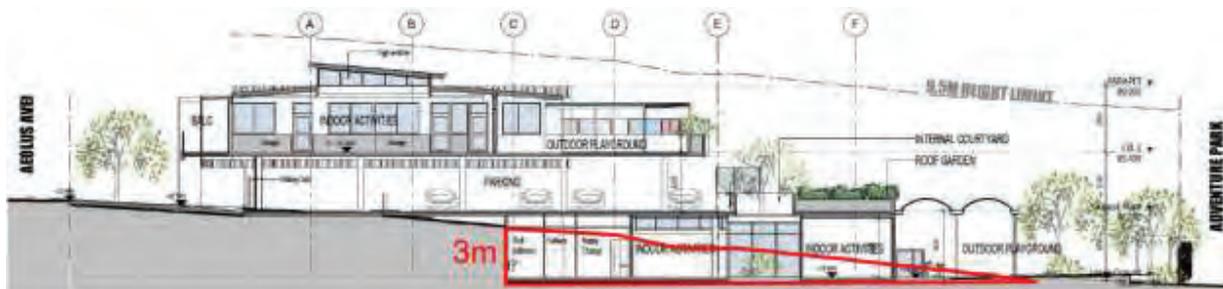
**Clause 5.21 Flood planning:** The site is not identified as being at risk of flooding.

Additional Local Provisions of Ryde LEP 2014

**Clause 6.2 Earthworks:** The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal is for excavation for a depth of up to 3m associated with the Lower Ground Level as shown in **Figure 19** below. It is noted that demolition of the existing structures will be sought in a separate application.

The proposed split level building design results in the excavation at the central part of the site and allows for lift and stair access to each level. The levels at the boundaries of the site are maintained to mitigate potential impacts on the amenity of the adjoining properties. The proposal is considered to satisfactorily avoid, minimise and mitigate the potential impacts of the works and will not adversely affect the use of the land as a child care facility. The proposal is considered to satisfy this clause given the potential impacts of the earthworks.



**Figure 19:** Extract from the Section A-A Plan showing the extent of excavation in red.

**6.4 Ryde Development Control Plan 2014 (Ryde DCP 2014)**

The proposal has been assessed against the following relevant sections of the Ryde DCP 2014:

- Part 3.2 – Child Care Centres;
- Part 3.3 – Dwelling Houses and Dual Occupancy;
- Part 7.2 – Waste Minimisation and Management;
- Part 8.1 – Construction Activities;
- Part 8.2 – Stormwater and Floodplain Management;
- Part 8.3 – Driveways;
- Part 9.2 – Access for People with Disabilities;
- Part 9.3 – Parking Controls; and

- Part 9.5 – Tree Preservation.

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

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

As such, only the relevant controls of the Ryde DCP 2014 that are not already covered by the Guidelines are assessed in this report.

A detailed assessment of the proposal against the Ryde DCP 2014, Part 3.2 Child Care Centres, as well as relevant provisions within other parts, is illustrated in the compliance table held in **Attachment 3**. It should be noted that for centres located within low density residential areas, Part 3.2, clause 3.2 requires the development be designed to comply with the built form controls under Part 3.3 Dwelling Houses and Dual Occupancy of Ryde DCP 2014, for example, FSR, height, setbacks.

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

### Part 3.2 – Child Care Centres

#### *Section 2.1 – Suitability of Location and Site for Child Care*

Part 3.2(2) provides guidance on the suitability of certain locations for child care centres. This Part states that within low density residential areas, preference is given to smaller scale development (under 50 child care places).

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

- A significant slope.

- A relatively high number of adjoining properties (i.e., greater than 3).
- Acceptable traffic and parking

This site has a relatively steep slope; and adjoins 6 dwellings to its side boundaries. As discussed elsewhere in this report; access to and from the site is obstructed by traffic congestion due to a high level of traffic during the evening peak period, and the operation of the facility is likely to further exacerbate this issue.

### *Section 3.0 – Design and Character*

Limited natural ventilation is achieved to the indoor spaces due to the windows and doors needing to be kept closed when they are in use. The outdoor play area on the first floor balcony is also constrained in terms of natural ventilation due to being enclosed to a height of 1.8m to achieve acoustic attenuation.

The proposal is substantial in terms of bulk and scale. However, the proposed design is not significantly inconsistent with the expected future character of buildings. In this respect, as an individual matter, the design is an insufficient reason to warrant the refusal of this DA.

In low density residential areas, the DCP encourages to be single storey in height for safety and access. If two storeys; the second storey should only be used for the purposes of storage and staff facilities. The proposal is for a part 2/3 storey childcare centre and comprises some indoor and outdoor play space on the first level. This non-compliance results in adverse amenity impacts to surrounding properties due to the sides of the first floor balcony being treated with an acoustic wall to achieve acoustic attenuation.

### *Section 4.1 - Acoustic Privacy for adjoining residents*

The DCP states that elevated play and transition areas are to be avoided. Level 1 comprises an elevated play area (indoor and outdoor to the rear) for 16 children aged 0-2 years. The Noise Impact Assessment confirms that significant limitations on the use of the indoor and outdoor spaces are required to achieve acoustic attenuation.

Refer to the comments from Council's Environmental Health Officer below for further information.

The DCP requires information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent, group sizes and how rotated may be required to be submitted with the DA. This information is specified in the Noise Impact Assessment and includes strict limitations on the number of children that can use the outdoor spaces at any one time. This information is not specified in the Plan of Management, however, is capable of being resolved by the applicant in the form of an updated Plan of Management.

### *Section 5.3 – Impact on Traffic Flow*

It has been demonstrated in detail below, that traffic associated with the proposed development will exacerbate the traffic congestion, amenity and safety of vehicles and pedestrians using Aeolus Avenue, in particular during the evening peak period.

#### *Section 6.1 General Landscape Design Requirement*

The landscape plans fail to provide embellishment for the first floor outdoor area. However, this matter is capable of being resolved by the applicant.

#### *Section 6.2 – Play Spaces*

Landscape designs are to aim for:

- i 30% natural planting area (excluding turf);
- ii 30% turfed area; and
- iii 40% hard surfaces (sand paving, timber platforms)

The proposal (as lodged) has been calculated as having approximately:

- i 22% natural planting area (excluding turf);
- ii 23% turfed area; and
- iii 50% hard surfaces (sand paving, timber platforms)

The applicant has also failed to provide details of the distinct play areas and embellishment of the first floor balcony.

The applicant has failed to submit amended landscape plans to respond to this issue. The lack of soft landscaping is not supported.

#### Part 3.3 – Dwelling Houses and Dual Occupancy

As mentioned above, childcare centres located within low density residential areas, are to be designed to comply with the built form controls under Part 3.3 Dwelling Houses and Dual Occupancy of the Ryde DCP 2014.

The wall height (as measured from the finished ground level to where the wall joins the roof which has a continuous parapet) is to be a maximum of 8m. In this case, the wall height along the southern façade presents as a height of 8.4m. This is a minor exceedance to the wall height and is the result of the 'wrap around' effect of the appearance of the first floor façade. Given the unique and modern design for this facility, no objection is raised to this minor exceedance.

#### **6.6 Any Planning Agreement**

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

## **6.7 Section 7.12 Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020**

The Section 7.12 Development Contributions Plan 2020 (Fixed Rate Plan) commenced on 1 July 2020 and applies to non-residential development outside of Macquarie Park with a construction value of great than \$350,000.

In accordance with the Fixed Rate Plan, a contribution levy of 1% of the construction value is applicable. Accordingly, any consent issued would incur a condition requiring a contribution of \$24,700.50.

## **6.8 Any Matters Prescribed by the Regulations**

The Regulations guide the processes, plans, public consultation, impact assessment and decision 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.

## **7. THE LIKELY IMPACTS OF THE DEVELOPMENT**

The likely impacts of the proposed development have already been addressed throughout this Assessment report. The additional impacts associated with the development or those requiring further consideration are discussed below.

### **i. Access, Traffic and Congestion**

The DA fails to satisfactorily address the following traffic efficiency and safety concerns, which is a concern also shared in submissions received from the local community. The traffic congestion is in the following location:



**Figure 20:** This aerial map shows the path of travel of traffic travelling west along Aeolus Avenue. In the afternoon peak period these vehicles queue past the subject site (at least 12 vehicles are queued along Aeolus Street). Access for parents/guardians and staff entering and exiting the site is obstructed in both directions.

The concerns raised by Council’s Traffic Engineer:

- i. Extensive queuing within the westbound Aeolus Avenue carriageway during the weekday afternoon peak period, which will be exacerbated by the additional traffic generated by the proposed childcare centre development.
- ii. The potential increase in pedestrians crossing Aeolus Avenue during weekday peak periods generated by the proposed childcare centre development (e.g. staff and parents/guardians parked along the northern side of Aeolus Avenue and walking to and from the site to pick-up or drop-off their children), which increases the risk of pedestrian/vehicular conflict due to the traffic activity within Aeolus Avenue during weekday peak periods and the curve in the horizontal road alignment to the west of the site impacting on driver/pedestrian sightlines.

As summarised in the ‘History of This DA’ section above, due to the significance of the traffic congestion issues, Council engaged an independent traffic expert to undertake weekday peak hour traffic volume and queue length surveys at the intersection of North Road and Aeolus Avenue, Ryde between 4pm – 6pm on 2 days.

TTM provided their peak hour traffic volume and queue length survey taken on Thursday 11<sup>th</sup> August and Tuesday 16<sup>th</sup> August 2022. The survey confirmed that the location of the driveway proposed in this DA was blocked on 4 separate occasions for over 5 minutes at 4:57pm; 52 seconds at 5:05pm; 45 seconds at 5:09pm; and 30 seconds at 5:31pm on Thursday 11 August 2022.

The survey also confirmed that the location of the driveway proposed in this DA was blocked on 8 separate occasions for 26 seconds at 5:26pm; over 6 minutes at 5:38pm (see image below); over 1 minute at 5:46pm; 18 seconds at 5:49pm; 50 seconds at 5:51pm; 56 seconds at 5:53pm; over 1 minute at 5:55pm; and 34 seconds at 5:57pm on Tuesday 16 August 2022.

As an example, the image shown in **Figure 21** below was taken from the footage at 5:39pm on Tuesday 16 August 2022 and shows Aeolus Avenue experiencing cars queued from North Avenue (bottom left), past the site to the next intersection at Wolger Road (top of the photo).



**Figure 21:** Image taken by TTM at 5:39pm on Tuesday 16 August 2022 showing stationary traffic which obstructs vehicular access to and from the site (right).

These verified traffic conditions demonstrate that the subject site is not suitable for the proposed use as suitable access is not available for parents/guardians and staff to enter/exit the site, and due to the proposed driveway location being frequently blocked during the evening peak period, the operation of the child care facility has the potential

to further exacerbate traffic congestion in the immediate locality of Aeolus Avenue. The traffic congestion also means that the availability of on-street parking for the surrounding residents is likely to be reduced due to space being blocked by queued cars and persons associated with the child care centre relying on using on-street parking due to access to the on-site parking being blocked.

This issue is also raised in the public submissions. The intensification of the use of the site in this manner is contrary to the public interest as the immediate road network will be significantly affected. This restrictive traffic congestion also places pressure on the ability of a child care centre to safely operate at this site.

Given Council's ongoing concerns that the site is not suitable for development as a child care centre due to access to and from the site being obstructed by traffic congestion, which is likely to be further exacerbated by the operation of the facility; Council resolved to engage a traffic consultant to undertake an independent peer review. This was conducted by The Transport Planning Partnership (TTPP) dated 12 October 2022 and is provided at **Attachment 5**.

The independent peer review reviewed the applicant's plans and traffic reports, as well as TTM's peak hour traffic volume and queue length survey (discussed above). This review was undertaken with respect to safety and efficiency as well as to determining if there was anything that could be undertaken to minimise the traffic impact on the local road network.

The Peer Review by TTPP considered:

- i. Traffic recovery
- ii. Existing traffic volumes
- iii. Environmental capacity
- iv. Traffic queuing
- v. SIDRA Modelling
- vi. Road safety issues

The Peer Review advised that with respect to mitigation measures:

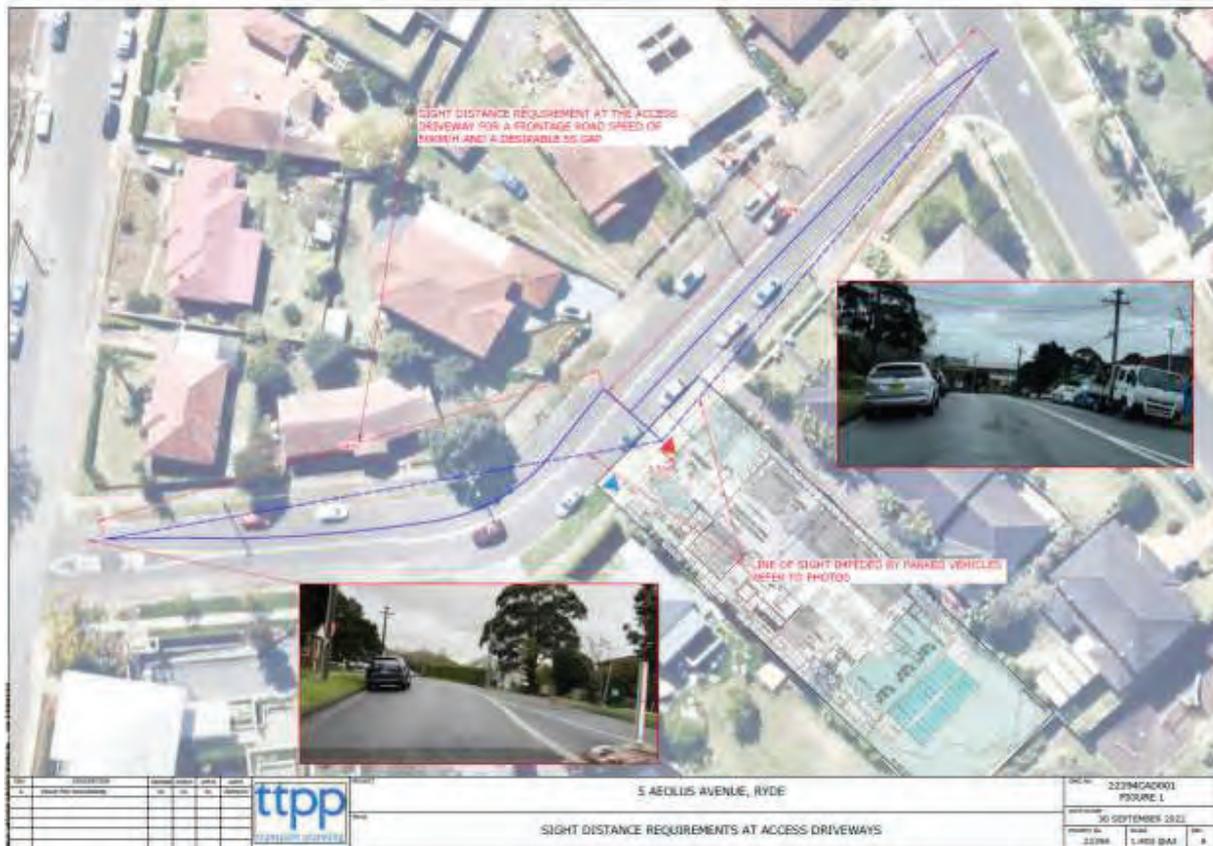
*“Given Aeolus Avenue is already operating above the environmental capacity of a local residential street, any additional traffic volume associated with the proposed development would exacerbate both the amenity of residents and also the high level of congestion in the afternoon peak period.*

*TTPP is of the view that there are no practicable solutions to alleviate the existing congestion level on Aeolus Avenue given its function and road class are to be retained. If more green time is provided to North Road (minor road) to flush out the traffic on North Road and Aeolus Avenue, a reduction of green time on Blaxland Road (major road) would increase traffic delays on the arterial road. This would undesirably reduce the intersection level of service.”*

The Peer Review concluded that the traffic, parking and safety impacts in relation to the facility are:

1. The August 2022 traffic survey prepared by TTM indicates excessive long queues on Aeolus Avenue westbound towards North Road which blocked the proposed driveway on many occasions during the afternoon peak period. This would impede access and egress to/from the subject development.
2. The location of the subject site is deemed unsuitable for a long day care development due to the high congestion level in the surrounding roads and Aeolus Avenue is already operating above its environmental capacity in the afternoon peak period. Any additional traffic would exacerbate the level of both the residential amenity and also the traffic congestion making it worse than the current situation.
3. TTPP is of the view that there are no practicable solutions to alleviate the existing congestion level on the Aeolus Avenue given its function and road class are to be retained. If more green time is provided to North Road (minor road) to flush out the traffic on North Road and Aeolus Avenue, a reduction of green time on Blaxland Road (major road) would increase traffic delays on the arterial road. This would undesirably reduce the intersection level of service.
4. Sight distance is impeded by parked vehicles on both sides of Aeolus Avenue as shown in **Figure 22** below. As a result, the egress movement would be unsafe due to the restrained sight distance caused by the parked vehicles on both sides of the driveway.
5. The applicant's SIDRA modelling prepared by Traffic Solutions has not been calibrated to reflect the typical traffic conditions and is deemed invalid for the following reasons:
  - Comparison of the July 2021 and August 2022 traffic volumes confirms that the adopted baseline traffic volume was not adjusted and is a fraction of the typical traffic volume given the June 2021 survey was undertaken when Covid restrictions were in place.
  - Modelling of the North Road / Aeolus Avenue intersection and the proposed driveway in isolation does not take into consideration of the downstream queueing extended from the Blaxland Road / North Road intersection.
6. A future year assessment is sought to demonstrate intersection performance considering the additional traffic in relation to the future background growth and development traffic.

Based on the above, the application in its current form, has significant shortfalls in terms of being acceptable in traffic, parking and safety terms.



**Figure 22:** Extract from the Independent Peer Review prepared by The Transport Planning Partnership (TTPP) showing that the sight lines looking to and from the proposed driveway are impeded by the curve of the road and cars parked on the street. This demonstrates the difficulty of vehicles to safely drive along Aeolus Avenue and enter/exit the site with enough room for oncoming vehicles to react and stop.

Council’s Traffic section also considered potential mitigation measures to improve traffic congestion on Aeolus Avenue and the surrounding roads. Further to the above, consideration was given to imposing a ‘Keep Clear’ marking on the road in front of the driveway, or on-street ‘Drop off’ parking spaces. Council’s Traffic section confirmed that such restrictions do not address the existing traffic congestion on Aeolus Avenue, which will be exacerbated by the additional traffic generated by the child care centre. Such restrictions will worsen the westbound queuing within Aeolus Avenue during the weekday afternoon peak because the ‘Keep Clear’ road marking will occupy a space for 1 or 2 vehicles and extend the queuing further towards Wolger Road; and will result in the loss of parking along either side of the proposed driveway and the opposite side of the road. Similarly, providing on-street ‘drop off’ parking spaces will result in the loss of on-street parking; and will not be readily accessible for use due to access to the spaces being obstructed by queued cars.

**ii. Bulk and Scale**

The proposed part 2-part 3 storey building steps down with the slope of the land. However, the 0-2 year olds are proposed to be accommodated at the first floor level

with their outdoor space at the rear balcony. Due to the recommendations from the applicant's Noise Impact Assessment, the at-grade parking area and the outdoor area is to be bordered on its 3 external sides by a 1.8m high barrier. Although this acoustic screen is intended to be visually permeable; from the public domain it will likely be visually regarded as a part of the building which contributes to bulk and scale and is considered to be excessive in the context of this Low Density Residential setting. The resulting adverse impact on the streetscape and amenity of the surrounding properties is not supported.



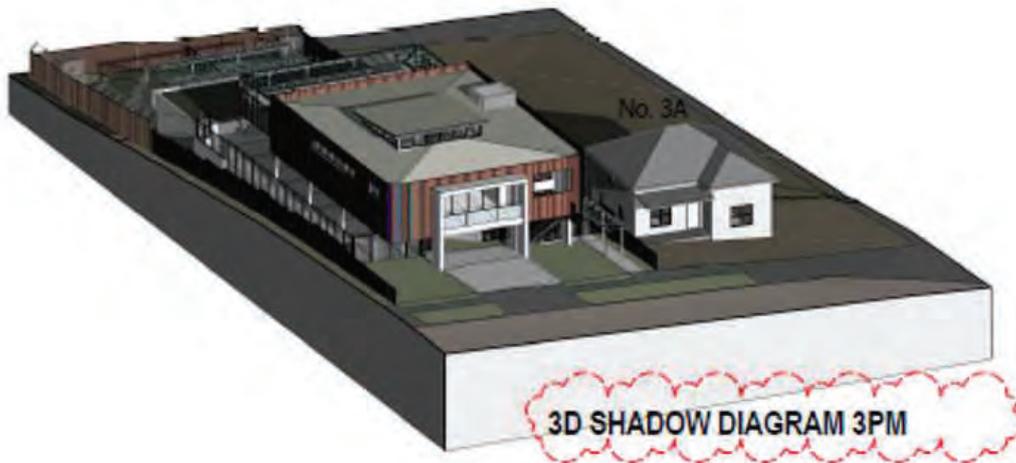
**Figure 23:** Extract from the Applicant's Aeolus Avenue Street Elevation Plan showing the scale of the development in light of the surrounding dwellings fronting the street.



**Figure 24:** Extract from the Applicant's 3D View Plan showing the scale of the overall development including the boundary fencing / acoustic barriers. The acoustic barrier is also required to enclose the rear side of the first floor balcony (not shown in this image).



**Figure 25:** Extract from the Applicant's 3D Study with Neighbouring Context Plan showing the scale of the development in light of the surrounding dwellings.



**Figure 26:** Extract from the Applicant's Shadow Diagram Plan at 3pm in mid-winter showing the scale of the development in light of the adjoining dwelling to the south, No. 3A Aeolus Avenue.

**iii. Restrictive operation of the facility**

As required by the recommendations of the applicant's Noise Impact Assessment, the operation of the child care facility is constrained to achieve acoustic compliance to the indoor play spaces and neighbouring dwellings. Noise attenuation include keeping the first floor windows and doors closed at all times, keeping the sliding doors between the indoor and outdoor spaces on the lower level closed when any children are playing outside, substantial acoustic screens to the terrace and boundaries (with a height up to 2.6m), no music in the outdoor areas, and limitations on the number of children permitted to use the outdoor play spaces (16 x 0-2 year olds, 10 x 2-3 year olds and 6 x 3-5 year olds).

The applicant has indicated that the staff will manage keeping the doors closed and limit the number of children and periods of outdoor play. These measures indicate that the design and restrictive operation of the child care facility is not suited to this location and will likely result in adverse impacts to neighbouring residents.

**iv. Non-compliances with the controls**

There are other areas of non-compliance with the relevant controls, such as a minor variation to the DCP for wall plate height, and a lack of information for the embellishment of the first floor outdoor play area. However, as individual matters, these items are not considered to warrant the refusal of the DA.

In view of the above, the proposed development will have any significant adverse environmental, social and economic impacts in the locality and is not supported.

## 8. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The operation of a child care facility in this location will exacerbate traffic congestion in the afternoon peak period and be subject to unsafe vehicular and pedestrian conditions.

This Assessment report demonstrates the proposal will result in significant adverse impacts upon adjoining properties and the streetscape. The proposed child care facility is therefore not considered to be suitable for the site and is not supported.

## 9. SUBMISSIONS

In accordance with the Ryde Community Participation Plan, the owners and occupants of surrounding properties were notified from 10 January to 7 February 2022. In response, 15 unique submissions and 1 petition consisting of 12 signatures were received. The applicant submitted amended plans and reports in response to the issues raised in submissions. The majority of the objections are not considered to be resolved by the amended plans. On this basis, the amended plans were not re-notified. The issues raised in these submissions are considered sufficient to warrant the refusal of the application and are addressed in this report.

Issues raised in submissions including access, traffic and congestion; safety; safety during construction; inadequate parking on and off site; suitability of the site; accessibility; overdevelopment; noise, privacy and amenity; overshadowing to adjoining property to the south at No. 3A Aeolus Avenue; and non-compliance with the controls (Child Care Planning Guidelines, Ryde LEP 2014 and Ryde DCP 2014).

The concerns raised and Council's response to each issue are provided below.

### A. *Access, Traffic and Congestion*

Comment: As discussed in the Likely Impacts section of this report above, significant adverse impacts result due to issues relating to access, traffic and congestion associated with the site and immediate vicinity. The proposal is not supported for these reasons.

### B. *Safety*

Comment: The applicant has demonstrated that the design incorporates secure access to and from the site including secure entry gates and lobby, lighting and CCTV. Out of hours the gate to the parking area will also be securely closed.

### C. *Safety during construction*

Comment: Safety during construction is capable of being imposed as conditions of consent, should approval be granted.

### D. *Inadequate parking on and off site*

Comment: The amended proposal satisfies the minimum on-site parking requirements for a child care facility as required by the Ryde DCP 2014.

*E. Suitability of the site*

Comment: As discussed in the Likely Impacts section of this report above, the site is not considered suitable for the proposed child care facility.

*F. Accessibility*

Comment: The proposal is accompanied by an Access and Mobility Report prepared by Bio-Building Design and a BCA Design Compliance Report prepared by BCA Vision which demonstrates that access throughout the site is capable of meeting the requirements of the BCA and Australian Standards with regard for access for people with disabilities. The proposal provides lift access and suitable pathways throughout the site to allow for suitable access.

*G. Overdevelopment*

Comment: The proposed child care facility is permissible with consent and satisfies the relevant development standards under the Ryde LEP 2014 with regard height of buildings. However, the proposal exceeds the maximum permitted floor space ratio due to the acoustic barrier around the perimeter of the Level 1 balcony. Although intended to be visually permeable; the acoustic screen will be visible from the public domain, neighbouring Adventure Park reserve and neighbouring residential properties and will likely be visually regarded as a part of the building which contributes to the overall building mass. In the context of this Low Density Residential setting, this is a substantial built form which is considered to result in excessive bulk and scale. In culmination with the traffic and congestion experienced at Aeolus Avenue which will be exacerbated by the traffic generated by this proposal, the proposal is considered to be an overdevelopment of the site and is not supported.

*H. Noise, privacy and amenity*

Comment: As discussed in the Likely Impacts section of this report above, the recommendations of the applicant's Noise Impact Assessment constrain the operation of the child care facility to achieve acoustic compliance to the indoor play spaces and neighbouring dwellings. The applicant has indicated that the staff will manage keeping the doors closed and limit the number of children and periods of outdoor play. These measures indicate that the design and restrictive operation of the child care facility is not suited to this location and will likely result in adverse impacts to neighbouring residents.

For these reasons, Council's Environmental Health Officer does not support the proposal. The child care centre is required to limit the number of children permitted to use the outdoor play spaces at any one time: 16 x 0-2 year olds, 10 x 2-3 year olds and 6 x 3-5 year olds. The use of the outdoor play spaces will be managed by staff in terms of the times of use and number of children at any one time (there is no information about how this will be managed / scheduled in line with the Noise Impact Assessment).

If there is the slightest change in the number of children or staff that are present in the outdoor area, then the noise levels will be non-compliant and adversely affect the ability of the neighbouring residents to continue to enjoy the use of their residences in a quiet manner. The proposed development is considered to result in adverse noise and amenity impacts to the neighbouring properties and is not supported.

With regard to visual privacy, direct views from any windows or openings orientated to the side boundaries (towards neighbouring dwellings) are avoided by providing windows with a high sill height, windows which are inset a further inset from the side wall by 2m and treated with translucent glass and fixed louvres, and blank walls. The perimeter of the rear terrace on Level 1 is required to be treated with a 1.8m high acoustic barrier. This barrier is proposed to be constructed of a translucent material to enable light, but not detailed shapes, to pass through. This avoids people standing on the terrace from looking into the surrounding residential properties. Given the above, the visual privacy of surrounding residents is protected.

*1. Overshadowing to adjoining property to the south at No. 3A Aeolus Avenue*

Comment: The applicant has clarified the extent of overshadowing to the adjoining dwelling to the south, No. 3A Aeolus Avenue at **Attachment 1**.

In mid-winter, the dwelling at No. 3A and its rear private open space area is overshadowed in the morning period until approximately 1pm. The overshadowing of the dwelling is clear from 2pm onwards. The rear private open space of No. 3A continues to experience some overshadowing in the afternoon period. This is shown in **Figure 27** below. The applicant has demonstrated that No. 3A continues to benefit from sufficient access to sunlight in line with the development controls in the Ryde DCP 2014, as discussed at **Attachment 3**.



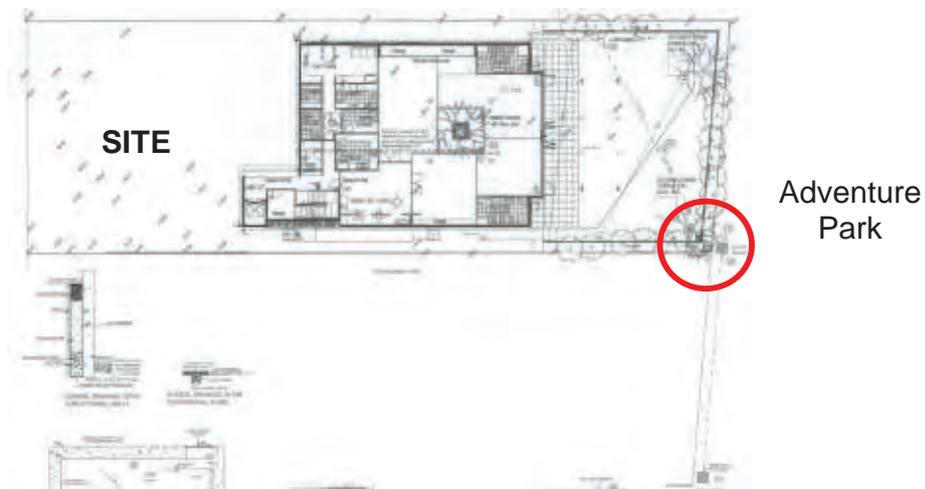
## 11. INTERNAL REFERRALS

**City Works – Traffic:** Council's Traffic Engineer objects to the proposal for the following reasons:

- i. Extensive queuing within the westbound Aeolus Avenue carriageway during the weekday afternoon peak period, which will be exacerbated by the additional traffic generated by the proposed childcare centre development.
- ii. The potential increase in pedestrians crossing Aeolus Avenue during weekday peak periods generated by the proposed childcare centre development (e.g. staff and parents/guardians parked along the northern side of Aeolus Avenue and walking to and from the site to pick-up or drop-off their children), which increases the risk of pedestrian/vehicular conflict due to the traffic activity within Aeolus Avenue during weekday peak periods and the curve in the horizontal road alignment to the west of the site impacting on driver/pedestrian sightlines.

Further detailed justification is provided above with regard to access, traffic and congestion issues, including the independent traffic analysis undertaken by TTW which demonstrates that Aeolus Avenue experiences significant traffic congestion issues during the weekday evening peak period. And the independent peer review undertaken by The Transport Planning Partnership provided at **Attachment 5**.

**City Works – Drainage:** Council's Senior Civil Engineer has provided commentary regarding the applicant's proposal to connect their stormwater drainage system to existing public infrastructure located within Adventure Park (owned by Council). This existing pipe runs parallel to the rear boundary and is 1m outside of the applicant's site. Council's Engineer acknowledges that 'Drainage through parks application' dated 08/09/2021 was previously approved for a point of connection as shown in **Figure 28** below.



**Figure 28:** Extract from the 'Drainage through Parks application' dated 2021 showing the location of the Council approved connection within Adventure Park (circled in red).

The above connection point is still permitted by Council's Civil Engineer. However, the subject DA proposes to connect their stormwater at a different location as shown in **Figure 29** below.



**Figure 29:** Extract from the applicant's proposed Stormwater Drainage Plan prepared by Kozarovski & Partners dated November 2021 showing the proposed location of the connection within Adventure Park (circled in red).

To achieve this new location specified by the applicant in **Figure 29** above, the applicant is required to obtain written permission from the owners of No. 7 Aeolus Avenue (being the upstream property) to connect to their existing pit and pipeline which drains through Adventure Park.

The applicant has not demonstrated that any existing easement exists, nor that they intend to obtain such as easement to connect to the existing drainage connection from No. 7 Aeolus Avenue.

Notwithstanding, Council's Civil Engineer has advised that conditions of consent are capable of being imposed should a consent be issued requiring the stormwater connection to reflect the point of discharge shown in **Figure 28** above as reflected in the 'Drainage through Parks application' dated 2021.

**Development Engineering:** Council's Senior Development Engineer has reviewed the proposal and reiterates the issues raised with regard to drainage to the existing public infrastructure in Adventure Park, as discussed above. This issue is capable of being resolved, subject to conditions of consent should any consent be issued.

With regard to the proposed on-site detention system (OSD), Council's Development Engineer has identified that the OSD design has only accounted for 20m<sup>2</sup> of bypass area, being a shortfall of 120m<sup>2</sup> due to the rear awning. Whilst landscaped, this area would readily become fully saturated in an extreme storm event and so generate runoff

similar to hardstand area. Conditions of consent are capable of being imposed on any consent issued to amend the design to adjustment the design parameters for the OSD.

With regard to servicing the site, Council's Development Engineer identified that it is unclear how vehicles (trucks or vans) will access the site for typical services (such as laundry, food delivery and bin collection by private waste contractor).

The applicant clarified that waste collection and deliveries are proposed to occur on site.

Consideration of the proposed parking and access arrangements were also undertaken by TTPP in their independent peer review at **Attachment 5**. The review indicates that bays 5-8 have a length of 5.2m, which are substandard in length as they do not satisfy the minimum length of 5.4m required by Australian Standard 2890.1.

**Environmental Health Officer:** Council's Senior Coordinator of Environmental Health has reviewed the proposal and advises that the proposal does not satisfy the requirements of Council's controls and cannot be supported for the following reasons:

*This proposal has the potential to impact the amenity of the surrounding residents by creating excess/intrusive noise.*

*The Plan of Management fails to outline how outdoor play will be effectively managed to prevent intrusive noise and ensure compliance with relevant noise legislation and predicted noise modelling.*

*The main area of concern requiring attention is the potential impact that this development will have on the neighbouring residences. This has been assessed using predictive models for the noise to be produced, with modelling determining the following assumptions:*

- *Total sound power in the proposed outdoor play areas*
  - *16 x 0-2 year olds with total sound power level of 80 dB(A);*
  - *10 x 2-3 year olds with total sound power level of 85 dB(A); and*
  - *6 x 3-5 year olds with total sound power level of 84dB(A).*
- *The height of the residential receivers has been assumed to be 1.5m for residential buildings on their respective level.*
- *Source height in the outdoor play area (that is the height of children) has been taken to be 0.7m from the ground.*

*Acoustic barriers are proposed to be 2.1m high surrounding the lower ground outdoor area with an angled cantilever on top (total height of 2.6m). A minimum height of 1.8m barrier around the first floor outdoor play area has been taken into account in the noise modelling; and in addition to this a 1.5m internal barrier within the lower ground outdoor play area was included in the modelling.*

These predictive models have shown that the noise levels will comply with the daytime criterion. However, at the residential noise receivers R3, R4 and R5 as shown in **Figure 30** below, the predicted noise levels are the same as 1 dB +/- from the criteria as shown in **Figure 31** below. This implies that if there is the slightest change in the number of children or staff that are present in the outdoor area then the noise levels will be non-compliant.



**Figure 30:** Extract from the Applicant's Noise Impact Assessment prepared by Rodney Stevens Acoustic dated August 2021 showing the location of the surrounding residential properties.

Receiver	Predicted Outdoor Play Activities Noise at Neighbouring Residents – dB(A)	Criteria	Compliance
R1	19	45	Yes
R2	39	45	Yes
R3	46	45	Yes*
R4	45	45	Yes
R5	44	45	Yes

\* We note that an exceedance of 1 dB(A) is generally regarded as being acoustically insignificant

**Figure 31:** Extract from the Applicant's Noise Impact Assessment prepared by Rodney Stevens Acoustic dated August 2021 showing the predicted outdoor play activities noise emissions. The predicted noise levels to residential noise receivers R3, R4 and R5 are 1 dB +/- from the criteria.

Council's Environmental Health Officer also requested that the applicant submit a detailed Plan of Management which demonstrates how staff will manage outdoor play and ensure compliance with the noise modelling. The applicant submitted a Plan of Management which provides an overview of some of the requested information. However, the Plan of Management failed to provide the key information regarding scheduling the use of the outdoor spaces by staff and children to meet the above restrictions for use by 32 of the 48 children at any one time; and measures to minimise the operational impacts on neighbours, including noise and parking.

Insufficient information is provided in this regard. However, this matter is capable of being resolved by the applicant in the form of an updated Plan of Management and as an individual matter, is not considered to warrant refusal of the DA for this reason (being lack of detail in the documentation).

**Consultant Landscape Architect/Arborist:** Council's Consultant Landscape Architect/Arborist raised concern that the proposal fails to satisfy development controls relating to surfaces, visual privacy and landscaping of the first floor outdoor play area. The applicant has submitted amended plans; however the following issues are not resolved:

- a) *Surfaces: The proposal fails to meet the requirements of Section 6.2.2(c) of Part 3.2 of Ryde DCP 2014 which states that designs are to aim for:*
- i 30% natural planting area (excluding turf);*
  - ii 30% turfed area; and*
  - iii 40% hard surfaces (sand paving, timber platforms)*

*The proposal has been calculated as having approximately:*

- i 22% natural planting area (excluding turf);*
- ii 23% turfed area; and*
- iii 50% hard surfaces (sand paving, timber platforms)*

*Design changes are to be undertaken to ensure that these areas fall within the required abovementioned percentages.*

- b) *Visual privacy of neighbouring allotments: The proposed development does not satisfy Section 4.4(a) of Part 3.2 of the Ryde DCP 2014 which states:*

*"Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:*

- i) Appropriate site and building layout*
- ii) Suitable location of pathways, windows and doors; and*
- iii) Landscape design and screening."*

*The proposed Level 1 storey of the development includes an 'outdoor playground' balcony component which imposes direct overlooking into neighbouring private open spaces. The location and design of this space is also inconsistent with Objective C5 of the Child Care Planning Guideline 2021 whereby outdoor play space is to be limited to the ground level to*

*reduce impacts on amenity from acoustic fences / barriers onto adjoining residences. Further, the proposed hedging species positioned along the side and rear setbacks are not commensurate with the scale of the built form and are incapable of providing adequate visual privacy for neighbouring allotments. As such, design changes to Architectural and Landscape Plans are to be undertaken to effectively address these issues.*

- c) *Design of the Level 1 outdoor play space: No landscape design has been provided for the Level 1 outdoor play space. Given this area is to be provided for children up to 2 years old, it must be designed to meet each of the specific landscaping requirements outlined within Part 3.2 of Ryde DCP 2014 and the Child Care Planning Guideline.*

## **12. CONCLUSION**

The proposed development has been assessed against all relevant matters and is considered unsatisfactory. It is considered that the likely impacts of the development have not been satisfactorily addressed and that the proposal is contrary to the public interest. The site is not considered suitable for the proposed development.

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

1. Concurrence from the Department of Education has not been sought by the applicant with regard to providing simulated outdoor space.
2. The proposal fails to achieve compliance with the floor space ratio development standard under the Ryde Local Environmental Plan 2014, and no clause 4.6 written request has been provided.
3. The DA fails to satisfactorily address significant safety issues regarding traffic congestion during the evening peak hour which obstructs vehicular access to and from the site, and subsequent impacts on the obstruction of sightlines and pedestrian safety
4. The proposal results in a built form of considerable size due to the acoustic screening required to enclose the parking area and first floor balcony. The resulting bulk and scale are excessive in the context of this Low Density Residential setting.
5. The proposal has not demonstrated satisfactory internal amenity for children due to limited natural ventilation and the enclosure of the first floor outdoor play area due to the strict limitations on the operation and design of the development to achieve acoustic attenuation.
6. The site is not suitable for the proposed development and approval of the application would be contrary to the public interest.
7. Several issues raised in the submissions warrant the refusal of the Development Application as they have not been adequately addressed by the applicant, with particular regard to traffic congestion and amenity impacts.

### 13. RECOMMENDATION

- A. That the Ryde Local Planning Panel, as the consent authority, refuse LDA2021/0445 for the construction and operation of a 48 place child care facility at 5 Aeolus Avenue, Ryde, for the following reasons.
1. Under Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development does not satisfy the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* in that:
    - The proposal does not comply with the minimum outdoor space requirements contained within the *Education and Care Services National Regulations*, and payment has not been received to enable the Regulatory Authority to consider whether to grant concurrence under clause 23.
    - The proposal does not satisfy the following Design Quality Principles listed within the *Child Care Planning Guideline*, including:
      - Principle 1 - Context
      - Principle 2 - Built Form
      - Principle 3 - Adaptive Learning Spaces
      - Principle 4 - Sustainability
      - Principle 6 - Amenity
      - Principle 7 - Safety.
    - The proposal does not satisfy a range of provisions contained within the *Child Care Planning Guideline*, including:
      - i. The selection of this site for a child care centre is not suitable as it results in significant acoustic impacts on the surrounding residential properties (Part 3.1).
      - ii. The selection of this site for a child care centre is not suitable as the traffic and parking impacts of the proposal will adversely impact residential amenity and road safety (Part 3.1 and 3.8).
      - iii. The selection of this site for a child care centre is not compatible with the surrounding land uses as its operation is constrained by extensive acoustic attenuation measures and is subject to traffic congestion which blocks the frontage of the site during the peak afternoon period (Part 3.1).
      - iv. The selection of this site for a child care centre is not suitable as access to on street parking is not readily accessible during the evening peak hour periods due to congestion along Aeolus Avenue. Access to and from the site is obstructed during the peak evening period (Part 3.1).
      - v. The selection of this site for a child care centre is not suitable due to high traffic volume along Aeolus Avenue during the evening peak period which creates an unsafe situation for vehicles and pedestrians accessing the site (Part 3.1).

- vi. The proposal fails to provide outdoor space at the ground level to reduce impacts on amenity from fences/barriers onto adjoining residences (Part 3.2).
  - vii. The proposal fails to demonstrate how amenity will be minimised as a result of the operation of the development and its associated parking and traffic impacts (Part 3.8).
  - viii. The proposal provides poor cross ventilation (Part 4.4 and clause 110 of the *Education and Care Services National Regulations Services*).
  - ix. The first floor balcony outdoor play space is not able to be included in the calculation for outdoor space given the balcony is surrounded by 1.8m acoustic walls and has not received the concurrence of the Department of Education (Part 4.9 and clause 108 of the *Education and Care Services National Regulations Services*).
  - x. The Level 1 outdoor play space fails to create a natural environment including the use of natural features such as trees, sand and natural vegetation (Part 4.10 and clause 113 of the *Education and Care Services National Regulations Services*).
2. Under Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of *Ryde Local Environmental Plan 2014* in that:
- The proposed development does not comply with Clause 4.4 of *Ryde Local Environmental Plan 2014*. The proposal seeks a Floor Space Ratio (FSR) of 0.547:1 which contravenes the 0.5:1 maximum FSR prescribed for the subject site. No clause 4.6 written request to vary the development standard has been submitted by the applicant.
  - The proposed development is inconsistent with the relevant objectives of the R2 Low Density Residential zone given existing traffic congestion and road safety concerns make the site unsuitable for a child care centre in this location.
3. The development is inconsistent with a number of provisions of the *Ryde Development Control Plan 2014*, specifically:
- The site is not appropriate for a centre due to its slope, high number of adjoining dwellings and traffic congestion, contrary to Part 3.2(2).
  - The design and character are inappropriate as limited ventilation is provided to the indoor spaces; and the substantial bulk and scale of the building and first floor rear balcony results in adverse amenity impacts on surrounding properties, contrary to Part 3.2(3).
  - The operation of the centre is strictly limited to achieve acoustic attenuation; this information is not specified in the Plan of Management, contrary to Part 3.2(4).
  - The traffic associated with the proposed development will exacerbate the traffic congestion, amenity and safety of vehicles and pedestrians using Aeolus Avenue, in particular during the evening peak period, contrary to Part 3.2(4).
  - The minimum length is not achieved for car parking spaces, contrary to the requires of Part 3.2(5).

- The landscape plan fails to provide embellishment of the first floor outdoor area, contrary to Part 3.2(6).
  - The proposal has not been designed to comply with the built form controls under Part 3.3 Dwelling Houses and Dual Occupancy, including floor space ratio and landscaping requirements, as required by Part 3.3(2).
5. The site is unsuitable for the proposed development under section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
6. Having regard to the reasons noted above and issues raised in public submissions, under the provisions of section 4.15(1)(d) and section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development application is contrary to the public interest.
- B. That the objectors be advised of the decision.

## **ATTACHMENTS**

- 1 Architectural Plans - subject to copyright provision
- 2 SEPP Table of Compliance
- 3 DCP Table of Compliance
- 4 Operational Management Plan
- 5 Independent traffic and parking peer review by TTPP

Report prepared by:

**Holly Charalambous**  
**Senior Coordinator Development Assessment**

Report approved by:

**Sandra Bailey**  
**Executive Manager City Development**

# 5 AEOLUS AVENUE

## RYDE



### DRAWING

2102_DA00	COVER PAGE	C
2102_DA01	SITE ANALYSIS	A
2102_DA02	SITE PLAN	C
2102_DA03	GROUND & LVL. 1 PLANS	B
2102_DA04	LOWER GROUND & SECTION	B
2102_DA05	ELEVATIONS	B
2102_DA06	SECTIONS	B
2102_DA07	KITCHEN DETAIL	A
2102_DA08	3D VIEWS & MATERIAL SCHEDULE	B
2102_DA09	3D VIEWS	B
2102_DA10	SHADOW DIAGRAMS 21 JUNE	C
2102_DA11	SHADOW DIAGRAM 21 JUNE	C
2102_DA12	HEIGHT LIMIT STUDY & NEIGHBOURING AREA	C
2102_DA13	AREA CALCULATION	B
2102_DA14	GROSS FLOOR AREA CALCULATION	C



### COVER PAGE

## 5 AEOLUS AVENUE RYDE PROPOSED CHILD CARE

CITY OF RYDE COUNCIL  
Kidzville ELC

CONSENT NOTICE  
This consent notice is provided to advise the public of the proposed development and to provide an opportunity for the public to comment on the proposal.  
The consent notice is provided to the public in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EPA) and the Environmental Planning and Assessment Regulation 2000 (EPA Regulation).  
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ISSUE	AMENDMENT	DATE	DRAWN	CHECKED
C	Amendment as marked	JUN 22	CS	JK
B	Amendment as marked	MAR 22	CS	JK
A	Issue for Development Application	FEB 21	CS	JK

DRAW NO.  
**2102\_DA00**  
ISSUE  
**C**



**5 AEOLUS AVENUE  
RYDE**

**PROPOSED CHILD CARE CENTRE**

LAND ZONING R2  
HEIGHT LIMIT 9.5 M  
FSR 1.05  
SITE AREA 1266 M<sup>2</sup>

FIRST FL AREA 201 M<sup>2</sup>  
GROUND FL AREA 21 M<sup>2</sup>  
LOWER GROUND 320 M<sup>2</sup>  
TOTAL FL AREA 542 M<sup>2</sup>  
FSR 0.447

**AREA CALCULATION FOR 48 KIDS (SEPP)**

AGE	KIDS	STAFF	INTERNAL	EXTERNAL
0-2	16	4 (114)	52 M <sup>2</sup>	112 M <sup>2</sup>
2-3	20	4 (115)	65 M <sup>2</sup>	140 M <sup>2</sup>
3-5	12	2 (110)	39 M <sup>2</sup>	84 M <sup>2</sup>
<b>Total</b>	<b>48</b>	<b>10</b>	<b>156 M<sup>2</sup></b>	<b>336 M<sup>2</sup></b>

**AREA CALCULATION FOR 48 KIDS (RYDE COUNCIL)**

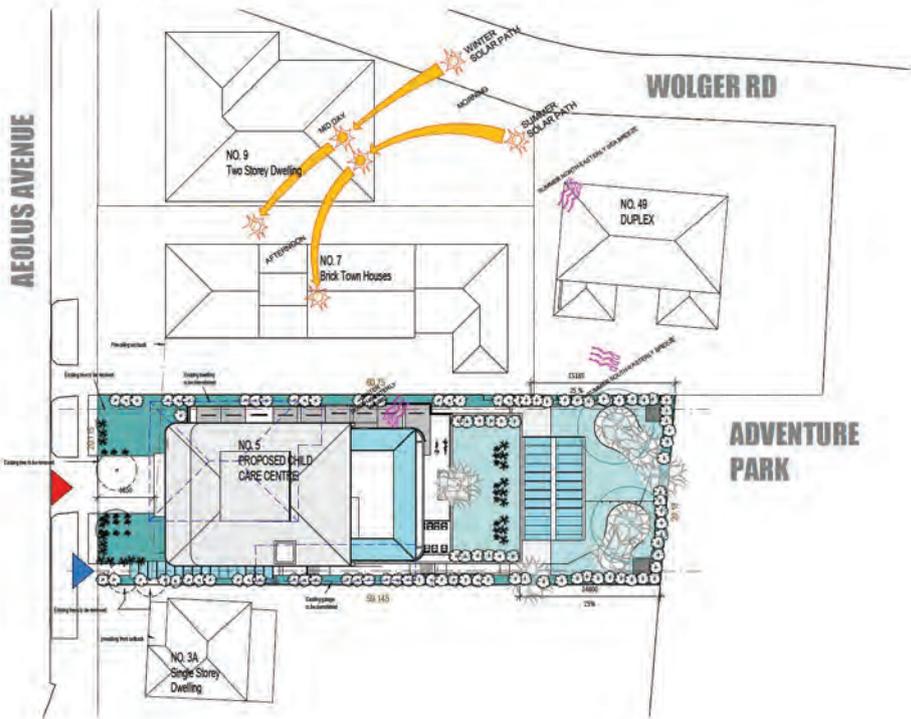
AGE	KIDS	STAFF	INTERNAL	EXTERNAL
0-2	16	4 (114)	72 M <sup>2</sup>	160 M <sup>2</sup>
2-3	20	4 (115)	90 M <sup>2</sup>	200 M <sup>2</sup>
3-5	12	2 (110)	54 M <sup>2</sup>	120 M <sup>2</sup>
<b>Total</b>	<b>48</b>	<b>10</b>	<b>216 M<sup>2</sup></b>	<b>480 M<sup>2</sup></b>

**PARKING RYDE COUNCIL**  
KIDS 16+6  
STAFF 12+5  
TOTAL REQUIRED 11 CARS  
PROVIDED 11 CARS

**SITE PLAN**  
1:200 @ A1  
1:400 @ A3



**AEOLUS AVENUE STREET ELEVATION**  
1:200 @ A1  
1:400 @ A3



- LEGEND**
- Pedestrian Entry
  - Vehicle Entry
  - Trees To Be Removed
  - Trees To Be Retained
  - New Planted Trees
  - Structural Root Zone
  - Building To Be Demolished

**5 AEOLUS AVENUE RYDE  
PROPOSED CHILD CARE**  
CITY OF RYDE COUNCIL  
Kidzville ELC

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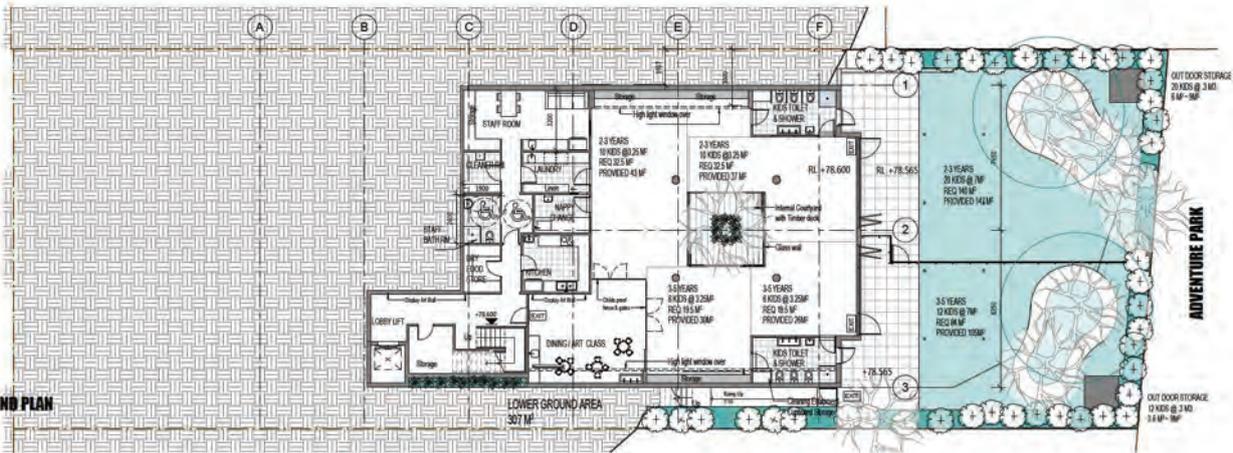
ISSUE	AMENDMENT	DATE	DRAWN	CHECKED
C	Amendment as marked	JULY 22	GS	JK
B	Amendment as marked	MAR 22	GS	JK
A	Issue for Development Application	FEB 21	GS	JK

DRAWING NO.  
**2102\_MAR2**  
ISSUE  
**C**





**SECTION A - A**  
 1:100 @ A1  
 1:200 @ A3



**3. LOWER GROUND PLAN**  
 1:100 @ A1  
 1:200 @ A3

FOR LANDSCAPE DETAIL  
 SEE LANDSCAPE DWG

**LOWER GROUND & SECTION**

**5 AEOLUS AVENUE RYDE  
 PROPOSED CHILD CARE**

CITY OF RYDE COUNCIL  
 Kidzville ELC

**GENERAL NOTE:**  
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ISSUE	AMENDMENT	DATE	DRAWN	CHECKED
B	Amendment as marked	MAR 22	GS	JK
A	Issue for Development Application	FEB 21	GS	JK

DWG NO:  
**2102\_0404**  
 ISSUE:  
**B**

**WEST ELEVATION**  
1: 100 @ A1  
1: 200 @ A3



**EAST ELEVATION**  
1: 100 @ A1  
1: 200 @ A3



**SOUTH ELEVATION**  
1: 100 @ A1  
1: 200 @ A3



**NORTH ELEVATION**  
1: 100 @ A1  
1: 200 @ A3



**ELEVATIONS**

**5 AEOLUS AVENUE RYDE  
PROPOSED CHILD CARE**

CITY OF RYDE COUNCIL  
Kidsville ELC

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4. All dimensions are to the face of the work unless otherwise stated.  
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B	Amendment as marked	MAR 22	GS	JK
A	Issue for Development Application	FEB 21	GS	JK

DWG NO:  
**2102\_BM05**  
ISSUE:  
**B**





3D FRONT VIEW



3D REAR VIEW



**MATERIAL**

- 1 TIMBER LOOK NON COMBUSTIBLE CLADDING WITH ASSORTED COLOUR INSERTS
- 2 CORRUGATED METAL ROOF - COLOURBOND SURFMIST COLOUR
- 3 ROOFING AND CLADDING DANPALON POLYCARBONATE OR TRANSLUCENT COLOUR GLASS
- 4 ASSORTED DANPALON POLYCARBONATE MULTI CELL COLOUR
- 5 CONCRETE OFF FORM
- 6 RENDERED & PAINTED
- 7 WINDOW FRAME COLORBOND MONUMENT COLOUR

**3D VIEWS & MATERIAL SCHEDULE**

**5 AEOLUS AVENUE RYDE  
PROPOSED CHILD CARE**

CITY OF RYDE COUNCIL  
Kidzville ELC

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9. All work shall be in accordance with the Australian Standards for Building Construction unless otherwise indicated.  
10. All work shall be in accordance with the Australian Standards for Building Construction unless otherwise indicated.

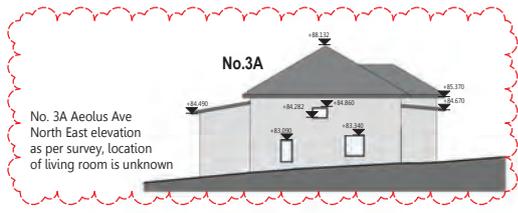
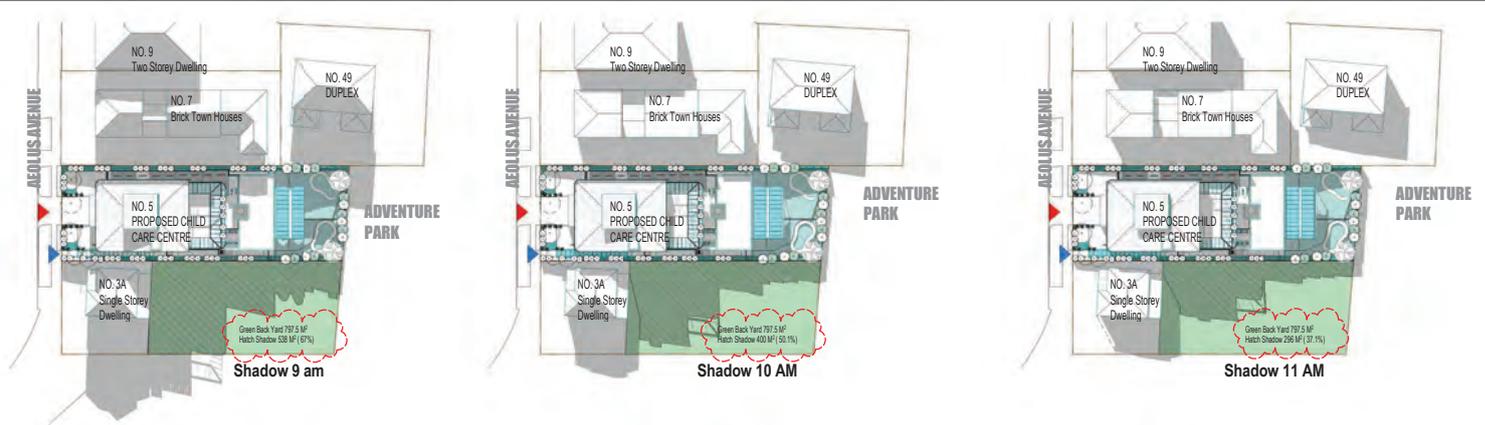


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ISSUE	AMENDMENT	DATE	DRAWN	CHECKED
B	Amendment as marked	MAR 22	CS	JK
A	Issue for Development Application	FEB 21	CS	JK

DRAW NO:  
**2102\_BA06**  
REVISE  
**B**





**5 AEOLUS AVENUE RYDE  
PROPOSED CHILD CARE**  
CITY OF RYDE COUNCIL  
Kidville ELC

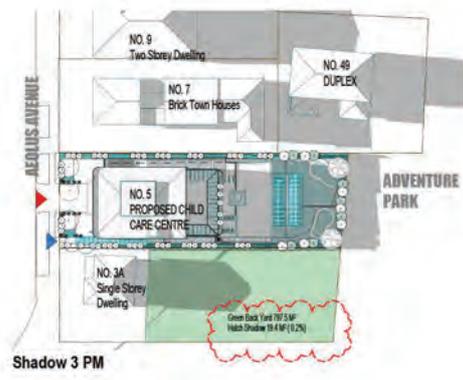
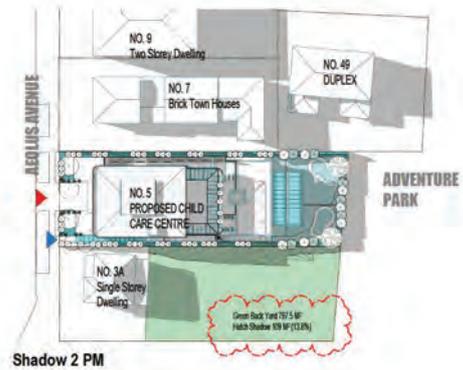
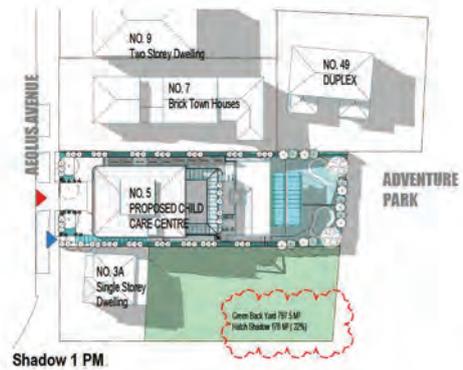
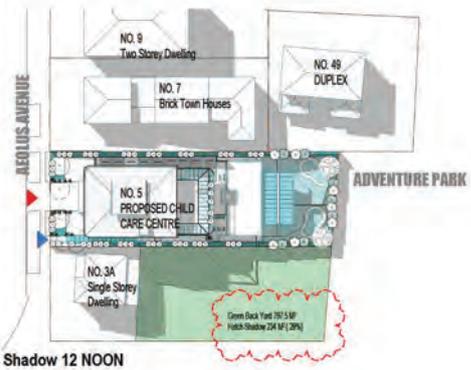
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 - Figure dimensions shall be taken in preference to scaling.  
 - Drawing to be read in conjunction with information on this set of pages.  
 - Check all dimensions and levels on the plan to commencement of levels.  
 - All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturers instructions.  
 - All existing ground lines and tree locations are approximate and are to be verified on site by builder.  
 - Unless noted 'saved for construction' drawing not to be used for construction.

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 Nominated Architect | JH Kure Reg. No. 7616



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C	Amendment as marked	JUN 22	GS	JK
B	Amendment as marked	MAR 22	GS	JK
A	Issue for Development Application	JUL 21	GS	JK

DWG NO:  
**2102\_BA10**  
ISSUE:  
**C**



**SHADOW DIAGRAM 21 JUNE**

**5 AEOLUS AVENUE RYDE  
PROPOSED CHILD CARE**

CITY OF RYDE COUNCIL  
Kidzville ELC

CONSENT NOTICE  
This consent notice is issued for the purpose of providing information to the public regarding the proposed development and the proposed consent. It does not constitute an offer of any consent or approval. It is intended to provide information only and does not constitute an offer of any consent or approval. It is intended to provide information only and does not constitute an offer of any consent or approval. It is intended to provide information only and does not constitute an offer of any consent or approval.

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C	Amendment as marked	JUN 22	CS	JK
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A	Issue for Development Application	FEB 21	CS	JK

Draw No.  
**2102\_0011**  
Issue  
**C**



## HEIGHT LIMIT STUDY & NEIGHBOURING AREA

### 5 AEOLUS AVENUE RYDE PROPOSED CHILD CARE

CITY OF RYDE COUNCIL  
Kidville ELC

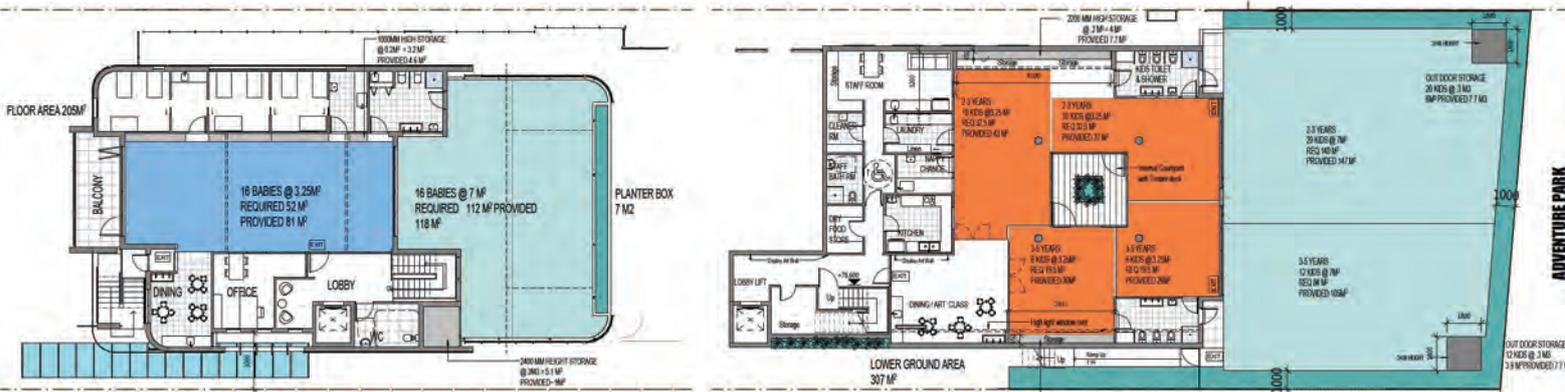
**GENERAL NOTES**  
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 - Drawing to be read in conjunction with information on this last page  
 - Check all dimensions and levels on site prior to commencement of works  
 - All workmanship and materials shall comply with all relevant codes, ordinances, Australian Standards and manufacturers instructions  
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 - Unless noted issued for construction drawing not to be used for construction



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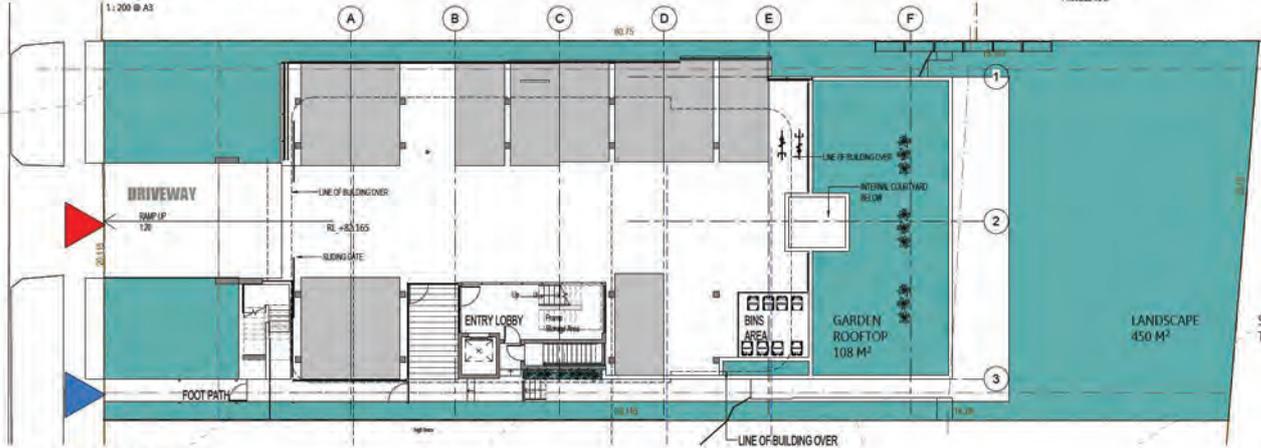
ISSUE	AMENDMENT	DATE	DRAWN	CHECKED
C	Amendment as marked	JUN 22	GS	JK
B	Amendment as marked	MAR 22	GS	JK
A	Issue for Development Application	JUL 21	GS	JK

DWG NO. <b>2102_0A12</b>
ISSUE <b>C</b>



**2. LEVEL 1 PLAN Area Calculation**  
 1:100 @ A1  
 1:200 @ A3

**3. LOWER GROUND Area Calculation**  
 1:100 @ A1  
 1:200 @ A3



**1. GROUND FLOOR Area Calculation**  
 1:100 @ A1  
 1:200 @ A3

**COLOR LEGEND:**

- Indoor play area
- Out door play area
- Landscape area

SITE AREA 1206 M<sup>2</sup>  
 TOTAL LANDSCAPE 565 M<sup>2</sup> (46.8%)

**AREA CALCULATION**

**5 AEOLUS AVENUE RYDE  
 PROPOSED CHILD CARE**

CITY OF RYDE COUNCIL  
 Kidzville ELC

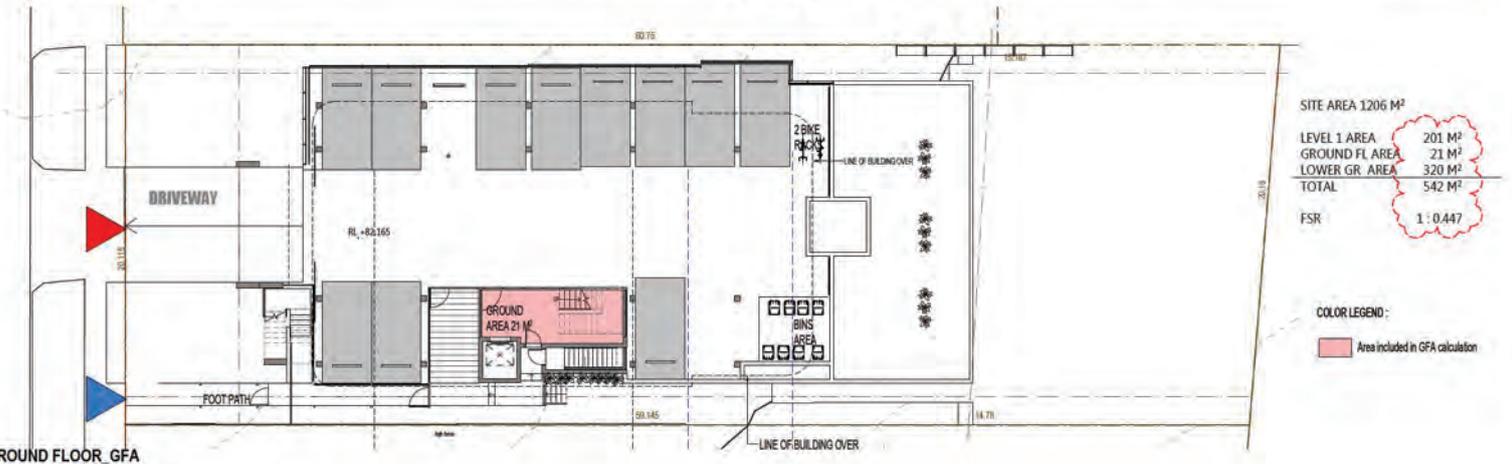
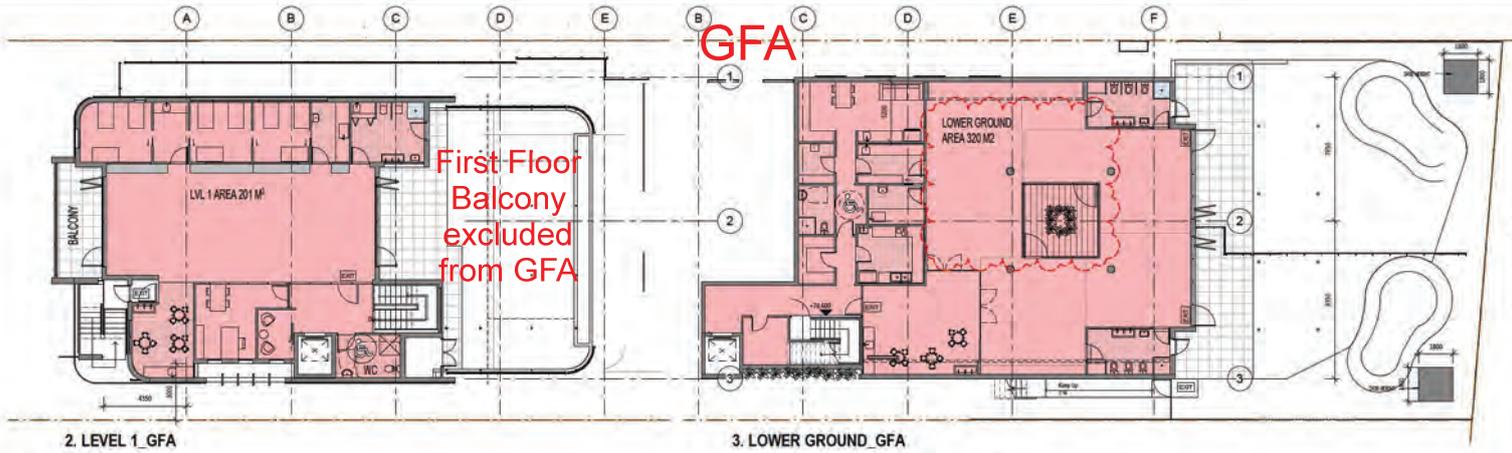


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ISSUE	AMENDMENT	DATE	DRAWN	CHECKED
B	Amendment as marked	MAR 22	OS	JK
A	Issue for Development Application	18.02	OS	JK

TITLE  
**2102\_DA18**  
 000  
**B**



**GROSS FLOOR AREA CALCULATION**

**5 AEOLUS AVENUE RYDE  
PROPOSED CHILD CARE**

CITY OF RYDE COUNCIL  
Kidzville ELC

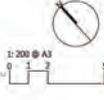
**COMPILE NOTES:**

- 1. All areas shown are based on the site plan and are subject to change.
- 2. All areas shown are based on the site plan and are subject to change.
- 3. All areas shown are based on the site plan and are subject to change.
- 4. All areas shown are based on the site plan and are subject to change.
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B	Amendment as marked	MAR 22	CS	JK
A	Issue for Development Application	FEB 21	CS	JK

DWG NO.  
**2102\_BAH**

ISSUE  
**C**

### SCHEDULE OF PLANT MATERIAL

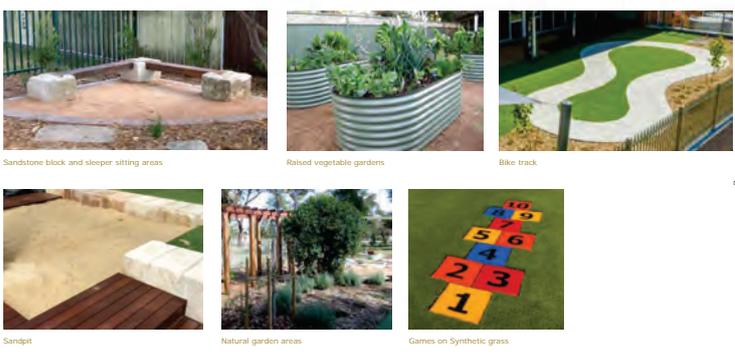
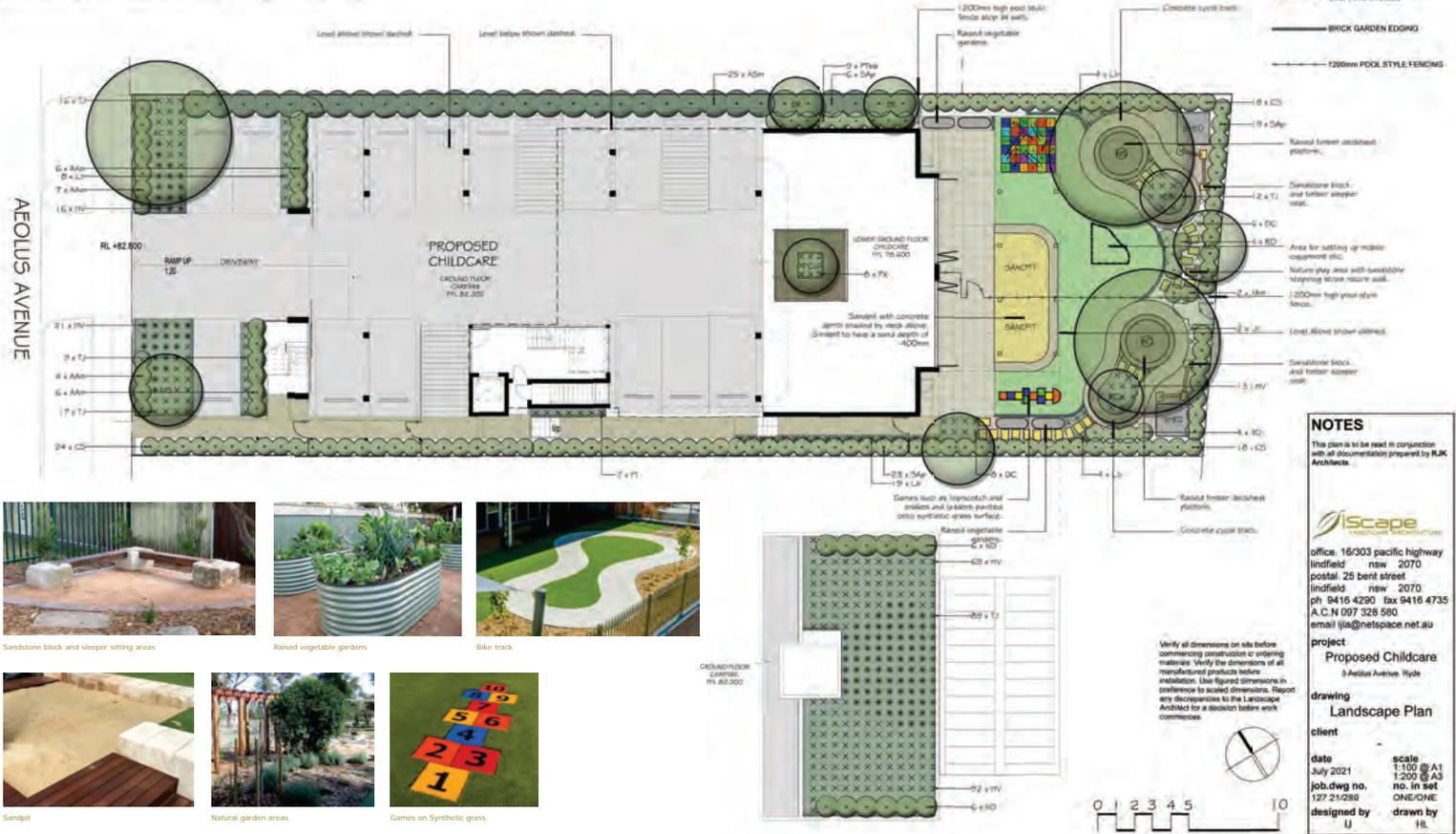
CODE	BOTANICAL NAME	COMMON NAME	QUANTITY	MATURE HEIGHT	CONTAINER SIZE	STAKES
AA	<i>Acrocnema swanii</i> 'Alpi Magic'	Dwarf Lil Pili	25	1m	200mm	-
AS	<i>Acrocnema swanii</i> var. <i>interc.</i>	Dwarf Lil Pili	25	3m	200mm	-
AC	<i>Argemone coccinea</i>	Sydney Red Gum	2	20m	100 litre	2
CS	<i>Callistemon 'Slim'</i>	Narrow Bottlebrush	60	3m	200mm	-
DC	<i>Dianella caerulea</i>	Plato Lily	14	0.4m	140mm	-
ER	<i>Eriocarpus reticulatus</i>	Blueberry Ash	5	5m	100 litre	2
HV	<i>Hardenbergia violacea</i>	Native Sangreparilla	211	prostrate	140mm	-
LI	<i>Liriodendron 'Just Right'</i>	Turk Lily	37	0.4m	140mm	-
MS	<i>Manisotica stypheloides</i>	Paperbark	2	10m	100 litre	2
ND	<i>Nandina domestica</i>	Sacred Bamboo	12	2m	200mm	-
NS	<i>Nyssa sylvatica</i>	Tupelo	1	15m	100 litre	-
PK	<i>Phloxidoxon 'Kancu'</i>	Dwarf Philadelphron	13	0.5m	140mm	-
PT	<i>Phormium tenax 'Tropica Blue'</i>	Dwarf NZ Flax	9	1m	200mm	-
RO	<i>Rosmarinus officinalis</i>	Rosemary	8	1.5m	200mm	-
SA	<i>Syringua australis 'Pinnatifid'</i>	Dwarf Lil Pili	48	3m	200mm	-
TJ	<i>Tracholoppermum jasminoides</i>	Star Jasmine	143	1.4m	140mm	-
TL	<i>Tristania laurifolia 'Lambour'</i>	Water Gum	1	5m	100 litre	2
PC	<i>Pinus calliptrera 'Cathart'</i>	Ornamental Pine	2	5m	100 litre	2

## Landscape Plan (as submitted)



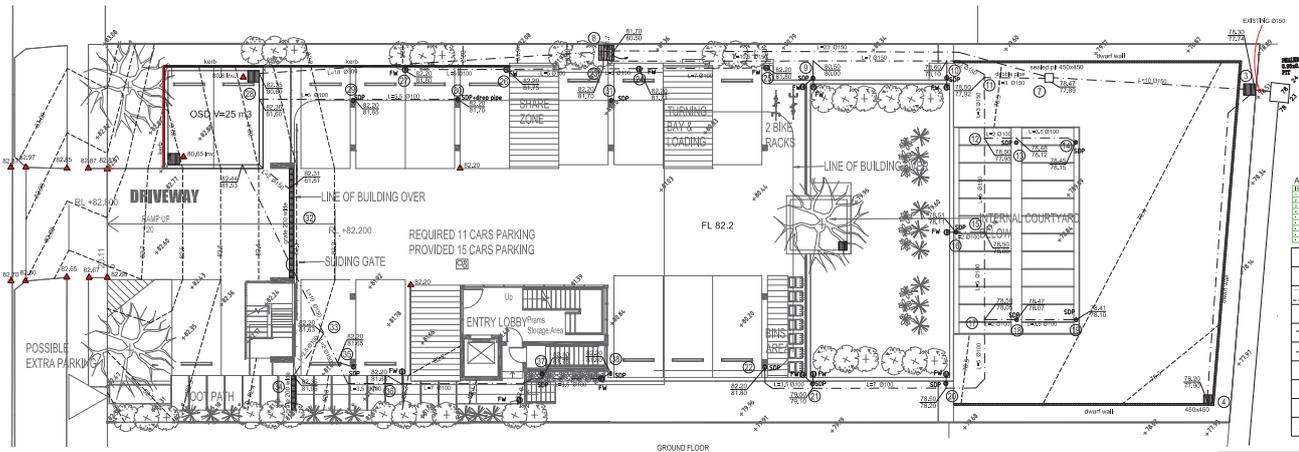
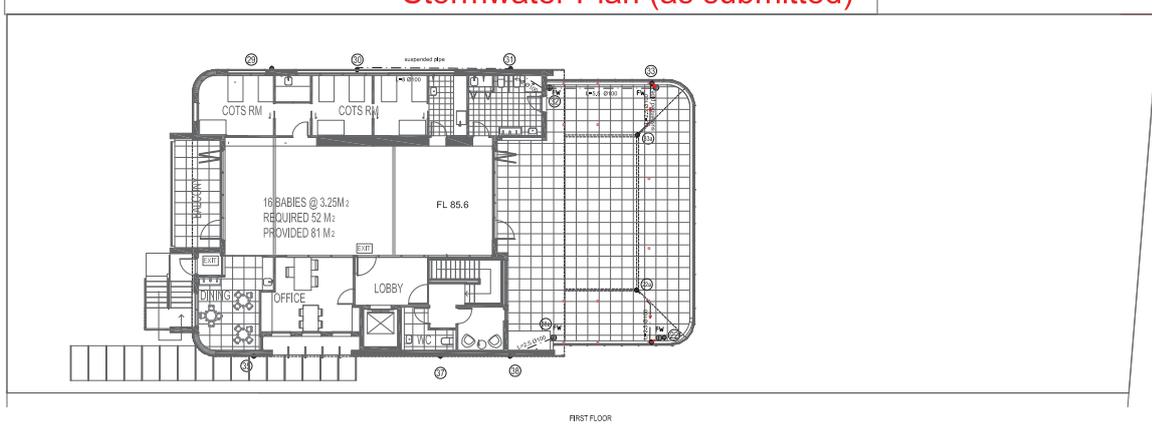
### LEGEND

- CONCRETE PAVING
- SYNTHETIC GRASS
- TIMBER DECKING
- MULCH AREA
- 100x400x6M SANDSTONE STEPPING STONES
- BRICK GARDEN EDGING
- 1200mm POOL STYLE FENCING





## Stormwater Plan (as submitted)



Amendments
1
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LEGEND	
⊙ SSP	SEALED PVC DOWNPIPE 90 Ø DOWNPIPE
⊙ DP	EXISTING CONDUIT (m)
---	PROPOSED CONDUIT (m)
⊙ Fp	SUB-SOIL DRAINAGE FLOOR POINT FLOOR WASTE 200x200 (m)
⊙ Fp	STORMWATER DRAINAGE PIPE DIAMETER = 100 mm, S = 1% SLOPE
---	SUBSOIL DRAINAGE PIPE
⊙	FINISHED GROUND LEVEL (m)
⊙	EXISTING GROUND LEVEL (m)
⊙	PROPOSED GROUND LEVEL (m)
⊙	TOP OF WALL (m)

STORMWATER DRAINAGE PLAN FOR PROPOSED CHILD CARE CENTER AT 141-3 ADELPHI AVENUE, WIDE BAY  
 DESIGNED BY: PAVEL KOZAROVSKI  
 MEAS, CPENG, NPER-3

DRAWING No: C-368-02  
 SCALE: 1:100 on A1, 1:200 on A3  
 10/09/2014  
 10/09/2014  
 10/09/2014



## Attachment 2 - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Relevant Clauses	Compliance with Standard / Provision	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
<p><b>22.</b> Centre-based child care facility — concurrence of Regulatory Authority required for certain development</p>	<p>The floor area complies with regulation 107 (Indoor unencumbered space requirements). The outdoor space requirements do not comply with regulation 108 (outdoor unencumbered space requirements). Concurrence is required.</p>	<p>N/A</p> <p style="color: red;">No. Refer to Assessment report for further details.</p>
<p><b>23.</b> Centre-based child care facility — matters for consideration by consent authorities</p>	<p>Refer to the assessment against the <i>Child Care Planning Guideline</i> below.</p>	<p>See below.</p>
<p><b>24.</b> Centre-based child care facility in Zone IN1 or IN2 — additional matters for consideration by consent authorities.</p>	<p>The site is located within an R2 Low Density Residential Zone.</p>	<p>N/A</p>
<p><b>25.</b> Centre-based child care facility — non-discretionary development standards</p> <p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</p> <p>(a) <b>location</b>—the development may be located at any distance from an existing or proposed early education and care facility,</p>	<p>Assessment of the clause is as follows:</p> <p>(a) Noted</p> <p>(b)</p> <p>(i.) Complies with regulation 107 as follows:</p> <p>16 x 0-2: 80m<sup>2</sup> of indoor space provided for 16 children (5m<sup>2</sup> per child). 20 x 2-3 kids: 80m<sup>2</sup> of indoor space provided for 20 children (4m<sup>2</sup> per child). 12 x 3-5 kids: 56m<sup>2</sup> of indoor space provided for 12 children (4.7 per child).</p> <p>Complies with regulation 108 as follows:</p> <p>16 x 0-2: 118m<sup>2</sup> of outdoor space provided for 16 children (7.4m<sup>2</sup> per child). 20 x 2-3 kids: 147m<sup>2</sup> of outdoor space provided for 20 children (7.4 per child).</p>	<p>Yes</p> <p style="color: red;">However, the outer sides of the outdoor space are enclosed by acoustic barriers. Concurrence is required from the</p>

Relevant Clauses	Compliance with Standard / Provision	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
<p>(b) <b>indoor or outdoor space</b></p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) <b>site area and site dimensions</b>—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b>—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from—</p>	<p>12 x 3-5 kids: 105m<sup>2</sup> of outdoor space provided for 12 children (8.8 per child).</p> <p>(ii.) N/A</p> <p>(c) Noted</p> <p>(d) Noted. Heritage provisions do not apply.</p>	<p>Department of Education for 'simulated' outdoor space. Refer to the Assessment report for further details.</p>

Relevant Clauses	Compliance with Standard / Provision	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
<p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>		
<p><b>26. Centre-based child care facility — development control plans</b></p> <p>(1) A provision of a DCP that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p> <p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—</p> <p>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p>(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).</p> <p>(2) This clause applies regardless of when the</p>	Noted.	Noted.

Relevant Clauses	Compliance with Standard / Provision	Compliance
<b>Part 3 Early education and care facilities – specific development controls</b>		
development control plan was made.		

## Child Care Planning Guideline September 2021

Guideline	Compliance with Standard / Provision
<b>Part 2 Design Quality Principles</b>	
<p><b>Principle 1. Context</b>            Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.            Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.            Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The proposed development responds to its the context by stepping down with the slope of the land.</p> <p>The proposal is not considered to enhance the quality and identity of the area due to the considerable bulk as the provision of car parking is at-grade and the first floor balcony is required to be enclosed. The resulting bulk and scale is excessive in this context.</p> <p><b>On this basis, Principle 1 is not satisfied.</b></p>
<p><b>Principle 2. Built Form</b>            Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.            Good design achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.            Good design also uses a variety of materials, colours and textures.            Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.            Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>There are a number of concerns with the proposed built form as outlined within the Assessment report.</p> <p><b>On this basis, Principle 2 is not satisfied.</b></p>
<p><b>Principle 3. Adaptive learning spaces</b>            Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to</p>	<p>The Lower Ground Level spaces for 2-5 year olds satisfies these requirements.</p> <p>The Level 1 Plan does not specify the fitout of the external play area for 0-2</p>

Guideline	Compliance with Standard / Provision
<p>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>year olds. The design guidelines for outdoor space (discussed in detail below) is not satisfied. However, given this balcony is capable of being appropriately embellished, this matter does not warrant the refusal of the DA.</p> <p>Concern is also raised regarding the level of amenity for children using the balcony due to the enclosure of the balcony walls to a height of 1.8m to achieve acoustic compliance. This is discussed further in the Assessment report.</p> <p><b>On this basis, Principle 3 is not satisfied.</b></p>
<p><b>Principle 4. Sustainability</b>  Combines positive environmental, social and economic outcomes.  This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.  Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p>	<p>The proposed facility is considered to provide adequate solar access and shading.</p> <p>Natural cross ventilation is limited as the windows and doors are required to remain closed to achieve acoustic attenuation. <b>On this basis, Principle 4 is not satisfied.</b></p>
<p><b>Principle 5. Landscape</b>  Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape 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 provision of landscaping is adequate to complement the building, including feature planting and trees.</p> <p>Limited landscaping is provided to the Level 1 external play area for 0-2 year olds. The design guidelines for outdoor space (discussed in detail below) is not satisfied. However, given this balcony is capable of being appropriately embellished, this matter does not warrant the refusal of the DA.</p>

Guideline	Compliance with Standard / Provision
<p><b>Principle 6. Amenity</b>            Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.            Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	<p>The amenity for children and staff within the centre is generally appropriate. However, concern is raised that there is insufficient amenity for the outdoor play area on the Level 1 balcony due to a lack of embellishment of the learning space (landscaping and play features) and being enclosed to a height of 1.8m. The Lower Ground outdoor play area is limited in terms of hours of use and the number of children at any one time. Ventilation is also limited as the window and doors are to remain closed to achieve acoustic compliance.</p> <p>The proposal does not demonstrate that good amenity is provided to the residential neighbours due to the significant boundary fencing proposed and constraints on the operation of the site to achieve acoustic compliance.</p> <p><b>On this basis, Principle 6 is not satisfied.</b></p>
<p><b>Principle 7 - Safety</b>            Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.            Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).            Well designed vehicular parking and access minimise traffic safety risks on children and staff.</p>	<p>The proposal generally provides satisfactory passive surveillance to Aeolus Street. The quality of passive surveillance would be improved by providing a staffed lobby/office area at the ground level entry. However, this matter does not warrant the refusal of this DA.            Significant safety issues are raised with regard to traffic congestion during the evening peak hour which obstructs vehicular access to and from the site, and subsequent impacts on the obstruction of sightlines and pedestrian safety.</p> <p><b>On this basis, Principle 7 is not satisfied.</b></p>
<b>Part 3 Matters for Consideration</b>	
<b>3.1 Site Selection and Location</b>	
<p><b>C1.</b> For proposed developments in or adjacent to a residential zone, consider:</p>	

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>• The acoustic and privacy impacts of the proposed development on the residential properties</li> <li>• The setbacks and siting of buildings within the residential context</li> <li>• Visual amenity impacts (e.g. additional building bulk and overshadowing, local character)</li> <li>• Traffic and parking impacts of the proposal on residential amenity and road safety.</li> </ul> <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> <li>• Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>• The potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul>	<p>An acoustic report has been submitted with the proposed development. <b>EHO raised issues due to lack of PoM in respect to how the outdoor spaces will be managed.</b> No issues were raised with the acoustic report as discussed in the health officer's referral.</p> <p>The front and side setbacks are consistent with the residential context. The rear setback satisfies the minimum required setback permitted by the DCP.</p> <p>The part 2/3 storey building present as substantial building bulk, in particular as viewed in relation to the single storey villas and dwelling which adjoin the site. However, the street comprises a mix of land uses, including 2 storey dwellings, an apartment building and aged care facility. Although a large proportion of the building bulk is due to parking provided at-grade, the building is stepped with the slope of the land. The excessive building bulk is most significantly generated by the enclosure of the first floor rear balcony. As such, the quality of the proposal does not exhibit a high level of visual amenity. However, this is insufficient to warrant the refusal of this DA.</p> <p>Traffic Reports have been submitted with the proposed DA by Traffic Solutions dated July 2021 and July 2022. Council's traffic engineer has raised a number of issues, which are detailed in the officer's referral in of the Assessment report. <b>Therefore, this matter is not satisfied.</b></p> <p>N/A, the proposal is located within a residential zone.</p>
<p><b>C2.</b> When selecting a site, ensure that:</p>	

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>• The location and surrounding uses are compatible with the proposed development or use.</li>   <li>• The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.</li>   <li>• There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.</li>   <li>• The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> <li>○ size of street frontage, lot configuration, dimensions and overall size</li> <li>○ number of shared boundaries with residential properties</li> <li>○ the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.</li> </ul> </li>   <li>• Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use.</li>   <li>• There are suitable and safe drop off and pick up areas, and off and on street parking.</li>   <li>• The characteristics of the fronting road(s) (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use.</li> </ul>	<p>The surrounding uses are compatible with the proposed use. However, the site is not appropriate for a centre which is constrained by extensive acoustic attenuation measures and experiences traffic congestion during the peak evening period. <b>This matter is not satisfied.</b></p> <p>The site is not known to be affected by flooding, land slip, bushfire or coastal hazards or contaminates/ hazardous materials.</p> <p>The site is on the south-eastern side of Aeolus Avenue. The site shares its side boundaries with 6 other dwellings, presenting challenges for the design of the development.</p> <p>N/A</p> <p>The site provides on-site parking spaces. Access to on street parking is not readily accessible during the evening peak hour periods due to congestion along Aeolus Avenue. Access to and from the site is obstructed during the peak evening period. <b>This matter is not satisfied.</b></p> <p>There is a high traffic volume along Aeolus Avenue during the evening peak period. The resulting traffic congestion creates an unsafe situation for vehicles and pedestrians accessing the site. <b>This matter is not satisfied.</b></p>

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicles volumes, especially where there are limited pedestrian crossing facilities.</li> <li>It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	<p>The adjoining roads comprise local and arterial roads. There are issues in relation to high traffic volumes during the peak evening period directly in front of the site. <b>This matter is not satisfied.</b></p> <p>The site is not in proximity to any of the incompatible social activities and uses listed.</p>
<p><b>C3.</b> A child care facility should be located:</p> <ul style="list-style-type: none"> <li>Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>Near or within employment areas, town centres, business centres, shops</li> <li>With access to public transport including rail, buses, ferries</li> <li>In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p>The proposed development is located near TAFE NSW – Ryde, Smalls Road Public School and Denistone East Public School.</p> <p>The site is in the vicinity of Midway Shopping Centre and Top Ryde Shopping Centre. Other shops are located nearby.</p> <p>Buses run frequently in the immediate vicinity, in particular along Blaxland Road.</p> <p>Pedestrian access is provided to local features.</p>
<p><b>C4.</b> A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>Proximity to: <ul style="list-style-type: none"> <li>Heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems</li> <li>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> <li>extractive industries, intensive agriculture, agricultural spraying activities.</li> </ul> </li> <li>Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>	<p>The proposal 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.</p> <p>The application is accompanied by a Preliminary Environmental Site Investigation Report prepared by LG Consult and dated January 2018 which states that no evident sources of contamination were identified and that it is considered that potential contaminants associated with past and present land uses are minimal. The report concludes that the site is suitable for the proposed child care facility.</p>
<p><b>3.2 Local Character, streetscape and the public domain interface</b></p>	
<p><b>C5.</b> The proposed development should:</p>	

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>• Contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• Build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of the place</li> <li>• Reflect the predominant form of surrounding land uses, particularly in low density residential areas</li>   <li>• Recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape and local character</li>   <li>• Use landscaping to positively contribute to the streetscape and neighbouring amenity</li>   <li>• Integrate car parking into the building and site landscaping design in residential areas.</li>   <li>• In R2 Low Density zones limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved.</li> </ul>	<p>Refer to assessment of Design Quality Principles above.</p> <p>N/A The neighbourhood does not reflect consistent characteristics in terms of history and culture.</p> <p>The immediate area comprises a mix of single and 2 storey dwellings, apartment buildings and an aged care facility. The proposed land use is not inconsistent.</p> <p>The development reflects the 2 storey form and setbacks of some buildings. However, is inconsistent in terms of materials, colours and the lack of a pitched roof form. There are limited architectural treatments which reflect the local character, in particular the lack of a pitched roof form. Despite this, it is anticipated that the redevelopment of some properties in the immediate vicinity will be redeveloped in future for dwellings of a more modern appearance.</p> <p>Landscaping is provided in the 6m front setback area and along the side and rear boundaries.</p> <p>Car parking is provided at-grade and is enclosed by acoustic screens. Some landscape screening is provided.</p> <p><b>Not satisfied. The first floor balcony comprises and outdoor play space with acoustic screens to a height of 1.8m along the side and rear of the balcony.</b></p>
<p><b>C6.</b> Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility.</li> <li>• Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community.</li> <li>• Integrating existing and proposed landscaping with fencing.</li> </ul>	<p>Secure fencing/gates are provided throughout the facility.</p> <p>A balcony is provided on the first floor which enables views to the street.</p> <p>No existing landscaping and fencing are proposed to be retained. The proposal demonstrates an integrated design</p>

Guideline	Compliance with Standard / Provision
	approach for replacement planting and new fencing.
<p><b>C7</b> On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	A single building is proposed with access via Aeolus Avenue only.
<p><b>C8</b> Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• Clearly defined street access, pedestrian paths and building entries</li> <li>• Low fences and planting which delineate communal / private open space from adjoining public open space.</li> <li>• Minimal use of blank walls and high fences.</li> </ul>	<p>The rear boundary of the site adjoins Adventure Park.</p> <p>No access is proposed via the rear boundary to Adventure Park. Secure fencing is provided. Low fencing is not considered suitable for security and acoustic reasons. The presentation of the building avoids blank walls. 2.1m high acoustic barrier fencing is proposed, which is generally consistent with the existing 1.8 fencing along the rear boundary.</p>
<p><b>C9.</b> Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>A child proof fence is proposed and setback 3.5m from the front setback area.</p> <p>The site is not identified as a heritage item or within a heritage conservation area.</p>
<p><b>C10.</b> High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	N/A Aeolus Avenue is not a classified road.
<p><b>3.3 Building orientation, envelope, building design and accessibility</b></p>	
<p><b>C11.</b> Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>○ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>○ placing play equipment away from common boundaries with residential properties</li> <li>○ locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> </ul>	<p>Doors and windows are orientated to the front and rear of the site. Any first floor windows to the side boundaries are further setback and translucent or highlight. Play equipment and outdoor areas are separated from adjoining properties by landscaping and acoustic fencing.</p>

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>• Optimise solar access to internal and external play areas</li> <li>• Avoid overshadowing of adjoining residential properties</li>   <li>• Minimise cut and fill</li>   <li>• Ensure buildings along the street frontage define the street by facing it</li>   <li>• Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>Adequate solar access is provided to all outdoor play areas.</p> <p>The Shadow Diagrams in Drawing Nos. DA10 &amp; DA11 shows the extent of overshadowing to the single storey dwelling at No. 3A Aeolus Avenue to the south-west. The property of No. 3A is significant in size and solar access is achieved to the dwelling and its rear private open space throughout the day in mid-winter.</p> <p>Excavation is proposed to accommodate the Lower Ground Level. The cut and fill at boundaries of the site generally follows the existing levels at the boundary and are satisfactory.</p> <p>The building faces the street.</p> <p>The outdoor play space on the first level is protected from the wind by privacy walls to the side, solid balustrades and privacy screens. This area is not covered to provide protection from sun and rain.</p>
<p><b>C12.</b> The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• Building height should be consistent with other buildings in the locality</li> <li>• Building height should respond to the scale and character of the street</li>   <li>• Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• Setbacks should provide adequate access for building maintenance</li> <li>• Setbacks to the street should be consistent with the existing character.</li> </ul>	<p>The maximum building height of approx. 9m satisfies the maximum permitted under the Ryde LEP 2014 (9.5m). The height is consistent with other nearby 2 storey dwellings, the apartment building and aged care facility.</p> <p>The wall height is in excess of that permitted under the Ryde DCP 2014. However, this exceedance is minor and does not warrant the refusal of this DA.</p> <p>Side setbacks satisfy the minimum requirements under the Ryde DCP 2014. Setbacks provide sufficient access for maintenance.</p> <p>The building is consistent with the prescribed setbacks of the DCP and is not inconsistent with the existing character.</p>

Guideline	Compliance with Standard / Provision
<p><b>C13.</b> Where there are no prevailing setback controls minimum setback to a classified road should be 10m.</p> <p>On other road frontages where there are existing buildings within 50m, the setback should be the average of the 2 closest buildings. Where there are no buildings within 50m, the same setback is required for the predominant adjoining land use.</p>	<p>Aeolus Avenue is not a classified road.</p> <p>The 6m front setback of the proposed building is consistent with the front setback of the locality.</p>
<p><b>C14.</b> On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The building is consistent with the prescribed setbacks of the DCP and is not inconsistent with the existing character.</p>
<p><b>C15.</b> Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• Located to allow ease of access, particularly for pedestrians</li> <li>• Directly accessible from the street where possible</li> <li>• Directly visible from the street frontage</li> <li>• Easily monitored through natural or camera surveillance</li> <li>• Not accessed through an outdoor play area.</li> <li>• In a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	<p>The primary access is provided within the site via the Entry Lobby. Access is also available via the stairwell in the front setback area.</p> <p>Pedestrian access is via the pathway along the southern boundary of the site. This pathway consists of 2 gates and an entry door. Access from the car park is direct and accessible.</p> <p>Direct access is provided from the street.</p> <p>Driveway and pedestrian pathway is visible from the street. An indicates where the entry lobby is.</p> <p>Monitoring by camera surveillance only.</p> <p>Achieved.</p> <p>N/A. The proposal is not for mixed-use development.</p>
<p><b>C16.</b> Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• Providing accessibility to and within the building in accordance with all relevant legislation.</li> <li>• Linking all key areas of the site by level or ramped pathways that are accessible to</li> </ul>	<p>The application is accompanied by an Access and Mobility Report prepared by Bio-Building Design dated August 2021, Which confirms that the proposal is capable of satisfying the relevant standards.</p>

Guideline	Compliance with Standard / Provision
<p>prams and wheelchairs, including between all car parking areas and the main building entry.</p> <ul style="list-style-type: none"> <li>• Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible.</li> <li>• Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	<p>The proposal allows accessible pathways into the building via a lift only.</p> <p>A continuous path off travel is provided throughout the building via a lift.</p> <p>No ramping is proposed between the footpath and main entry.</p>
<b>3.4 Landscaping</b>	
<p><b>C17.</b> Appropriate planting should be provided along the boundary integrated with fencing.</p> <p>Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	<p>Appropriate planting is proposed along the side boundaries.</p> <p>This vegetation has not been included as outdoor play space.</p>
<p><b>C18.</b> Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• Taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• Using low level landscaping to soften and screen parking areas.</li> </ul>	<p>N/A</p> <p>Parking is clear of the front setback area and is screened by some landscaping.</p> <p>Parking is screened by some landscaping.</p>
<b>3.5 Visual and acoustic privacy</b>	
<p><b>C19.</b> Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>N/A The proposed development is not a mixed-use development.</p>
<p><b>C20.</b> Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• Appropriate site and building layout</li> <li>• Suitably locating pathways, windows and doors</li> <li>• Permanent screening and landscape design.</li> </ul>	<p>When viewed from the street, the indoor rooms/balcony on the first floor is raised to mitigate direct views.</p> <p>When viewed from Adventure Park at the rear of the site, direct overlooking of indoor rooms and outdoor play spaces is minimised by barrier acoustic fencing, landscaping and solid balustrading.</p>

Guideline	Compliance with Standard / Provision
<p><b>C21.</b> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• Appropriate site and building layout</li>   <li>• Suitable location of pathways, windows and doors</li>   <li>• Landscape design and screening.</li> </ul>	<p>The building layout orientates all windows and doors to the front and rear of the property. And first floor side windows avoid direct overlooking by providing windows to the side boundaries that are further set back and translucent or highlight windows.</p> <p>An access pathway is located along the southern boundary shared with No. 3A Aeolus Avenue. This pathway is for the use of staff, parents and visitors attending the site by foot. And also for maintenance access to the rear of the site. The proposal provides boundary fencing and landscape screening to avoid overlooking to the dwelling and its private open space at No. 3A Aeolus Avenue.</p> <p>Landscaping is proposed in locations which assist with screening views to other dwellings and their private open space. Once these screening plants grow to an appropriate size (most screening plants have a mature height of 3m) it is intended that sufficient privacy screening will be offered. However, Council's consultant landscape architect has confirmed that the resulting landscape screening is insufficient relative to the scale of the proposal. Refer to the Assessment report for further details.</p>
<p><b>C22.</b> A new development, or development that includes alterations to more than 50% of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>• Ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	<p>The properties adjoining the side boundaries of the site are residential.</p> <p>Acoustic barrier walls/fences are provided along the boundaries and within the site, as recommended by the Noise Impact Assessment.</p> <p>The air conditioning equipment is located at the ground level at the rear of the parking area. Acoustic barriers are recommended by the Noise Impact Assessment.</p>

Guideline	Compliance with Standard / Provision
<p><b>C23.</b> A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• Identify an appropriate noise level for a child care facility located in residential and other zones.</li> <li>• Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use.</li> <li>• Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	<p>These items are provided in the Noise Impact Assessment. Comments from Council's Environmental Health Officer are provided in the Assessment report.</p> <p>Acoustic barriers of a significant height are required to meet the required noise level as heard from the neighbouring dwellings.</p>
<b>3.6 Noise and Air Pollution</b>	
<p><b>C24.</b> Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• Creating physical separation between buildings and the noise source</li> <li>• Orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• Using landscaping to reduce the perception of noise</li> <li>• Limiting the number and size of openings facing noise sources</li> <li>• Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	<p>This site is located approximately 160m from a classified road (Blaxland Road). The proposed facility is orientated away from Blaxland Road. Landscaping is proposed throughout the site. Acoustic fencing and glazing is proposed throughout the development.</p> <p>Solid balcony balustrades and external screens are proposed. Cot rooms and play areas are located facing away from noise sources.</p>
<p><b>C25.</b> An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• On industrial zoned land</li> <li>• Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• On a major or busy road</li> <li>• Other land that is impacted by substantial external noise.</li> </ul>	<p>N/A. The site is zoned R2 Low Density Residential and is not located within an ANEF contour or in proximity of an industrial zone, road, or railway corridor.</p>

Guideline	Compliance with Standard / Provision
<p><b>C26.</b> Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The site is zoned R2 Low Density Residential and is orientated away from Blaxland Road (a classified road).</p>
<p><b>C27.</b> A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution.</li> <li>• Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway.</li> <li>• Incorporating ventilation design into the design of the facility.</li> </ul>	<p>This site is located approximately 160 from a classified road (Blaxland Road). Sleeping and play areas are orientated away from Blaxland Road. Landscaping is proposed throughout the development. The development is well ventilated.</p>
<p><b>3.7 Hours of Operation</b></p>	
<p><b>C28.</b> Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7am to 7pm 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 7am to 6pm Monday to Friday and 9am to 5pm on 4 Saturdays a year for special events (Christmas part and open days). The Centre is not open on weekends and public holidays.</p>
<p><b>C29.</b> Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>N/A The site and surrounding areas are zoned R2 Low Density Residential.</p>
<p><b>3.8 Traffic, parking and pedestrian circulation</b></p>	
<p><b>C30.</b> Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan (DCP) that applies to the land.</p>	<p>The Ryde DCP 2014 requires 11 car parking spaces to be provided. 11 spaces are proposed.</p>
<p><b>C31.</b> In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high</p>	<p>N/A. The site is zoned R2 Low Density Residential.</p>

Guideline	Compliance with Standard / Provision
levels of vehicle movement or potential conflicts with trucks and large vehicles.	
<p><b>C32.</b> A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• The amenity of the surrounding area will not be affected.</li> <li>• There will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p>The proposal is accompanied by a Traffic and Parking Assessment prepared by Traffic Solutions and dated July 2021.</p> <p><b>No. The report fails to demonstrate how the impacts on amenity as a result of the operation of the development will be minimised.</b></p>
<p><b>C33.</b> Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul>	<p>N/A Access via Aeolus Avenue only.</p>
<p><b>C34.</b> Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>N/A The site is not located within a cul-de-sac or narrow road (Aeolus Avenue has sufficient width for 2-way traffic and parking on both sides of the road. The site is suitably accessible in the event of an emergency.</p>
<p><b>C35.</b> The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings and defined/separate paths included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable 2 prams to pass each other</li> </ul>	<p>Provided.</p> <p>N/A</p> <p>Provided.</p> <p>Pedestrian paths have a suitable width of 1.2m.</p>

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>• delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>• vehicles can enter and leave the site in a forward direction</li> <li>• clear sight lines are maintained for drivers to child pedestrians, particularly at crossing locations.</li> </ul>	<p>Loading bay is provided at the rear of the parking area.</p> <p>N/A</p> <p>Vehicles can enter and exit in a forward direction. The proposal does not alter the nearby crossing locations.</p>
<p><b>C36.</b> Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	<p>N/A.</p>
<p><b>C37.</b> Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>	<p>Achieved.</p> <p>Achieved.</p> <p>2 accessible parking spaces are proposed.</p>
<b>Part 4 Applying the National Regulations to development proposals</b>	
<b>A. INTERNAL PHYSICAL ENVIRONMENT</b>	
<p><b>4.1 Indoor Space Requirements</b> <b>Regulation 107 Education and Care Services National Regulations</b></p>	<p>Indoor space is provided as follows:</p> <p>0-2 babies: 81m<sup>2</sup> of indoor space provided for 16 children (5.1 per child).</p>

Guideline	Compliance with Standard / Provision
<p>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• passageway or thoroughfare (including door swings) used for circulation</li> <li>• toilet and hygiene facilities</li> <li>• nappy changing area or area for preparing bottles</li> <li>• area permanently set aside for the use or storage of cots</li> <li>• area permanently set aside for storage</li> <li>• area or room for staff or administration</li> <li>• kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</li> <li>• on-site laundry</li> <li>• other space that is not suitable for children.</li> </ul> <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, within each space.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in Regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in Regulation 124(5) and (6) of the National Regulations.</p> <p>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>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p> <p>Design Guidance:</p>	<p>2-3 kids: 80m<sup>2</sup> of indoor space provided for 20 children (4.0 per child). 3-5 kids: 56m<sup>2</sup> of indoor space provided for 12 children (4.7 per child).</p> <p>The proposal satisfies the Regulation and provides more than 3.25m<sup>2</sup> of unencumbered indoor space for each child.</p> <p>All unencumbered indoor spaces are secure and allow for safe supervision.</p> <p>Noted.</p> <p>The proposal comprises 9 cots within 3 cot rooms on Level 1 for babies. The other indoor spaces provide suitable areas for children to sleep and rest.</p> <p>Noted.</p> <p>Noted.</p>

Guideline	Compliance with Standard / Provision
<p><b>Verandahs as indoor space</b> For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).</p> <p><b>Storage</b> Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>• a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>• a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul> <p>Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.</p> <p>Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.</p> <p>Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.</p>	<p>Noted.</p> <p>Required: 14.4m<sup>3</sup> Provided: 24.4m<sup>3</sup>. Complies.</p> <p>Required: 9.6m<sup>3</sup> Provided: 11.2m<sup>3</sup>. Complies.</p> <p>Achieved.</p> <p>Pram storage is located near the entry lobby. Bike storage is located at the rear of the parking area.</p> <p>N/A The proposal caters for laundry on site.</p>
<p><b>4.2 Laundry and hygiene facilities</b> <b>Regulation 106 Education and Care Services National Regulations</b></p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that is not</p>	<p>Laundry facilities are provided at the Lower Ground level.</p>

Guideline	Compliance with Standard / Provision
<p>accessible by, and does not pose a risk to, children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> <p>Design Guidance: Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.</p> <p><b>On site laundry</b> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children.</li> </ul> <p><b>External laundry service</b> A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p>Suitable internal laundry facilities are proposed.</p> <p>N/A</p>
<p><b>4.3 Toilet and hygiene facilities</b> <b>Regulation 109 Education and Care Services National Regulations</b></p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Design Guidance: Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to</p>	<p>The toilet and nappy change facilities are appropriately located for safe and convenient use with washing and drying facilities. Age appropriate toilets are proposed.</p>

Guideline	Compliance with Standard / Provision
<p>Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries.</li> </ul>	<p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p>
<p><b>4.4 Ventilation and natural light</b>  <b>Regulation 110 Education and Care Services National Regulations</b></p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p>Design Guidance:</p> <p><b>Ventilation</b>  Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p><b>Natural Light</b>  Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable</p>	<p>The proposed door and window openings allow for natural ventilation and solar access to the lower ground level and first floor.</p> <p>Noted.</p> <p>Achieved.</p>

Guideline	Compliance with Standard / Provision
<p>learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights.</li> </ul> <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. 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>	<p>Achieved.</p> <p>No skylights are proposed. However, the roof consists of a clerestory window to assist with accessing ambient light. Substantial ceiling heights are proposed.</p>
<p><b>4.5 Administrative Space</b></p> <p><b>Regulation 111 Education and Care Services National Regulations</b></p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>Design Guidance: Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4). Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be</p>	<p>The proposal includes an office / meeting room on Level 1. A staff room is also provided on the Lower Ground level.</p> <p>Achieved.</p> <p>Achieved.</p> <p>The office is accessible to all persons.</p>

Guideline	Compliance with Standard / Provision
designed to have a portion of it at a lower level for children or people in a wheel chair.	
<p><b>4.6 Nappy change facilities</b>  <b>Regulation 112 Education and Care Services National Regulations</b></p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>Design Guidance: In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within 1m from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• a space to store steps</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	<p>The proposal provides suitable nappy change facilities adjoining the indoor play area on Level 1 which enables suitable supervision.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Positioned within the indoor play spaces to allow for supervision.</p>
<p><b>4.7 Premises designed to facilitate supervision</b>  <b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p>The proposal allows 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>

Guideline	Compliance with Standard / Provision
<p>Design Guidance: Design considerations should include:</p> <ul style="list-style-type: none"> <li>• solid walls in children’s toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>• locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>• avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>• avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities.</li> </ul>	<p>Partition walls are provided between cubicles.</p> <p>Open nappy change facilities are located out of view of the public and adjoining sites.</p> <p>The rooms generally contain designs that enable supervision of all areas from a single space.</p> <p>Multi-level rooms are not proposed.</p>
<p><b>4.8 Emergency and evacuation procedures</b>  <b>Regulations 97 and 168 Education and Care Services National Regulations</b></p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul> <p>Design Guidance: 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. This should take into consideration the number and age of the occupants, emergency and evacuation plans, the location of the facility</p>	<p>Not submitted.</p>

Guideline	Compliance with Standard / Provision
<p>and the relevant fire safety measures within the building.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• child appropriate handrails and barriers if shared fire stairs are utilised</li> <li>• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.</li> </ul> <p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation / assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation / assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul> <p>Fire safety of centres in high rise buildings: The design and construction of new child care facilities must comply with the requirements of the National Construction Code. Specific fire safety provisions apply to certain child care facilities including those in multi-storey buildings.</p>	<p>An Evacuation Plan / Plan of Management (or similar) has not been provided. The applicant advises that <i>“evacuation procedures have been considered with the design. The proposal has been designed to meet BCA requirements. An external staircase is provided to service the upper level directing pedestrians to the street.”</i> This is capable of being satisfied, and does not warrant the refusal of the DA.</p>
<b>B. EXTERNAL PHYSICAL ENVIRONMENT</b>	

Guideline	Compliance with Standard / Provision
<p><b>4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations</b></p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><i>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</i></p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul> <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p>Design Guidance: Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children’s play (refer to Figures 9 and 10). When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><b>Verandahs (covered outdoor space) as outdoor space</b></p>	<p>Outdoor space is provided as follows:</p> <p>0-2 babies: 128m<sup>2</sup> of outdoor space provided for 16 children (8.0 per child).</p> <p>2-3 kids: 147m<sup>2</sup> of outdoor space provided for 20 children (7.4 per child).</p> <p>3-5 kids: 105m<sup>2</sup> of outdoor space provided for 12 children (8.8 per child).</p> <p>The proposal satisfies the Regulation and provides more than 7m<sup>2</sup> of unencumbered outdoor space for each child.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The outdoor space for 16 x 0-2 year old babies is located on the covered balcony.</p>

Guideline	Compliance with Standard / Provision
<p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1m</li> <li>• have a wall height of less than 1.4m where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements.</li> </ul> <p><b>Simulated outdoor environments</b> A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.</p> <p>Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.</p> <p>Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should include:</p> <ul style="list-style-type: none"> <li>• 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:</li> <li>• skylights to give a sense of the external climate</li> <li>• a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment</li> <li>• sand pits and water play areas</li> <li>• furniture made of logs and stepping logs</li> <li>• dense indoor planting and green vegetated walls</li> <li>• climbing frames, walking and/or bike tracks</li> <li>• vegetable gardens and gardening tubs.</li> </ul>	<p><b>No. The perimeter is not open.</b> 2.6m height clearance.</p> <p><b>No. Wall height of 1.8m.</b></p> <p>Achieved. Achieved.</p> <p><b>The front first floor outdoor play space is not able to be included in the calculation given:</b></p> <ul style="list-style-type: none"> <li>• The balcony is surrounded by 1.8m acoustic walls as required by the Noise Impact Assessment.</li> <li>• The balcony is not open for more than a third of the perimeter.</li> </ul> <p><b>The proposal has not adequately addressed the outdoor play space requirements and has not received the concurrence of the Department of Education.</b></p>

Guideline	Compliance with Standard / Provision
<p><b>4.10 Natural Environment</b>  <b>Regulation 113 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Design Guidance: 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.</p> <p>Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility’s occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>• assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>	<p>Achieved for the Lower Ground Level.  <b>Not demonstrated for Level 1.</b></p> <p>Yes, as amended in response to concerns raised by Council’s consultant Landscape Architect.</p> <p>Satisfied.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p>
<p><b>4.11 Shade</b>  <b>Regulation 114 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Design Guidance: Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of</p>	<p>The Lower Ground outdoor area has provision of shade structures, and planting of trees that will provide shade in the future.</p>

Guideline	Compliance with Standard / Provision
<p>children and staff. Combining built and natural shade will often be the best option.</p> <p><b>Solar access &amp; sun protection</b> Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. However, exposure to ultraviolet radiation in children significantly increases the chances of getting skin cancer later in life. Outdoor play areas should be provided with controlled solar access throughout the year, including protecting children and staff from ultraviolet radiation from the sun and play equipment from becoming hot. Well-designed play spaces provide comfortable and safe areas for children to engage in activities for improved health and well-being. Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have a minimum of 2 hours of solar access between 8am and 4pm during winter months, for at least 30% (or 2.1m<sup>2</sup>) of the 7.0m<sup>2</sup> of outdoor space per child required.</li> <li>• Adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area.</li> <li>• have evenly distributed shade structures over different activity spaces.</li> </ul> <p><b>Natural Shade</b> Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.</p> <p>Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath.</p>	<p>The Level 1 outdoor area is covered, with suitable access for sunlight.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved, subject to new trees growing and providing shade.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Pergolas provided.</p>

Guideline	Compliance with Standard / Provision
<p>Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> <li>• placing appropriately scaled trees near the eastern and western elevations</li> <li>• providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.</li> </ul> <p><b>Built shade structures</b> Built structures providing effective shade include:</p> <ul style="list-style-type: none"> <li>• permanent structures (pergolas, sails and verandahs)</li> <li>• demountable shade (marquees and tents)</li> <li>• adjustable systems (awnings)</li> <li>• shade sails.</li> </ul> <p>Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children’s play areas, with a recommended head clearance of 2.1m. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.</p>	
<p><b>4.12 Fencing</b> <b>Regulation 104 Education and Care Services National Regulations</b></p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>Achieved. Solid boundary fencing is provided.</p> <p>Noted.</p>

Guideline	Compliance with Standard / Provision
<p>Design guidance: Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure</li> <li>• if the outdoor space is being fenced internally, then the fence must be at least 1.2m high.</li> </ul> <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8m</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11).</p>	<p>Achieved.</p> <p>Achieved.</p> <p>Fencing is substantial in height to provide suitable noise attenuation. However, fencing is also screened by landscaping which will assist with ameliorating a sense of enclosure.</p> <p>Solid fencing is proposed.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p>
<p><b>4.13 Soil assessment</b>  <b>Regulation 25 Education and Care Services National Regulations</b></p> <p>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.</p> <p>With every service application one of the following is required:</p>	<p>The proposal is accompanied by a Preliminary Environmental Site Investigation Report prepared by LG Consult and dated January 2018 which confirms that site's predominant history is as a residential use and that the site is suitable for use as a child care centre.</p>

Guideline	Compliance with Standard / Provision
<ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</li> <li>• a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</li> </ul>	

**Attachment 3**  
**Council Assessment Report: LDA2021/0445**

**Ryde Development Control Plan (DCP) 2014**

The proposal has been assessed against the following relevant sections of the Ryde DCP 2014 as follows:

Relevant Controls	Proposal	Compliance
<b>Part 3.2 – Child Care Centres</b>		
<b>1.7 Child Care Centre Design</b>		
A CCC development is to be designed and drawn by a person who is an architect or who is accredited by the Building Designers Association of NSW Inc.	A review of the submitted documentation shows that the proposed development has been designed and drawn by Jiri Kure at RJK Architects who is a registered architect (Reg No. 7616) under the NSW Architects Registration Board.	Yes
The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for CCCs due to the particular nature of the requirements (refer in particular to Section 6 Landscaping & Play Spaces under this Part).	The landscape plan package has been designed and drawn by iScape Landscape Architecture, who are registered with the Australian Institute of Landscape Architects.	Yes
CCC DAs are required to be accompanied by a signed undertaking by the applicant, licensee or proposed licensee that demonstrates that the proposal has been designed to comply with respect to the Children’s Services Regulation 2004 or DoCS requirements as relevant at the time of application.	These regulations have been superseded, and the current Regulations are now part of the assessment of the ESEPP.	N/A
<b>Technical Assessment Requirements</b>		
Technical assessments may also be required to be prepared and submitted with the DA, or while the DA is under assessment, to demonstrate support for the proposal and compliance with this DCP.	The submitted documents include technical assessments as required.	Yes

Relevant Controls	Proposal	Compliance
<b>2.1 Suitability of Location and Site for Child Care</b>		
<b>2.1.1 Preferred Locations</b>		

Relevant Controls	Proposal	Compliance
- Single use developments street frontage and width >20m. Corner allotments > 17m	The site has a street frontage of 20.115m to Aeolus Avenue.	Yes
- Single use – minimum site area of 800m <sup>2</sup> – regular in shape	1,206m <sup>2</sup> and regular shape.	Yes
- Not located on arterial or sub-arterial roads, refer Schedule 2	The site is not located on an arterial, sub-arterial road or Collector Road as detailed in schedule 2 of Part 3.2 of Ryde DCP 2014.  Aeolus Avenue is identified as a Local Road.	Yes
- Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road	The proposal is located on a Local Road.	N/A
- No battle-axe allotments	Not a battle axe allotment	Yes
- Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided	Aeolus Avenue is not a cul-de-sac.	Yes
- Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)	The subject site is not located within close proximity to a brothel.	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	Site slopes to the rear up to 4.9m. The proposal provides usable indoor and outdoor spaces at the same grade. Accessibility is achieved to all areas (lift provided). Rainwater drainage is catered for.	Yes
- Aspect permits maximum solar access and natural ventilation	Aspects are suitable.	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	The proposed CCC is not likely to be affected by adverse overshadowing by existing or future development on neighbouring sites given its location within the R2 Low Density Zone.	Yes
- Site not subject to undue overlooking from existing or future adjoining development	The subject site is situated in a low-density residential area, given the typical built form of a low density residential area, it is unlikely there will be overlooking from future redevelopment adjoining the site.	Yes
Preferred locations for larger centres in residential areas:	The proposed childcare centre is to be located in a low-density	No

Relevant Controls	Proposal	Compliance
<ul style="list-style-type: none"> <li>- Sites located on street corners</li> <li>- Sites share common boundaries with compatible non-residential uses</li> <li>- Compatible land uses subject to acceptable traffic and parking</li> </ul>	<p>residential area. The site shares side boundaries with 5 other dwellings.</p> <p><b>Traffic &amp; parking not demonstrated to be suitable.</b></p>	
<ul style="list-style-type: none"> <li>- In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.</li> </ul>	<p>The proposal is for 48 children only.</p>	<p>N/A</p>
<ul style="list-style-type: none"> <li>- Work based centres in mixed use developments adjacent to non-commercial/non-residential components to protect privacy and amenity of centre and neighbouring workers/residents.</li> </ul>	<p>The site is not located in a mixed use centre.</p>	<p>N/A</p>
<b>2.1.2 Environmental Risks/Hazards</b>		
<ul style="list-style-type: none"> <li>- Not to be located on land affected by overland flow</li> </ul>	<p>The subject site is not affected by overland flow.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- On land affected by overland flow any alterations or additions are not to pose a safety or health risk. Overland Flow Study/Stormwater Drainage Plan required</li> </ul>	<p>Refer above</p>	<p>N/A</p>
<ul style="list-style-type: none"> <li>- Consideration may be given to sites affected by overland flow in front setback area. Must not constitute a flood hazard and supported by Overland Flow Study/Stormwater Drainage Plan</li> </ul>	<p>Refer above</p>	<p>N/A</p>
<ul style="list-style-type: none"> <li>- Developments not to be located on Bush Fire Prone Land</li> </ul>	<p>The subject site is not located on Bush Fire Prone Land.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- The location is to take into consideration any other environmental health hazard including <ul style="list-style-type: none"> <li>i. Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads);</li> <li>ii. Existing and potential on and off-site electromagnetic fields;</li> <li>iii. Contaminated land;</li> <li>iv. Lead in painted surfaces, carpets, furnishings and roof void in existing buildings;</li> <li>v. Asbestos or other contamination or poisoning in existing buildings;</li> <li>vi. Proximity to service stations;</li> </ul> </li> </ul>	<p>The site is located within an R2 Low density Residential zone and surrounded by dwellings, villas, an apartment building and Aged care facility.</p> <p>The site is located off Aeolus Avenue which is a local road. Impact from surrounding main roads does not result in undue contamination.</p> <p>Whilst the subject site has not been used for any uses previously that would result in contamination, a Preliminary Site Investigation has identified that the site is unlikely to present contamination risks.</p>	<p>Satisfactory</p>

Relevant Controls	Proposal	Compliance
vii. Proximity to LPG tanks; viii. Proximity to significant noise, odour and other pollutant generating sources, or sites which (due to prevailing land use zoning) may in future accommodate noise or odour generating uses; ix. Proximity to transmission lines, railway lines, mobile phone towers.		
- Where sites are proposed within 125m of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required.	The site is located more than 125m from an arterial road (Blaxland Road) as indicated within Schedule 2 of Part 3.2 of the Ryde DCP 2014.	Yes
- The site must not have been previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances, unless a soil analysis has been conducted	The site has been used for residential purposes for the last 80 years.	Yes
- The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.	The site is not located within proximity of industrial or business zoning that would warrant frequent trucks movement that would create emissions of dust, fumes, or noise. <b>The road does experience high levels of traffic during the evening peak period. Refer to the Assessment report for further discussion.</b>	No
- Consideration is to be given to the requirements of SEPP 55 and any land contamination policy adopted by Council.	SEPP 55 and contamination as addressed throughout assessment.	Yes
<b>2.2 Assessing Child Care Needs and Size of Facility</b>		
All development applications for CCCs are required to identify:		
i. Proposed total number of child care places.	48 children.	Yes
ii. Proposed number of children by age group.	0-2 years – 16 2-3 years – 20 3-5 years – 12 Total – 48 Children	
iii. Proposed number of staff including all full time and part time staff, and role of each staff member.	The number of educators to children ratios is regulated by the Education and Care Services National Regulations.	Yes

Relevant Controls	Proposal	Compliance
	<p>The ratios were updated on 1 January 2016. The ratios are provided as follows.</p> <p>1:4 (birth to 24 months) 1:5 (24-36 months) 1:10 (Older than 36 months)</p> <p>10 staff are proposed at any one time. A cook and cleaning staff will attend the site periodically. A garden maintenance service will attend the site periodically.</p>	
<ul style="list-style-type: none"> <li>- justification that the proposed number of children within each age group is consistent with current and projected future needs in the area</li> </ul>	<p>Clause 26 of the Education SEPP states that DCP requirement, standard or control in relation to the demonstrated need or demand for child care services does not apply to development for the purpose of a centre-based child care facility.</p>	N/A
<b>2.3 Site Analysis</b>		
<ul style="list-style-type: none"> <li>- A site analysis to be submitted for new CCC developments including developments that involve the conversions of existing dwellings/other buildings</li> <li>- A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD.</li> </ul>	<p>A site analysis plan has been submitted by RJK Architects.</p> <p>Site analysis is based on the Survey Plan provided by GK Wilson &amp; Associates.</p>	<p>Yes</p> <p>Yes</p>
<b>3.0 Design and Character</b>		
<b>3.1 All Child Care Centres</b>		
<ul style="list-style-type: none"> <li>- Designed in accordance with CPTED</li> <li>- orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces</li> <li>- design to take advantage of natural lighting and opportunities to maximise solar access and natural ventilation</li> </ul>	<p>The first floor play area allows for passive surveillance to the street. Achieved for light. <b>Limited ventilation available due to windows and doors require to be closed to achieve acoustic attenuation.</b></p> <p>Achieved for light. <b>Limited ventilation available due to windows and doors require to be closed to achieve acoustic attenuation.</b></p>	<p>Yes</p> <p>Yes <b>No</b></p> <p>Yes <b>No</b></p>

Relevant Controls	Proposal	Compliance
<ul style="list-style-type: none"> <li>- avoid the proximity to and use of large expanses of UV reflective surfaces</li> <li>- maximise energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP</li> <li>- building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements</li> <li>- appliances to be used/installed in the centre should have a minimum 3.5 star rating</li> <li>- designed to reflect desired/expected character of buildings in the area</li> <li>- frontages and entries are to be designed to be readily apparent from the street frontage</li> </ul>	<p>Given the site is located within a low density residential area it is unlikely the site is in proximity to large expanses of UV reflective surfaces. Able to comply.</p> <p>Able to comply.</p> <p>Able to comply.</p> <p>It is anticipated that the redevelopment of some properties in the immediate vicinity will be redeveloped in future for dwellings of a more modern appearance. The proposal is not inconsistent with the expected future character of buildings. In this respect, the design is an insufficient reason to warrant the refusal of this DA. A single building is proposed. Vehicular entry and the pedestrian entry pathway are visible from the frontage. The entry lobby has limited visibility. However, it is capable of being located by persons attending the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Satisfactory</p> <p>Satisfactory</p>
<ul style="list-style-type: none"> <li>- where fill is proposed to be used, clean fill must be used.</li> </ul>	<p>No fill is proposed.</p>	<p>N/A</p>
<b>3.2 Detached Centres and Centres in Residential Areas</b>		
<ul style="list-style-type: none"> <li>- bulk, height, scale and appearance which is compatible with the surrounding development</li> <li>- streetscape and character of the locality should be maintained</li> <li>- In low density residential areas, encouraged to be single storey in height for safety and access. If two</li> </ul>	<p>The proposal is far larger than other buildings in the surrounding context.</p> <p>The proposal is not inconsistent with the expected future character of buildings. In this respect, the design is an insufficient reason to warrant the refusal of this DA. The proposal is for a part 2-3 storey childcare centre.</p>	<p>No</p> <p>No</p> <p>No</p>

Relevant Controls	Proposal	Compliance
storey, second storey should only be used for the purposes of storage and staff facilities. - designed to comply with the built form controls under Part 3.3 Dwelling Houses and dual-occupancies of this DCP, for example, FSR, height, setbacks - Where lot consolidation is required must reflect existing subdivision pattern and building bulk.	An assessment against these built form controls is provided below.  N/A	Refer below.  N/A

Relevant Controls	Proposal	Compliance
<b>3.5 Fencing, Gates &amp; Security</b>		
For CCCs in low density residential areas, consideration is to be given to requirements under Part 3.3 Dwelling Houses and Dual Occupancy:		
2.16.1 Front & return Fences & Walls: a. Front and return fences are to reflect the design of the dwelling. b. Front and return fences and walls are to be constructed of materials compatible with the house and with other fences and walls within the streetscape. c. A solid front or return fence is to be no higher than 900 mm. An open lightweight fence, such as a timber picket fence may be up to 1 m high. d. A return fence is to be no higher than the front fence. e. Fences may have a maximum height of 1.8 m so long as the fence is an open fence with an openness ratio of at least 50%. The fence may have a solid base so long as the base is no higher than 900 mm. f. Fences along arterial roads may be solid masonry up to a maximum height of 1.8 m. g. Front and return fences are not to be Colorbond or timber paling. h. Retaining walls which are part of a front or return fence are to have a maximum height of 900mm. i. In areas of overland flow, fencing shall be of open construction so that it does not impede the flow of water. j. Fence piers are to have a maximum width of 350 mm.	No front and return fencing is proposed.	N/A

Relevant Controls	Proposal	Compliance
Consideration is to be given to the use of appropriate building materials and finishes to complement the streetscape and desired character of the locality.	N/A	N/A
Designated outdoor play areas must be fenced on all sides. The design and height of fencing are to prevent children scaling fencing and / or crawling under, and must impede intruders from entering premises through it or from scaling it and to prevent unlawful access to children.	Substantial fencing is provided to all sides – as indicated in the Noise Impact Assessment.	Yes
Gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.	Suitable gates are provided.	Yes
All raised areas, including any stairs, are to be enclosed to prevent a child from falling or crawling through gaps.	Raised areas (Level 1 outdoor area) is enclosed by balustrades with an acoustic barrier above to a total height of 1.8m.	Yes
Adequate safety provision is to be made to prevent children gaining access to other parts of the building/site unsupervised.	Suitable access control measures are provided.	Yes
Fencing and gates are to be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and RMS Traffic Management Guidelines.	Access to and from the site via the two-way driveway is satisfactory. Landscaping is to be appropriately managed.	Yes
<b>4.1 Acoustic Privacy – for children in the centre</b>		
Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. The impact of noise should also be reduced by design measures including barriers such as solid fencing and laminated or double glazing where relevant.	Satisfactory.	Yes
Design measures to minimise internal noise levels should be designed to meet recommended design sound levels equivalent to Australian Standards AS/NZS 2107 (e.g. sleep areas 30dBa, internal activity areas 40dBa).	Satisfactory.	Yes
<b>4.2 Acoustic Privacy – for adjoining residents</b>		
Noise impacts on neighbouring properties are to be minimised by design measures including:		These measures are implemented.

Relevant Controls	Proposal	Compliance
<ul style="list-style-type: none"> <li>i. Orientating the facility having regard to neighbouring property layout, including locating playroom windows and doorways away from neighbouring bedrooms and living areas;</li> <li>ii. Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas on neighbouring residential properties (refer to diagram in DCP);</li> <li>iii. Using laminated or double glazing where necessary; and</li> <li>iv. Designing fencing which minimises noise transmission and loss of privacy (e.g. lapped and capped timber fencing, brick).</li> </ul>	<p>The development is orientated to the front and rear of the site.</p> <p>Outdoor play areas share the side boundaries with residential dwellings. The areas are orientated to the front and rear of the site.</p> <p>Yes</p> <p>Acoustic fencing required.</p>	<p>However, the Noise Impact Assessment confirms that significant limitations on the use of the indoor and outdoor spaces are required to achieve acoustic attenuation.</p> <p>Refer to the comments from Council's Environmental Health Officer in the Assessment report for further information.</p>
<p>For freestanding CCCs in residential areas with a side boundary set back of less than 3m, noise buffering measures should be considered such as allocating the internal rooms closest to the boundaries to be used for low noise generating uses, for example administration, storage, staff rooms, kitchen, to reduce potential noise impacts on adjoining property owners.</p>	<p>The applicant has attempted to satisfy this layout.</p>	<p>Yes</p>
<p>Applicants may be required to submit an acoustic report prepared by a suitably qualified practitioner which includes recommendations for noise attenuation measures. The report must specify pre and post development noise levels and abatement measures.</p>	<p>Acoustic Report prepared by Rodney Stevens Acoustic date August 2021.</p>	<p>Yes</p>
<p>Roof and walls of the CCC should be sound insulated.</p>	<p>Capable of being conditioned, if required.</p>	<p>Yes</p>
<p>Elevated play and transition areas are to be avoided.</p>	<p><b>Level 1 comprises an elevated play area (indoor and outdoor to the rear) for 16 children aged 0-2 years.</b></p>	<p><b>No</b></p>
<p>Information about practical design measures incorporated in the design to minimise potential noise impact, including insulation and other acoustic</p>	<p>Addressed in the Noise Impact Assessment prepared by Rodney Stevens Acoustic date August 2021.</p>	<p>Yes</p>

Relevant Controls	Proposal	Compliance
elements, are to be identified in the DA.		
Location details of noise sources (such as air conditioning condenser units) are to be included in the DA.	Air conditioning equipment is located at the rear of the at-grade car parking area.	Yes
Information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent, group sizes and how rotated may be required to be submitted with the DA.	<b>This information is specified in the Noise Impact Assessment. However, it is not specified in the Plan of Management.</b>	No
<b>4.3 Visual Privacy – for children in the centre</b>		
Indoor areas adjacent to public areas shall be screened to prevent direct sight lines into CCCs where appropriate whilst maintaining an opportunity for children to view community life.	A 2.1m high acoustic barrier is proposed along the rear boundary to Adventure Park.	Yes
Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including: <ul style="list-style-type: none"> <li>i. Appropriate site and building layout;</li> <li>ii. Suitable location of pathways, windows and doors; and</li> <li>ii. Permanent screening and landscape design.</li> </ul>	Direct viewing into the site from public areas is minimised by fencing, landscaping and screening balustrades.	Yes
Where relevant, consideration should be given to incorporating design features in walls, screens, fencing (such as peeping holes of varying heights) to suit viewing out to public areas by children.	The First Floor 0-2 children's room includes a balcony facing the street which offers direct views to the street.	Yes
Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre, whilst maintaining an opportunity for children to view community life.	Windows and doors are appropriately located to ensure privacy. As above, the First Floor balcony enables a view to the street.	Yes
<b>4.3 Visual Privacy – for adjoining residents</b>		
a. Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through: <ul style="list-style-type: none"> <li>i. Appropriate site and building layout;</li> <li>ii. Suitable location of pathways, windows and doors; and</li> <li>ii. Landscape design and screening.</li> </ul>	The primary pedestrian access is not suitable as it is in the vicinity of No. 3A Aeolus Avenue. Some boundary fencing and landscape screening will assist with protecting the visual privacy of neighbouring residents.	Satisfactory
Windows and doors in the proposed centre are to be sited in locations	As above.	Satisfactory

Relevant Controls	Proposal	Compliance
which minimise loss of privacy to adjoining residences.		
<b>5.1 Car Parking</b>		
All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.	48 children requires 6 spaces. 10 staff requires 5 spaces. Total required: 11 spaces. Proposed: 11 spaces.	Yes
Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack or tandem parking may only be used for staff parking and with no more than 2 spaces in each tandem space.	N/A	N/A
Where calculations for car parking result in a fraction, the number is to be rounded up to the nearest whole number.	Noted.	N/A
One off-street accessible parking space (3.6m width) is to be provided for use by persons using mobility aids (refer Section 5.5 Accessibility). It is to be located close to the continuous path of travel and have a minimum height clearance of 2.5m.	2 provided.	Yes
Developments for new centres shall comply with the access requirements contained within Section 5.5 of this Part, and Part 9.2 of this DCP.	Noted. Discussed below.	Noted.
<b>Low Density residential areas</b> Underground parking is not permitted in low density residential areas.	At-grade parking is proposed.	Yes
The parking and driveway area is not to dominate the streetscape (refer Section 6.1 Landscape Design for treatment of these areas).	The parking area is setback 6m and screened by some landscaping so as not to dominate the streetscape.	Yes
Consideration may be given to reducing the on-site parking requirements, in terms of drop off/ pick up component, where convenient and safe on-street parking is available (e.g. indented parking bays) in streets which experience low traffic volumes. This is subject to not adversely affecting the safety and amenity of the adjacent area or causing traffic problems.	N/A	N/A
<b>Work based child care centres, and centres in mixed use facilities</b> Not applicable.	N/A	N/A
<b>5.2 On Site Manoeuvrability</b>		

Relevant Controls	Proposal	Compliance
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.	Not necessary to enforce in this circumstance. Vehicles can enter and exit the site in a forward direction.	N/A
Variation on the requirement for a “U” shaped driveway may be considered, for example on corner lots, where it can be demonstrated that a one-way driveway system can be provided in another way which still meets the following criteria: <ul style="list-style-type: none"> <li>i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other;</li> <li>ii. To enable vehicles to leave the site in a forward direction;</li> <li>iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; and</li> <li>iv. To ensure the front setback is not given over to traffic circulation and parking requirements which may negatively impact on the streetscape and the opportunity for landscape design to meet the requirements of Section 6 of this Part.</li> </ul>	N/A	N/A
Where separation of the entrance and exit driveway is proposed, the separation must be not less than 9m on a turning circle of 15m. A minimum width of 12m between driveway laybacks is to be provided to assist retention of on-street parking spaces between the driveways.	N/A. A combined entry and exit driveway is proposed.	N/A
The driveways and parking area are to be designed so that no vehicle will encroach on pedestrian accessways. Use of barriers such as bollards, raised footways, platforms, wheels tops, etc., are permissible subject to full details being provided with the DA and barriers not compromising the continuous path of access (refer Accessibility).	Achieved.	Yes
The driveway area is to be treated with a variation in pavement treatment to distinguish it from the car parking	Capable of being achieved.	Yes

Relevant Controls	Proposal	Compliance
spaces and to reduce the visual impact of the hard surfaces.		
<b>5.3 Impact on Traffic Flow</b>		
All vehicles must be able to enter and leave the site in a forward direction. The area required for drop off/pick up is to be designed as a separate area to that required for manoeuvring in and out of parking spaces.	Vehicle manoeuvring areas are separate from the parking areas. Parents accompany their children into the centre for drop off/pick up.	Yes
The applicant is required to address in the SEE whether or not traffic associated with the proposed child care development is likely to have impacts on the amenity of the existing street(s) where it is proposed to be located.	<p>The SEE states:  <i>"It is understood that Council raised concern with the assessment of the previous DA that the banking up of traffic along Aeolus Street will disrupt the centre. It is noted from the revised traffic report that significant improvements have been undertaken to road signage in Aeolus Avenue, which has had the effect of reducing traffic flow and queuing in Aeolus Avenue. Such has occurred after the Council assessment of the previous DA."</i></p> <p>The Traffic &amp; Parking Assessment prepared by Traffic Solutions dated July 2021 concludes that:  <i>"The proposal has a potential net increase in estimated peak hour traffic flows in the order of 37 and 33 vehicle trips in the morning and evening peak hours respectively, which will not have a noticeable or detrimental effect upon North Road and Aeolus Avenue or the surrounding road network."</i></p>	No. This issue is discussed in detail in the Assessment report.
A Traffic Impact Assessment prepared by a suitably qualified practitioner shall be prepared and submitted with the DA for all new CCC developments, and may be required for applications involving the expansion of an existing CCC in the vicinity of other traffic generating developments.	The application is accompanied by a Traffic & Parking Assessment prepared by Traffic Solutions dated July 2021.	Yes
CCCs are not encouraged on roads carrying high volumes of traffic (refer	The site is located on a Local Road.	

Relevant Controls	Proposal	Compliance
Section 2 of this Part). Where developments involve sites located on a road which carries significant volumes of traffic, including arterial and sub-arterial roads, measures must be applied to alleviate the associated traffic problems (refer Schedule 2 regarding road hierarchy information).	No measures are proposed to alleviate traffic problems.	No. This issue is discussed in detail in the Assessment report.
A Road Safety Audit is required to be submitted with all applications for CCC developments on collector roads where traffic volumes exceed 5000 Annual Average Daily Traffic (AADT) (refer Schedule 2 of this Part and Council's Traffic Engineer).	Aeolus Avenue is a Local Road. A Road Safety Audit is not required.	N/A
<b>5.4 Pedestrian Safety</b>		
Pedestrian access must be segregated from vehicular access with clearly defined paths to and from the facility.	Separate paths are provided.	Yes
On site parking and drop off/pick up points must be provided in a convenient location (at no more than 30m distance from the main entrance), clearly lit, and allow safe movement of children to and from the centre.	This is achieved.	Yes
On-site vehicular movements must be separated from pedestrian access by safety fencing, gates and other means.	This is achieved.	Yes
<b>5.5 Accessibility</b>		
Access should be provided and designed in accordance with AS 1428.1 Design for Access and Mobility, and in all respects comply with Part D of the BCA for the relevant class of building. Refer also Part 9.2 Access for People with Disabilities of this DCP. Reference to these requirements should be made in the early stages of the design to ensure the development complies with the relevant standards.	Accessibility is achieved. An internal lift is provided.	Yes
In the case of minor alterations to CCCs, not involving structural alterations, or major refurbishment, accessibility is not to be made worse by the proposed work. Applicants are encouraged to improve accessibility where possible.	N/A	N/A
In addition to the provisions of the BCA for disabled access and toilet		Yes

Relevant Controls	Proposal	Compliance
<p>facilities, other matters to be considered in the design of CCC developments include:</p> <ul style="list-style-type: none"> <li>i. Provision of access for people with mobility disabilities by a continuous path of travel from the street and/or parking area into and within every room and outdoor area used by children and staff.</li> <li>ii. Hard paved surfaces leading into the entry of a play environment and continuing inside that will allow children and adults with mobility aids as well as toddlers in strollers to enter with ease.</li> <li>iii. Design of the car parking area should incorporate kerb cuts which eliminate a barrier for prams or individuals using mobility aids (such as wheel chairs or crutches).</li> <li>iv. Pathways with extra width (1200 mm - 1500 mm) and grades no steeper than 1:14 to allow easy circulation throughout the site.</li> <li>v. One on-site parking space 3.6m wide with a height clearance of minimum 2.5m to permit ease of use for arrivals and departures of individuals using mobility aids.</li> </ul>	<p>Achieved – an internal lift is provided.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Pathways are 1.2m wide. Pathway grades are approx. 1:17 and managed with steps. An internal lift is provided. 2 provided.</p>	
<b>6.1 General Landscape Design Requirement</b>		
<p>DAs must include a detailed landscape plan showing existing and proposed planting, including a schedule of species. The plan is to be prepared by a suitably qualified landscape architect with experience / skills in designing early childhood environments.</p>	<p>The applicant has not submitted amended Landscape Plans to reflect the amended proposal. This includes the embellishment of the first floor outdoor space.</p>	<p>Yes. However, insufficient.</p>
<p>The landscape plan must:</p> <ul style="list-style-type: none"> <li>i. Identify significant trees / vegetation to be retained (with respect to Council's Tree Preservation Order) and outline a program for their management during the construction period;</li> <li>ii. Avoid plant species likely to present a hazard to children, such as poisonous plants, and any vegetation that can lead to injury or harm or severe discomfort (e.g.</li> </ul>	<p>Assessed by Council's Consultant Landscape Architect &amp; Arborist.</p> <p>Satisfactory.</p> <p>Yes</p>	<p><b>No. The landscape plans fail to provide embellishment for the first floor outdoor area. However, this matter is capable of being resolved</b></p>

Relevant Controls	Proposal	Compliance
<p>plants which are allergy producing, which contain sharp prickles or thorns, or which produce small nuts or fruits);</p> <p>iii. Avoid plant species and landscape materials which may constitute a choking hazard in areas designed for use by babies and toddlers;</p> <p>iv. Incorporate landscape design of the outdoor play spaces in accordance with the requirements of Section 6.2.2 of this Part;</p> <p>v. Consider the effects of outdoor play on the compaction and erosion of soil and vegetation in choice of treatments;</p> <p>vi. Specify plants and surface treatments that consider the potential for tree roots to up-lift outdoor surfaces (footpaths, cycle tracks) and create hazards;</p> <p>vii. Identify opportunities for deep soil planting and choice of appropriate species to suit the conditions; and</p> <p>viii. Include shrubs and trees which offer a range of textures, colours and scents for the children's learning experience, such as the opportunity to observe a variety of native birds and insects attracted by plants.</p>	<p>Yes</p> <p>Not provided.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>Satisfactory.</p>	<p>by the applicant.</p>
<p>The landscape design is to consider the site analysis and pay attention to use of treatments which manage the effect of sunlight, shading, wind protection and temperature moderation in relation to the care of young children.</p>	<p>Achieved.</p>	<p>Yes</p>
<p>Irrigation should be designed to use rainwater or recycled water.</p>	<p>Not part of this proposal.</p>	<p>No. However, this matter is capable of being resolved by the applicant.</p>
<p>A landscape setback of minimum width 2m is to be provided along the front boundary of all new CCCs in residential zones to assist in preserving streetscape amenity and provide screening. Care is to be taken in design of the setback to avoid vegetation impeding sightlines from</p>	<p>Achieved.</p>	<p>Yes</p>

Relevant Controls	Proposal	Compliance
vehicles entering/exiting the site, and to consider the use of materials and finishes to complement the neighbouring streetscape.		
A landscape buffer is to be provided along the side and rear boundaries of the site for CCCs in residential zones of a minimum width of 1m.	Achieved.	Yes
Landscape setbacks/buffers may need to be provided for centres in commercial and industrial zones depending on the context of the development.	N/A	N/A
<b>6.2 Play Spaces</b>		
<b>Size &amp; Functionality of Play Spaces</b> All new CCCs are to provide indoor play spaces, outdoor play spaces and transition areas.	Provided	Yes
All play spaces are to be designed of regular shapes and with convenient access between them to maximise opportunities for supervision of children by staff.	Achieved at the lower ground level. However, the playspace for the 0-2 children is separate on the First Floor.	Yes
The location of outdoor play spaces in the front setback should be avoided.	The outdoor play areas are to the rear.	Yes
All new CCCs are to provide at least 10m <sup>2</sup> of unencumbered outdoor play space for each licensed child care place, inclusive of transition areas provided in accordance with Section 6.2.4 of this Part.	7m <sup>2</sup> per child as per Regulation 4.9 of the Child Care Planning Guideline. Achieved.	N/A
<b>Outdoor Play Spaces</b> <b>All child care centres</b> The design of the outdoor area is to be of a shape which maximises supervision and useable space, and also stimulates early learning. Freeform approaches in design are encouraged.	Provided.	Yes
Outdoor play spaces are to be designed to: i. Be well-drained to permit clearing of water quickly after rain; and ii. Incorporate existing natural features and vegetation.	Achieved.  No existing trees or vegetation to be retained.	Yes  N/A
Designs are to aim for: i. 30% natural planting area (excluding turf); ii. 30% turfed area; and iii. 40% hard surfaces (sand, paving, timber platforms).	The proposal (as lodged) has been calculated as having approximately: 22% natural planting area (excluding turf); 23% turfed area; and	<b>No.</b> The applicant has failed to submit amended landscape plans to

Relevant Controls	Proposal	Compliance
	50% hard surfaces (sand paving, timber platforms).	respond to this issue. The lack of soft landscaping is not supported.
<p>Distinct areas within the outdoor play space design must include:</p> <ul style="list-style-type: none"> <li>i. An open grassed area for gross motor skills (e.g. running, ball games);</li> <li>ii. Formal quiet areas, for focused play (must include a sandpit - see point below and a minimum of 2 formal quiet areas for activities such as storytelling and finger painting);</li> <li>iii. An active area (e.g. climbing structure, digging patch);</li> <li>iv. A transition area (refer Section 6.2.4 of this Part); and</li> <li>v. Storage area(s).</li> </ul>	<p>Provided.</p> <p>Provided.</p> <p>Provided.</p> <p>Provided.</p> <p>Provided.</p>	Yes
<p>With respect to the distinct areas required, all designs for outdoor play spaces should take into consideration elements of best practice in design (refer photos) including:</p> <ul style="list-style-type: none"> <li>i. Sandpits</li> <li>ii. Formal quiet areas</li> <li>iii. Secret places</li> <li>iv. Active areas</li> <li>v. Surfaces</li> <li>vi. Access corridors</li> <li>vii. Slowdown features</li> <li>viii. Elevated areas</li> <li>ix. Linkages</li> <li>x. Planting</li> <li>xi. Storage</li> </ul> <p>(Refer to further explanation in the DCP).</p>	<p>For the Ground floor area:</p> <p>Provided</p> <p>Not achieved for the first floor area.</p>	<p>Yes</p> <p>No. However, this matter is capable of being resolved by the applicant.</p>
<p>Designs are to incorporate suitable species which will achieve a canopy cover of 50-60% of the outdoor play area within 5 years of planting.</p>	<p>Suitable planting proposed which will provide canopy cover.</p>	Yes
<p>Outdoor play spaces are to be adequately shaded from establishment of the centre in</p>	<p>Suitable shading is provided.</p>	Yes

Relevant Controls	Proposal	Compliance
accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Design of shading is to be in accordance with the key shade planning and design principles, and to consider the nature of shading needed prior to canopy cover being established.		
The outdoor play space should relate directly to the indoor play space for the relevant age group of children. The shape of the play space must allow for uninhibited supervision of children at all times. The siting of the outdoor play area shall allow the provision of adequate supervision from internal and external areas. Separate play areas are encouraged to be provided for 0-2 year olds. The landscape plan is to identify how play spaces are designed for each age group.	Achieved.	Yes
Designs should consider access opportunities for maintenance of outdoor play areas. Outdoor play space should not be occupied by any service vehicles during the centre's operating hours.	Outdoor areas are capable of being suitably maintained.	Yes
<b>Work based child care centres, and centres in mixed use facilities</b> Refer to DCP for controls, if relevant.	N/A	N/A
<b>Indoor Play Spaces</b> Shall be designed to: i. Achieve passive surveillance from all rooms; ii. Provide direct access to play areas; iii. Allow maximum supervision of the indoor and outdoor play spaces; iv. Allow subspaces to be set up with discernable divisions to offer a variety of play areas.	Achieved.  Achieved.  Achieved.  Achieved.	Yes
<b>Transition Areas</b> shall: i. Be located between the indoor and outdoor areas; ii. Be designed to allow for indoor and outdoor activities to be conducted under cover; ii. Be designed to offer protection from unfavourable weather	Covered transition areas provided. Achieved.  Achieved.	Yes

Relevant Controls	Proposal	Compliance
<p>conditions, and not heat up excessively in summer; and</p> <p>iii. Incorporate facilities for educational experiences and appropriate storage areas.</p>	Achieved.	
<p><b>Swimming Pools &amp; Water Hazards</b> New swimming pools (within the meaning of the Swimming Pools Act 1992) are not permitted on the premises of any CCC.</p>	N/A	N/A
<p>Any water containers (including buckets, paddling pools etc) which could constitute a drowning hazard are to be emptied immediately after use, or safely covered and/ or stored in a manner which prevents the collection of water which is accessible to children.</p>	N/A	N/A
<p><b>7.0 Miscellaneous Controls</b> <b>Centre Facilities</b></p>		
<p>Each new CCC must provide rooms, not areas, for the following specific uses:</p> <p>i. Office areas for administration of the service; and</p> <p>ii. Staff respite.</p>	<p>1 office is provided on Level 1.</p> <p>Staff room provided on the Lower Ground level.</p>	Yes
<p>The offices are to be located adjacent to the entry area for security purposes and include a minimum floorspace calculated at the rate of 10m<sup>2</sup> per person occupying the offices (e.g. director/administrative staff).</p>	<p>Provided adjacent to the entry on Level 1.</p> <p>Area is 14.5m<sup>2</sup>.</p>	Yes
<p>The staff room is to include a minimum floorspace of 20m<sup>2</sup>.</p>	20.8m <sup>2</sup> .	Yes
<p>In centres where children under the age of 2 years are proposed to be cared for the following are to be provided:</p> <p>i. A sleeping room with 2.5m<sup>2</sup> of floorspace per cot and a max. of 10 cots per room; and</p> <p>ii. A nappy change area adjacent to the cot room with good vision to the play room to enable good supervision of children, and including suitable storage (within the staff's reach) for nappy changing needs.</p>	<p>3 cot rooms provided.</p> <p>Each cot room has more than 2.5m<sup>2</sup> per cot.</p> <p>Maximum 3 cots per room.</p> <p>Provided.</p>	Yes
<p>All CCCs are to provide laundry facilities. Consideration should be</p>	<p>Laundry provided.</p> <p>No outdoor drying proposed.</p>	Yes

Relevant Controls	Proposal	Compliance
given to the installation of washing lines in the outdoor areas to reduce the need for clothes dryers.		
Consideration should be given to the provision of a pram storage area. Informal pram storage can be an occupational health and safety risk.	Provided at the ground level entry lobby.	Yes
<b>Signage</b>		
All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	N/A No signage proposed.	N/A
<b>Exterior Lighting</b>		
Lighting is to be provided to assist access via the main entrance.	Capable of being provided.	Yes, to be conditioned to protect the amenity of adjoining properties.
The street number of the building must be provided for identification. It is to be visible from the street day and night, by lighting and/or reflective material, to ensure easy identification for visitors including emergency services.	Capable of being provided.	Yes
The locations and design of all proposed external lighting must not have an adverse impact on adjoining properties. Where possible, sensor lighting and energy efficient lighting should be used. The use of spotlights is discouraged.	Capable of being provided.	Yes, to be conditioned to protect the amenity of adjoining properties.
<b>Waste Storage and Management</b>		
A waste management plan is to be submitted for all proposed demolition and construction waste in accordance with Part 7.2 Waste Minimisation and Management under this DCP.	Submitted.	Yes
Adequate provision must be made for the storage and collection of waste and recycling receptacles in accordance with Part 7.2 of this DCP.  <i>Note: CCC developments are to be considered as “commercial and retail premises” for the purposes of location and design of waste management and minimisation of waste relating to the ongoing operation of the centre.</i>	Provided at the Ground Level.	Yes
In addition to the requirements of Part 7.2 of this Plan, applications for CCC development are to address the following considerations:		

Relevant Controls	Proposal	Compliance
<ul style="list-style-type: none"> <li>i. whether a special removal service will be required for the removal / disposal of soiled nappies;</li> <li>ii. the frequency of removal of waste to ensure regular removal and avoid undue build up of garbage;</li> <li>iii. opportunities for avoidance, reuse and recycling of waste;</li> <li>iv. convenience for staff of the location of bins, and where relevant, the size and path of travel required transporting bins to access collection points (unobstructed access to usual collection points);</li> <li>v. security of waste from access by children;</li> <li>vi. likely requirements for waste from kitchen facilities; and</li> <li>vii. impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise.</li> </ul>	<p>The proposal is for collection by a private waste contractor.</p> <p>Satisfactory.</p> <p>Recycling is proposed.</p> <p>Staff will wheel the bins to the on-site loading area for collection by a private waste contractor.</p> <p>Waste bins are suitably fenced.</p> <p>Proposed bin storage and collection is suitable for kitchen facilities.</p> <p>The bin storage area is located towards the rear of the ground level development, and is not in the immediate vicinity of the adjoining dwelling.</p>	<p>Yes</p>
<p>Where a new CCC is proposed, the waste and recycling storage area must be designed to be visually and physically integrated into the design of the development, and not stored within the front setback to avoid visual clutter. Waste facilities are not to be sited within the areas required for car parking, vehicular and pedestrian access, landscaping and outdoor play areas.</p>	<p>Bins are to be stored at the rear of the parking area at the ground level.</p>	<p>Yes</p>
<p>Where expansion of an existing CCC is proposed, the waste and recycling storage area is to be designed as far as possible to be visually and physically integrated into the design of the development. Waste facilities are not to be sited within the areas required for car parking, vehicular or pedestrian access or outdoor play areas. In cases where the waste storage area is likely to be visible from the street, design elements such as fencing, landscaping and roof treatments may be used to screen the waste and recycling storage area so as not to detract from the aesthetics of the streetscape.</p>	<p>N/A</p>	<p>N/A</p>

Relevant Controls	Proposal	Compliance
<p>Where food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system.</p> <p>The area is to be located readily accessible for servicing and suitably screened from public view.</p>	<p>Bin storage area is covered and screened from public view.</p>	<p>Yes</p>
<p>In residential areas, developments are not to be designed to store waste facilities of a size and scale which can only be managed by side arm waste collection vehicles. There is to be no onsite access by waste collection vehicles.</p>	<p>The proposal is for collection from the on-site loading bay.</p>	<p>Yes</p>
<p>Any proposed composting area is to be in a location that will not impact on the amenity of adjoining premises nor on the amenity of users of the centre.</p>	<p>Composting is not proposed.</p>	<p>N/A</p>
<p>Where separate collection services are proposed which differ from the regular Council service to surrounding properties, consideration is to be given to frequency and times of collection to minimise impacts of waste vehicle noise on neighbouring properties.</p>	<p>N/A</p>	<p>N/A</p>
<p><b>7.5 Emergency Evacuation</b></p>		
<p>Prior to the issue of an Occupation Certificate for all new CCCs, and for developments resulting in an increase in number of places in existing CCC, a <i>Fire Safety and Evacuation Plan</i> complying with AS3745 is to be prepared by a suitably qualified person and submitted to the PCA.</p>	<p>Noted</p>	<p>Noted.</p>
<p>The Fire Safety &amp; Evacuation Plan is to address:</p> <ul style="list-style-type: none"> <li>i. The mobility of children and how this is to be accommodated during an evacuation;</li> <li>ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and</li> <li>iii. The supervision of children during the evacuation and at the congregation area with regard to</li> </ul>	<p>Aeolus Avenue is a Local Road. Noted.</p>	<p>Noted.</p>

Relevant Controls	Proposal	Compliance
the capacity of the CCC (including child to staff ratios).		
<b>6.0 Out of School Hours</b>		
Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities. <i>Refer to further controls if DCP, if relevant.</i>	N/A	N/A

<b>3.3 Dwelling Houses and Dual occupancy</b>		
<b>2.6.1 Deep Soil Areas</b>		
35% of the site is deep soil. Minimum dimensions of 8m x 8m in the back yard which is sufficiently large to support at least 1 mature tree.  Front garden areas to be permeable with the exception of the driveway, pedestrian path and garden walls.	Achieved. 8x8m deep soil are achieved in the backyard which accommodates 2 new large trees.  Achieved.	Yes
<b>2.7 Floor Space Ratio</b>		
0.5:1	See Assessment report for LEP discussion	No
2.8 Height Height 9.5m  Wall Plate height 7.5m (or 8m for a roof with a continuous parapet  2 storeys	Height = 9.00m  Wall plate = Up to 8.4m on the southern (side) elevation.  Part 2/3 storeys	Yes  <b>No</b>  Yes, development steps down with the slope of the land.
<b>2.9 Setbacks</b>		
-	-	-
Front setback - 6m	6m	Yes
Secondary Street - 2m	N/A	N/A
Southern side setback Ground – 0.9m First – 1.5m	1.8m 1.8m - 3m	Yes
Northern side setback Ground – 0.9m First – 1.5m	0.9m 2.8m	Yes
Eastern rear setback – 25% of the site length of 8m	Site length: 60.75m 25% of site length: 15.2m Proposed: 15.2m	Yes

RDCP 2014 Control	Comment	Compliance
<b>Part 7.2 Waste Minimisation and Management</b>		
<b>2.3 All Developments</b>		
(a) Developments must provide space for onsite waste containers. (b) Compliant size of storage areas and number of storage containers. (c) Space to be provided for bulk waste where appropriate. (d) Storage of green waste provided. (e) Stored within the boundaries of the site. (f) Site Waste Minimisation and Management Plan (SWMMP) required. (g) Located to provide easy, direct and convenient access. (h) Storage areas visible from the street are to complement the design of the development and streetscape. (i) No incineration devices. (j) Collection point identified on plan. (k) Path for wheeling bin collection not less than 14:1. (l) Complies with Australian Standard AS 2890.2-2002 Parking Facilities – Part 2: Off-street commercial vehicle facilities. (m) Complies with the Building Code of Australia and relevant Australian Standards.	Yes  Yes  N/A  Yes Yes  SWMMP submitted.  N/A  Yes  N/A Yes Yes  Yes  Satisfies BCA & AS.	Yes
<b>2.4 Demolition and Construction</b>		
(a) Demolition must comply with AS and WorkCover. (b) Demolition work plan submitted. (c) Dedicated area on site for stockpile of materials taking into account environmental factors and amenity impacts. (d) Construction materials to be stored away from the waste materials on site.	Demolition will be sought in a separate application. N/A	N/A
<b>Part 8: Engineering</b>		
<b>Part 8.1 Construction Activities</b>		
2.1.2 Erosion and sediment control plan to be submitted.	Erosion and sediment control plan provided.	Yes
<b>Part 8.2 Stormwater and Floodplain Management</b>		
2.0 Stormwater Drainage. To ensure the collection and conveyance of stormwater runoff on property is undertaken in	As addressed above, the application has demonstrated that the	

a manner to preserve the amenity of the land, prevent damage to property and without jeopardising public safety.	proposal satisfies clause 5.21 Flood Planning of the Ryde LEP 2014 and the proposed works are compatible with the flood function and behaviour of the land.	
3.0 Water Sensitive Urban Design	N/A. Does not apply to this land use zone and proposal for a child care facility.	N/A
4.0 Flooding and Overland Flow Applies to land identified as "Flood Planning Area" on the Flood Planning Map within Ryde LEP 2014, and other land at or below the flood planning level.	As addressed above, the application has demonstrated that the proposal satisfies clause 5.21 Flood Planning of the Ryde LEP 2014 and the proposed works are compatible with the flood function and behaviour of the land.	Satisfactory.
<b>Part 8.3 Driveways</b>		
A new two-way driveway is proposed.	This existing driveway is to be removed and made good. The proposal is for the construction of a new two-way driveway.	Satisfactory.
<b>Part 9.3 Parking Controls</b>		
Satisfactory. As discussed above.		
<b>Part 9.5 Tree Preservation</b>		
<p>The DA is accompanied by an Tree Inspection Report prepared by Treehaven Environments and dated November 2021. There are 14 small trees generally located around the perimeter of the site, all of which are considered to be exempt due to their size and/or species). The report recommends the removal of all trees on site. 11 compensatory trees are proposed to be planted.</p> <p>Council's Consultant Landscape Architect/Arborist has reviewed the proposal, and no objection is raised to the removal of these exempt trees.</p> <p>Trees in the adjoining sites and adjoining street verge are capable of being retained and protected.</p>		
4.0 Development Applications c. Trees removed as a consequence of Development Application approval must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest canopy.	11 compensatory trees are proposed to be planted.	Yes.
5.0 Construction Activities a. All reasonable efforts are to be taken to protect trees from damage during construction.	Capable of being satisfied.	Yes

<p>b. Tree protection zones are to be fenced off to ensure that they are not disturbed and to prevent vehicles, building materials, and refuse being placed in those locations.</p> <p>c. Fences for tree protection zones are to be erected prior to any demolition or construction work.</p> <p>d. Trees that are to remain on the site are to be protected against damage during construction.</p> <p>e. Installation of Services: Trenches for services shall be located outside the dripline of all trees that must be retained on the property and all trees on adjoining public and private lands.</p>		
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# Plan of Management

Purposed Early Learning Centre

5 Aeolus Street, Ryde

Prepared for



Prepared By: Shoushan Navasardian - Operator

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7	Laundry Facilities
8	Staff Room
9	Waste management
10	Centre hall for Events
11	Kitchen
12	Access and Security in the Centre
13	Parking, Drop off and pick up
14	Fire Evacuation procedure
15	The Community

## **1. Introduction**

This Plan of Management has been prepared for the proposed Early Learning Centre (ELC) at No 5 Aeolus street, Ryde. The ELC is designed to care for 48 children aged between 0 - 6 years. In preparing this document consideration was given to the requirements of:

- Australian Children's Education and Care Quality Authority (ACEQA)
- National Quality Framework (NQS)
- Education and care Services National Regulations 2013
- Education and care Services National Law 2013
- Ryde Council's Child Care Centers DCP 2014

## **2. Aim of the Early Learning Centre**

The aim of the ELC is to meet the community demand for high Quality care that is intimate and homely.

The aim is to meet and exceed the elements of the national quality framework which, comprises of the *Education and Care Services National Law*, the *Education and Care Service National Regulations* and the *National Quality Standards*.

The adopted program will be based on the provisions particularly of the National Quality Framework and The Early years Learning Framework. The Early Years Framework is a National Curriculum for 0 - 5 year old age grouping.

Through play based learning and intentional teaching, the educators will be encouraged to explore the learning outcomes specified in the early years learning framework with all their children, planning for them individually and as a group. Parent involvement will also be a key aspect of the program.

The room Routines' will be adapted and set up once the educators has had the opportunity to learn about the children in the groups, as the NQS Specifies that routines need to optimise learning opportunities for individual children in the centre.

### **3. Maximum Number of Children**

DECS provided a variable age group license, which means the centre can cater for up to 48 children from 0 - 6 years of age. However in practice the 0 - 2 year old age group requires additional support facilities such as a nappy change and bottle preparation area plus a cot room.

The centre has been designed to allow for up to 16 infants aged between 0 – 2 years of age.

Rooms will be appropriately set up to provide a homelike environment that allows the children to engage in stimulating age-appropriate activities. The number of children allocated to a room will be designed in respect of the Education and Care Services National Regulations 107(2) of allowing 3.25sqm of unencumbered indoor space per child.

The Toddlers room will cater for 20 children allowing the infants to transition after turning 2 years of age through the year whilst meeting the children developmental needs at all times.

The number of children allocated to a room will be designed in respect to the Education and Care Services National Regulations 107(2) of allowing 3.25sqm unencumbered indoor space per child. The toddlers' room will include nappy change facilities and a cot room.

The pre-kindy and Preschool room will cater for 12 children. The number of children allocated in a room will be designed in respect of the Education and Care Services National Regulations 107(2) of allowing 3.25sqm unencumbered indoor space per child.

The pre-kindy and preschool room will be able to be used for either age groups depending on the demand.

#### **4. Hours of Operations**

The Centre will operate between the hours of 7.00AM and 6.00PM Monday to Friday. The centre will need to open on 4 Saturdays in the year for special events such as the Christmas party and open days. The centre will otherwise be closed on weekends and public Holidays and operate 52 weeks per annum.

#### **5. Staffing**

Consistent and committed educators and coordinators will provide quality support and continuity of care for the children. Effective, transparent and equitable recruitment process will ensure the service attracts and retains educators, co-coordinators and other staff members who can best meet the needs of children and their families.

Educators within the centre will be employed to ensure that minimum qualification requirements are met through the employment of trained Educators within the centre. Staff will be employed in accordance with the educator to children ratios set by the Educator and Care Services National regulations 2013 (see appendix 1 for table indicating educator to children ratios). All Educators will have qualifications in first aid and anaphylaxis, Child Protection and will remain in regular professional developmental opportunities to meet the NQS standard 4.

All educators must agree to follow the Code of Conduct /Code of Ethic that applies to management, educators and coordination which clearly explains the responsibilities of all parties in relation one another, to children and families using the service.

An Educational Leader will be appointed to guide and mentor all Educators with all aspects of the program and certified supervisors approved by the Australian Children's Education and care Quality Authority (ACECQA), will be in attendance at all times as per regulation 146.

A total of 10 educators will be employed consisting of 10 full time and 3 assisting part time educators (based on the need of the centre) to work five days per week.

The following table summarizes the employment detail of the educators that will be employed at the Centre:

<b>Role</b>	<b>Employment Type</b>	<b>Qualifications</b>	<b>Responsibility</b>
<b>Nominated Supervisor</b>	<b>Full Time</b>	<b>Early Childhood Teaching Degree</b>	<b>Staff management and support team member / floater / administrator</b>
Educator (0 to 2 year old room)	Full time	Diploma of Early childhood Educator and care	Room leader for infants (0-2 age group)
Educator (2 to 3 year old room)	Full time	Diploma of Early childhood Educator and care	Room leader for infants (2-3 age group)
Educator (3 to 5 year old room)	Full time	Diploma of Early childhood Educator and care	Room leader for infants (3-5 age group)
Educator	Full time	Certificate III in early Childhood education and care	Room assistant (0-2'sage group)
Educator	Full time	Certificate III in early Childhood education and care	Room assistant (0-2'sage group)
Educator	Full time	Certificate III in early Childhood education and care	Room assistant (0-2'sage group)
Educator	Full time	Certificate III in early Childhood education and care	Room assistant (2.-3'sage group)
Educator	Full time	Certificate III in early Childhood education and care	Room assistant (2-3's age group)
Educator	Full time	Certificate III in early Childhood education and care	Room assistant (2-3's'sage group)

Educator	Full time	Certificate III in early Childhood education and care	Room assistant (3-5-'sage group)
Educator	Part time	Certificate III in early Childhood education and care	Room assistant (3-5's age group)
Educator /Cook	Part time	Certificate III in early / centre Cook Childhood education and care	Floater (0-5'sage group)

## 6. The Curriculum

The program will be based on the National Early Learning Framework (EYLF) - Being, Belonging and Becoming or Children's Services. The EYLF describes the principles, practice and outcomes essential to support and enhance young children's learning from birth to five years of age.

The programs are developed in accordance with the National Curriculum. the staff at the centre will provide developmental program for each age group and assist children in preparing for the early years of their schooling and education. The children will be provided with high quality educational programs that will incorporate indoor and outdoor play experiences.

The centers curriculum will revolve around play. We value the benefits of learning through play! The play based learning program starts with our youngest babies, and prepares our children for a lifetime of learning though a solid intellectual and social foundation.

At our centre we believe that a child's family input is an integral component to their overall development. We aim to extend on children's experiences with a holistic approach. As such, we will welcome family feedback and contribution in all forms. Each classroom will have an email address which provides open forum for families to share photos and gain up to date information of what is currently happening at the centre. For all questions regarding our preschool program parents will be encouraged to email the centre to book an information session.

## **7. Laundry Facilities**

The Centre Included laundry faculty operated by staff and used to wash and dry daily used face cloths, bibs, dress ups. The laundry will have a lockable cupboard for storage of chemicals.

## **8. Staff Room**

The staff room facility provided is are intended for use of educators while on their lunch breaks as well as to provide a quality area for educators to work on documentation such as room programming, children's portfolios and observations.

## **9. Waste Management**

Centre staff and centre cleaners will remove the waste daily. Waste will be placed in commercial waste bins located in garbage bin area within the car park level. These bins will be emptied using an external commercial waste collection service such as JJ Richards. A waste management plan has been lodged with this application.

A cleaner will arrive at the centre after closing daily.

## **10. Centre Hall for events**

The Centre includes a hall for all in house event celebrations such as graduation, family days and multicultural events as per the yearly updated calendar for children's services. The hall will be used by children and educators of the centre through family grouping sessions.

## **11. Kitchen**

The Centre includes a kitchen facility for a trained centre cook to prepare daily meals for the children across all age groups. The cook will be on-site between the hours of 10.00AM and 1.00PM daily.

## **12. Access and Security**

Regulations 99 of the National Child Care Regulations 2013 state that a child may only leave the relevant premises if the child:

(a) is given into the care of

(I) a parent of the child; or

(ii) an authorised nominee named in the child's enrolment records, or

(iii) a person authorised by a parent or authorised nominee named in the child's record to collect the child from the premises

(b) leaves the premises in accordance with the written authorisation of the child's parent or authorised nominee named in the child's enrolment form.

Visitors will be accompanied by staff when inside the centre and encouraged to sign in /out accordingly when at the centre. The centre will have a CCTV system within common areas and at the entry and rear of the building. Smoke alarms will be installed as well as emergency EXIT signs /lighting.

Educators will have direct supervision of all children at the centre at all times and sign in/out record will be maintain through the day to identify the number of children in the service at all times. All educators will ensure all children are signed out before closing daily.

## **13. Parking**

On-site car parking will be provided in accordance with Ryde Council's car parking generation rates.

The car park will be located at-grade allowing staff, parents and visitors to safely access the centre via the lift or stairs. An open car parking area will ensure parents can easily identify available parking on-site. Staff in the main will travel to the site by public transport.

Upon enrolment procedure each parent will undergo an orientation process to learn about the centre safety features and about other features. This will apply to all educators starting employment at the centre as well.

The centre will operate between the hours of 7.00AM and 6.00PM. It is anticipated that the drop off period will occur during the hours of 7.00AM and 8.00AM. Children will be picked up from the centre between 5.00PM -5.45PM. An educator will assist with this process to make it as smooth as possible.

Enrolments will be conducted between the hours of 10.00AM and 3.00PM so avoid a clash with normal operations of the centre. A quick drop off and pick up will be encouraged and promoted.

#### **14. Fire Evacuation Procedure**

Prior to opening the centre a full fire evacuation procedure will be created and implemented by a licensed and accredited fire consultant. A fire evacuation plan will be placed around the centre as per the experts guide. The plan and the procedure will be checked by DECS before a license to operate the centre.

The centre will practice emergency drills every 3 months to ensure staff and children are familiar with the procedure.

#### **15. The Community**

The centre location is such that relationship will be developed with local schools, sports clubs, library and so on.

The NQS standards support the partnership with communities in QA6. There will be a range of services that support families and children.

The centre will aim to encourage a wide community bond through learning incursions/excursions as well as external inclusion agencies when possible.

## Appendix 1

Educator to children ratios require by Education and Care Services National Regulations 2013 (NSW specifications) Part7.3, reg 271

Children's Age	Number of Educators to children	Purposed number of children	Number of staff required – Full time
0-2 years	1:4	16	4
2-3 years	1:5	20	4
3-4 years	1:10	6	1
4-5 years	1:10	6	1

Total:

48 Children daily  
10 educators

Our Ref: 22394

12 October 2022

City of Ryde  
Level 1, Building 0  
Riverview Business Park  
3 Richardson Place  
NORTH RYDE NSW 2113

**Attention: Holly Charalambous**

Dear Holly,

**RE: 5 AEOLUS AVENUE, RYDE  
PEER REVIEW**

As requested, please find herein The Transport Planning Partnership (TPPP)'s peer review for the above proposed development.

### **Background**

A Development Application for a 48 place long day care centre at 5 Aeolus Avenue, Ryde, was submitted to City of Ryde.

This independent peer review has been undertaken on the DA traffic report from a traffic safety and efficiency context as well as determining if there was anything that could be undertaken to minimise the traffic impact on the local road network.

TPPP has referred to the following documents in preparing this peer review:

- 5 Aeolus Avenue - Amended Architectural plans - Issue C\_July 22
- 5 Aeolus Avenue - Supplementary Traffic Statement - Traffic Solutions - July 22
- 5 Aeolus Avenue - Traffic Report - Traffic Solutions - July 2021.

This peer review was undertaken based on the following guidelines and references:

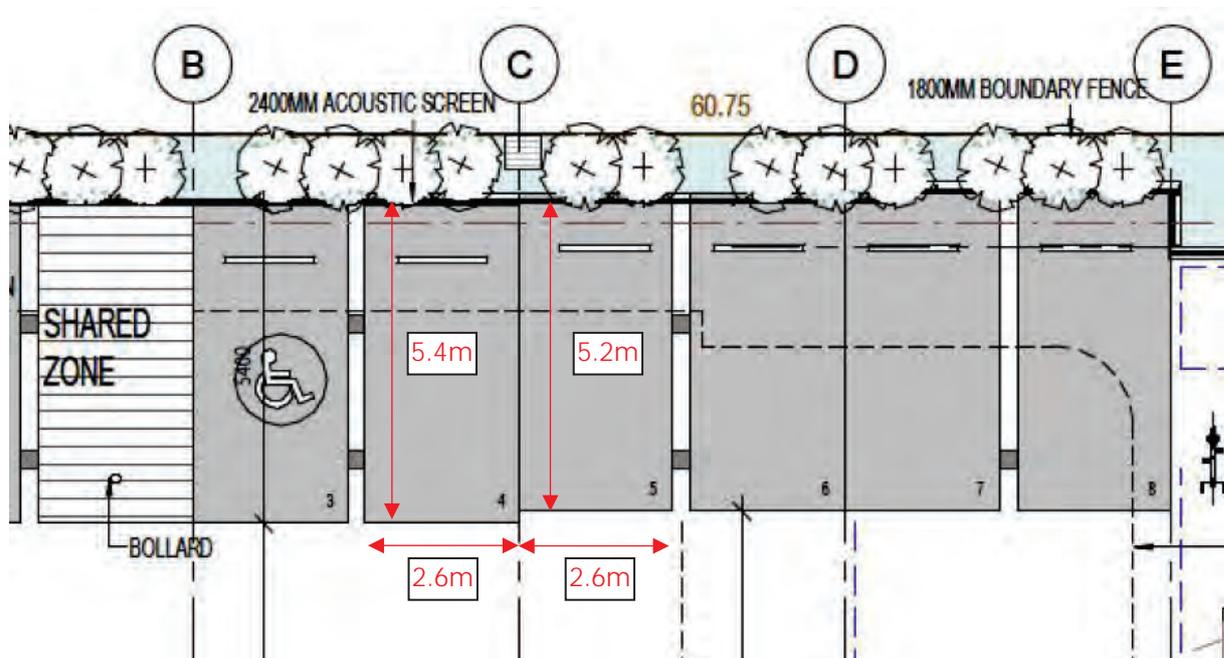
- Ryde Development Control Plan 2014 – Part 3.2 Child Care Centres
- Ryde Development Control Plan 2014 – Part 9.3 Parking Control
- AS 2890.1-2004 Parking Facilities - Off-Street Car Parking.

## Peer Review Findings

### Parking

The latest car park design provides 11 parking spaces, although it is not clear which are staff and which are drop off spaces. While most parking spaces are designed to provide compliant dimensions of 5.4m x 2.6m (noting that the staff spaces could be reduced to a 2.4m width), Bays 5 to 8 appear to provide a length of 5.2m which is limited to the rear by a 2.4m high acoustic screen, thus the parking spaces cannot overhang into the landscaped area.

Figure 1: 5.2 Long Parking Spaces



If these are designated spaces for small cars, this would exceed the maximum 10% requirement in accordance with Ryde Development Control Plan 2014 (DCP) Part 9.3 Parking Control. The DCP stipulates that:

*Up to 10% of the required car spaces may be nominated as "small" car spaces within any development. Small car spaces shall comply with AS 2890.1 2004 (at least 2.3 m wide and 5.0 m long).*

On this basis, Bays 5 to 8 are substandard with a length shorter than the required 5.4m and cannot comply with AS2890.1.

## On-Site Manoeuvrability

AS2890.1 requires the use of a B99 vehicle to check areas designed to be used by one vehicle at a time for the manoeuvring and circulation clearances. Where there is to be provision for two vehicles to pass, B99 and B85 swept path templates with clearances incorporated are used in combination.

The traffic report does not provide a swept path assessment to confirm sufficient clearance would be available to accommodate a design vehicle manoeuvring within the car park, loading bay and simultaneous movements at the driveway without affecting on-street parking.

Furthermore, DCP Part 3.2 Child Care Centres – Section 5.2 stipulates the following requirements for on-site manoeuvrability (page 36):

*a. 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.*

*b. Variation on the requirement for a “U” shaped driveway may be considered, for example on corner lots, where it can be demonstrated that a one-way driveway system can be provided in another way which still meets the following criteria:*

- i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other;*
- ii. To enable vehicles to leave the site in a forward direction;*
- iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses.*

The DA proposes a 2-way combined driveway at the 20m Aeolus Avenue frontage and therefore is not compliant to the DCP requirement to enable a “U” shaped one-way driveway system.

Notwithstanding this, typical childcare centres in Sydney do provide car parks with a single two way driveway with 90 degree parking spaces on both sides with turning facilities at the end of the aisle.

## Traffic Recovery

The Supplementary Traffic Statement suggests that:

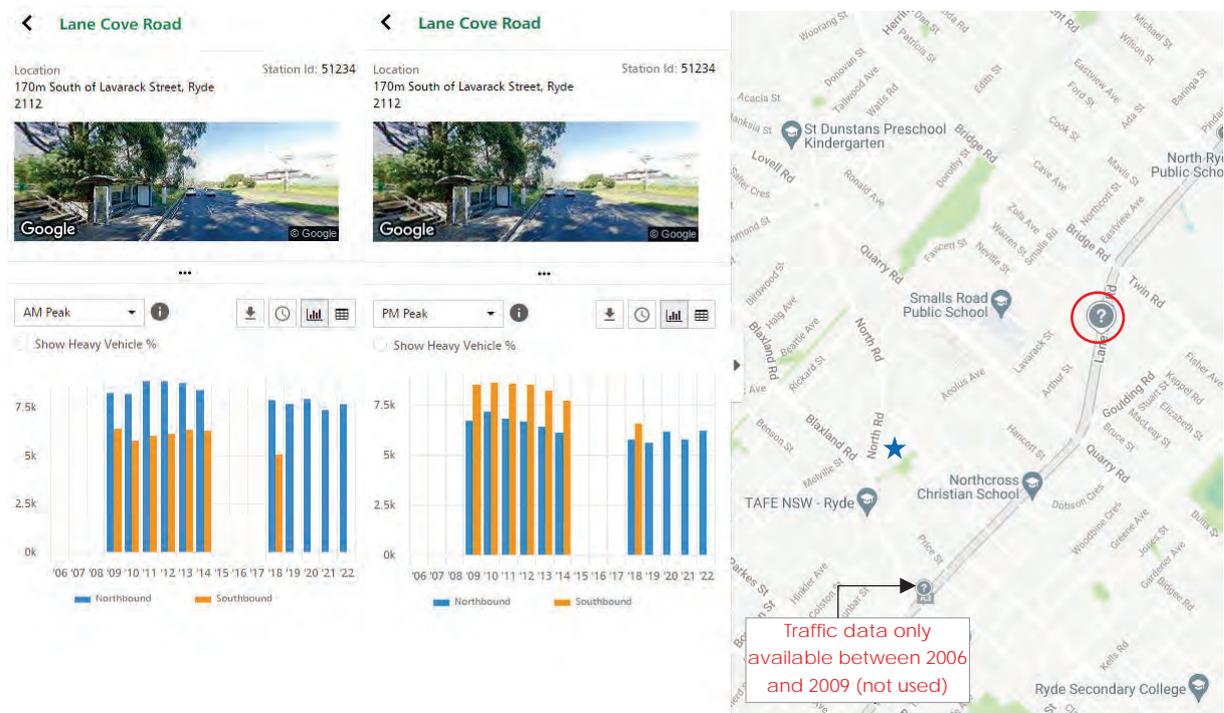
*With regards to the planner’s comments, it is advised that the surveys were not undertaken during a lockdown period and the working from home scenarios are considered to be “New Normal”. It is not known why the town planner requires to*

*undertake further traffic analysis from prior to Covid and it is questioned why this is required and how the Town Planner expects this to be achieved.*

It is anticipated that traffic volumes in mid/late 2022 has generally recovered or is close to the pre-Covid conditions, albeit public transport usage is still lower as people generally shift to driving even after the lifting of Covid restrictions.

A review of the TfNSW Traffic Volume Viewer for the nearest count station located on Lane Cove Road (51234) indicates traffic volume recorded in 2022 has recovered to the pre-Covid level in 2019 during the AM and PM peak periods, as shown in Figure 2. Traffic volume in 2021 was obviously lower than the pre-Covid level in 2019.

**Figure 2: Traffic Recovery**



Source: TfNSW Traffic Volume Viewer

### Existing Traffic Volumes

The traffic report makes reference to intersection counts undertaken on 9 June 2021 and queue length survey on the same day and 22 June 2021, prior to the Covid-19 lockdown that was re-introduced in late June 2021. However, it is a concern that traffic conditions had been impacted by the Covid-19 pandemic since April 2020, as such traffic volumes could be expected to be lower than during typical conditions.

The traffic report did not provide a comparison with any historic traffic volume data, nor more recent traffic volumes undertaken following the lifting of Covid-19 restrictions.

This would have helped to ensure the surveyed traffic volume reasonably reflected typical existing traffic conditions.

Council commissioned TTM to undertake intersection counts and queue length surveys in the afternoon peak period between 4pm and 6pm on 11 and 16 August 2022. A comparison of the traffic volume is shown in Table 1 based on the data recorded in June 2021 and August 2022.

**Table 1: Comparison of PM Peak Hour Traffic Volumes**

Road	Direction	Wednesday 9 June 2021 (3:45- 4:45pm)	Thursday 11 August 2022 (5-6pm)	Tuesday 16 August 2022 (4-5pm)	Difference in the PM Peak Hour Traffic Volume	
					Between 9 June 2021 and 11 August 2022	Between 9 June 2021 and 16 August 2022
North Road, north of Aeolus Avenue	Northbound	165	193	191	17%	16%
	Southbound	287	374	348	30%	21%
North Road, south of Aeolus Avenue	Northbound	263	300	269	14%	2%
	Southbound	570	619	661	9%	16%
Aeolus Avenue, east of North Road	Eastbound	102	112	93	10%	-9%
	Westbound	287	250	328	-13%	14%
<b>Total</b>		<b>1,674</b>	<b>1,848</b>	<b>1,890</b>	<b>10%</b>	<b>13%</b>

The comparison indicates that the total intersection traffic volumes recorded in August 2022 were 10% to 13% (post Covid restrictions) higher than in June 2021 (during Covid restrictions). As such, the use of the June 2021 traffic data without any adjustments is considered an underestimate of the current typical traffic conditions.

### Environmental Capacity

The Roads and Maritime Services (RMS, now TfNSW) Guideline provides some guidance on typical environmental capacity of local residential streets. The concept of Environmental Capacity was developed to identify a suitable maximum traffic volume on such local streets.

*Traffic on any class of road has an impact on the amenity of an area. Noise and pedestrian access are important factors. Environmental capacity considerations are relevant to streets in residential areas.*

A number of measures are used to determine the impact that a road will have on Environmental Capacity such as pedestrian delay / safety method, taking into account carriageway width and the vulnerability of pedestrians.

Based upon these factors, TfNSW give information relating to what they consider to be the Environmental Capacities on certain classification of roads. This information has been reproduced in [Table 2](#).

**Table 2: Environmental Capacity Performance Standards on Residential Streets**

Road Class	Road Type	Maximum Speed (km/h)	Maximum Peak Hour Volume (vph)
Local	Access Way	25	100
	Street	40	200 environmental goal 300 maximum
Collector	Street	50	300 environmental goal 500 maximum

Note: Maximum speed relates to the appropriate design maximum speeds in new residential developments. In existing areas maximum speed relates to the 85th percentile speed.

A summary of the existing traffic volumes based on the June 2021 and August 2022 surveys is provided in [Table 3](#) for comparison with the RMS environmental capacity.

**Table 3: Traffic Volumes on Residential Streets for Environmental Capacity Performance**

Survey Location	Road Type	Maximum Peak Hour Volume (vph)	Survey Date	PM Peak Hour (vph) – 2-way
Aeolus Avenue	Local Street	200 environmental goal 300 maximum	Wednesday 9 June 2021	389
			Thursday 11 August 2022	362
			Tuesday 16 August 2022	421

Clearly, the traffic volume on Aeolus Avenue, which if considered to be a local residential street, exceeds the maximum environmental capacity (300 vph) by 20% to 40% in recent years even ignoring any potential Covid impacts. This indicates Aeolus Avenue is already operating beyond its environmental capacity, and thus operation of the proposed development would further deteriorate the performance of this local residential street.

### Traffic Queueing

A review of Google Map Traffic Conditions indicates slow vehicle speeds (i.e. rolling traffic queues) on Aeolus Avenue and North Road in the PM peak period. This is possibly due to the restriction of the southbound right turn from Lane Cove Road southbound to Blaxland Road, which would result in the use of Aeolus Avenue as a possible access route towards Blaxland Road. Operating conditions of the North Road- Aeolus Avenue intersection therefore depend on the traffic conditions of the downstream Blaxland Road- North Road intersection.

Figure 3: Google Typical Traffic Conditions (Tuesday 3:30pm)

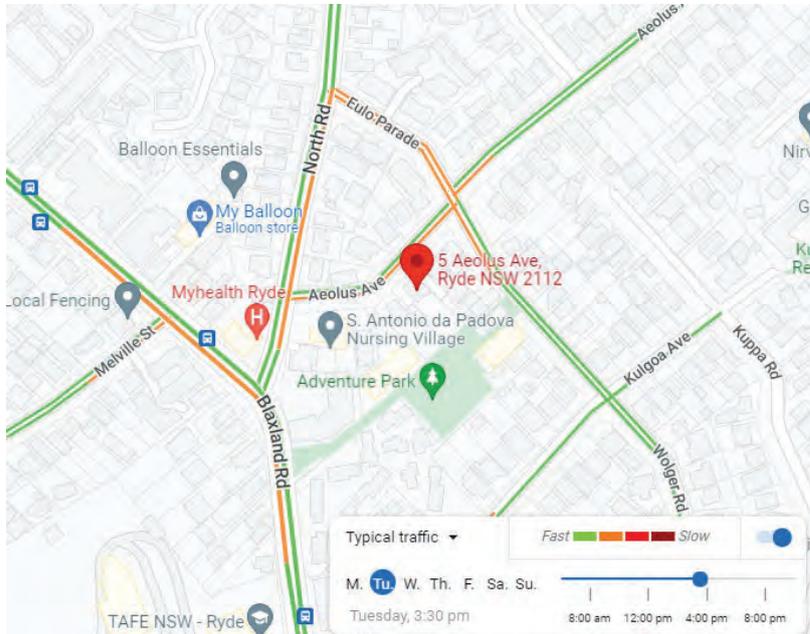


Figure 4: Google Typical Traffic Conditions (Wednesday 4:30pm)

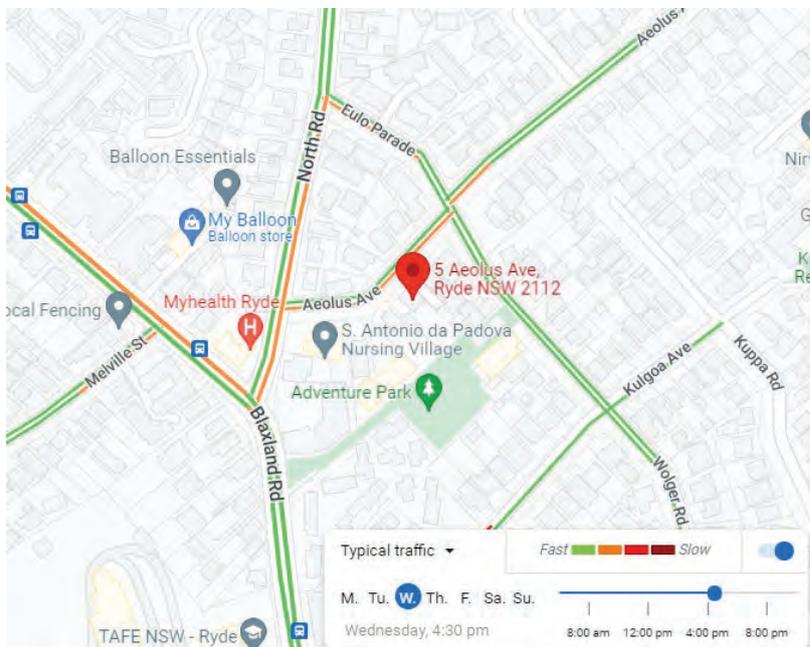


Figure 5: Google Typical Traffic Conditions (Thursday 5:00pm)

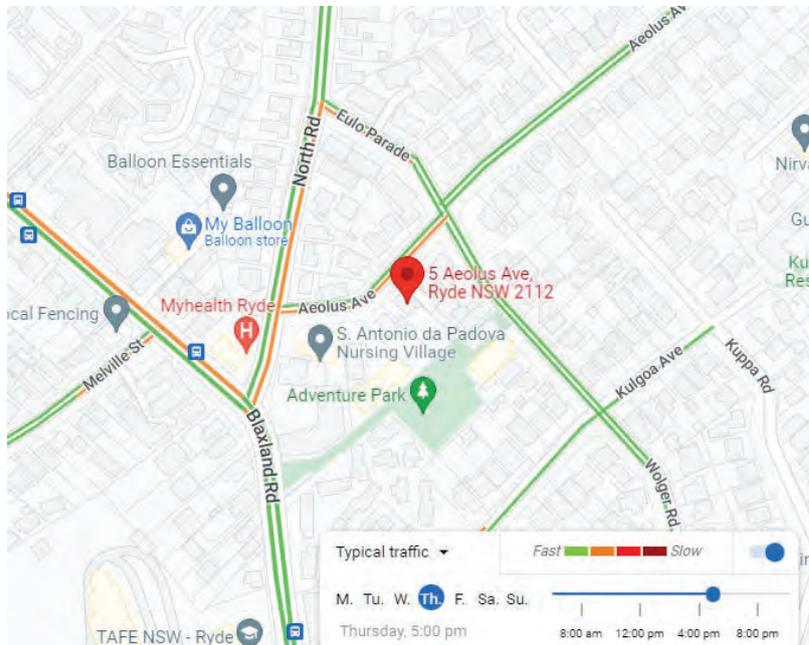


Table 4 provides a comparison of the maximum traffic queue length in the PM peak hour recorded in the June 2021 and August 2022 surveys.

Table 4: Comparison of Max Traffic Queue Length (Metres) in PM Peak Period

Intersection Approach	Wednesday 9 June 2021	Tuesday 22 June 2021	Thursday 11 August 2022	Tuesday 16 August 2022	Difference	
					Between 9 June 2021 and 16 August 2022	Between 22 June 2021 and 16 August 2022
North Road (North Approach)	Not surveyed	Not surveyed	84	91	-	-
North Road (South Approach)	Not surveyed	Not surveyed	42	28	-	-
Aeolus Avenue (East Approach)	91	42	119	126	38%	200%

Source: The June 2021 data (3-6pm) as documented in the DA traffic report, and the August 2022 data recorded in the recent traffic surveys (4-6pm) provided by Council.

The above queue length surveys indicate the following maximum traffic queues:

- 9 June 2021 (5:30pm): 13 vehicles = 91m
- 22 June 2021 (5:15pm and 5:45pm): 6 vehicles = 42m
- 11 August 2022 (4:50pm): 119m
- 16 August 2022 (5:40pm): 126m.

The comparison indicates that the maximum queue lengths recorded during the PM peak period in August 2022 were significantly higher than those recorded in June 2021 with an increase of 38% and 200% respectively, by comparing the two days in June 2021 with 16 August 2022 when longer queues were observed. This indicates the queue length considered in the traffic report is not representative of the existing typical traffic conditions, given the existing maximum traffic queues extend well past the proposed driveway located about 90m north-east of North Road.

As shown in Figure 3 to Figure 5, the queue length on Aeolus Avenue westbound is subject to the traffic conditions on North Road being extended from the Blaxland Road intersection. However, this was not recorded in the traffic report's June 2021 data to enable a direct comparison.

The August 2022 survey data further shows that the location of the proposed driveway was blocked on many occasions as follows:

- Four separate occasions for over five minutes at 4:57pm; 52 seconds at 5:05pm; 45 seconds at 5:09pm; and 30 seconds at 5:31pm on Thursday 11 August 2022.
- Eight separate occasions for 26 seconds at 5:26pm; over 6 minutes at 5:38pm (refer to Figure 6); over 1 minute at 5:46pm; 18 seconds at 5:49pm; 50 seconds at 5:51pm; 56 seconds at 5:53pm; over 1 minute at 5:55pm; and 34 seconds at 5:57pm on Tuesday 16 August 2022.

By way of an example, Figure 6 was taken from the footage at 5:39pm on Tuesday 16 August 2022 which shows a long traffic queue extended from North Avenue (bottom left of the photo), past the site to the next intersection at Wolger Road (top of the photo).

Figure 6: Traffic Queue Blocks the Proposed Driveway on Aeolus Avenue in the PM Peak



This means the long traffic queue on Aeolus Avenue would block the access and egress movements to and from the development. The traffic queues occur frequently and would not dissipate quickly in the PM peak period. Any addition of development traffic on Aeolus Avenue would further deteriorate the congestion level in the surrounding road network in the afternoon peak.

### SIDRA Modelling

The use of SIDRA version 6 is considered outdated. The current version 9.0.3 is capable to analyse multiple intersections in a network model.

The applicant's SIDRA modelling only considered the North Road- Aeolus Avenue intersection and the proposed driveway as isolated intersections. It is questionable, and there is no evidence, that the SIDRA model was calibrated to reasonably reflect the typical traffic conditions at these intersections, taking consideration of the downstream queueing effects on North Road and Aeolus Avenue.

The Blaxland Road- North Road intersection should also be assessed as part of the network model as the traffic queue on North Road would significantly impede the operation of the North Road- Aeolus Avenue intersection.

Furthermore, the traffic report did not consider whether the assessed intersections can accommodate the future traffic volume, taking into account the background growth and the proposed development which is typically assessed in a 10 year planning horizon. Traffic growth factors can be obtained through TfNSW's STFM traffic volume plots for the base year and the future year.

On this basis, the modelling results of two isolated intersections did not consider the downstream blockage are deemed invalid for the base year. A future year assessment is sought to demonstrate intersection performance considering the additional traffic in relation to the future background growth and development traffic.

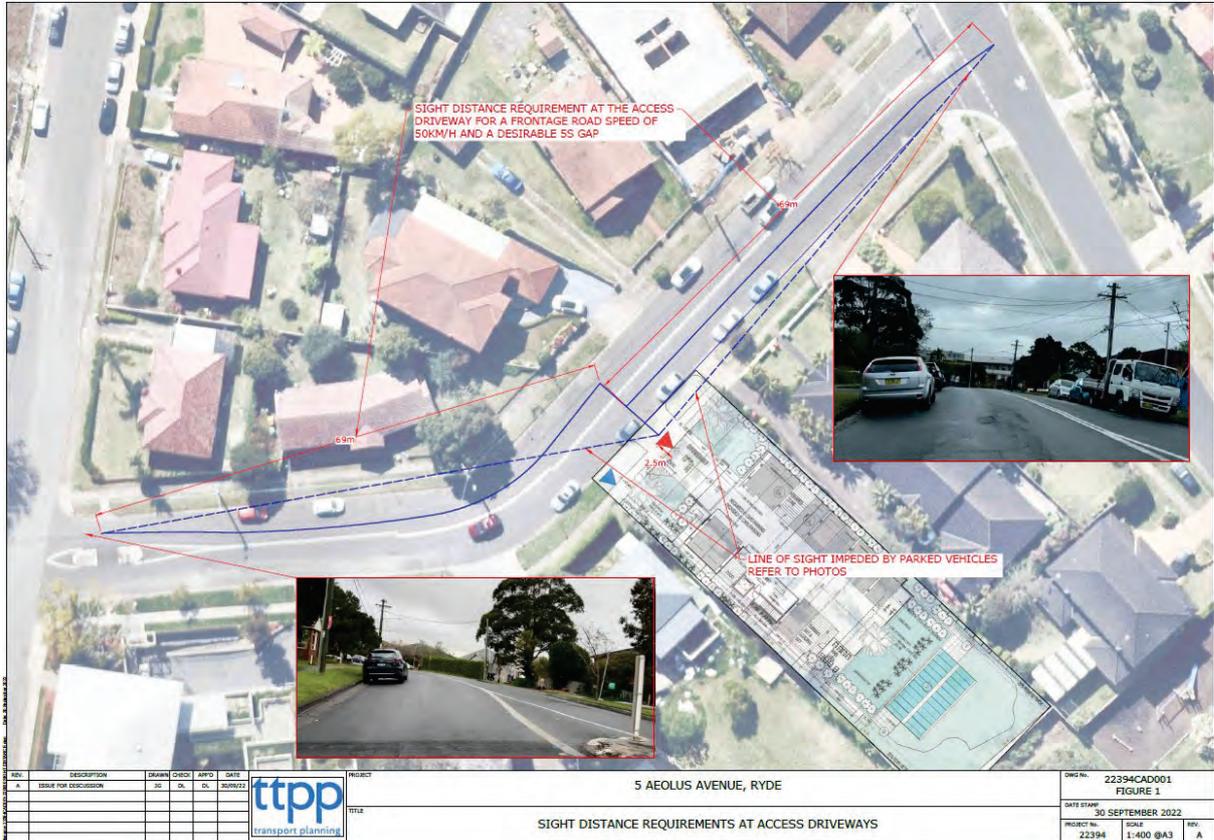
## **Road Safety Issues**

### *Sight Distance*

The traffic report did not undertake a sight distance assessment to confirm adequate sight distance can be available at the proposed driveway. AS2890.1 requires a desirable five second gap of 69m based on a 50km/h road speed on Aeolus Avenue.

TTPP has undertaken a sight distance assessment as shown in Figure 7 which indicates that the sight distance is impeded by parked vehicles on both sides of Aeolus Avenue. An enlargement of the sight distance assessment is shown in Attachment One.

Figure 7: Sight Distance Assessment



As a result, and whilst we note that this is an existing condition, a significant increase in the number of egress movements would increase safety concerns due to the constrained sight distance caused by the parked vehicles adjacent on both sides of the road.

*Site Access*

The long traffic queue on Aeolus Avenue would block vehicles accessing and leaving the subject site, particularly during the PM peak period. Any vehicles waiting to turn right into the site would make the level of traffic congestion worse than the current situation.

Consideration was given to restricting the proposed driveway to left-in left-out only, however, this would create more vehicle trips travelling around the block in the absence of roundabouts to accommodate U-turn movements. This would also increase traffic queues in the surrounding roads.

Due to the congestion level on Aeolus Avenue, parents may choose not to park on site to reduce waiting time along Aeolus Avenue and/or finding a gap in traffic to enter/leave the site. As a result, they may park on Aeolus Avenue (where unrestricted parking and No Parking zones are provided) or a nearby street and walk to the site.

Although pedestrian refuges are provided on both ends of Aeolus Avenue near North Road and Wolger Street, pedestrians may choose the shortest route to/from the subject site. It is a safety concern that additional pedestrian movements to/from the proposed site would increase the risk of pedestrian/vehicular conflict due to the impeded sight distance by parked vehicles as shown in Figure 7. Furthermore, pedestrian sight distances would also be compromised by the curved road alignment located adjacent to the subject site, increasing the risk of collisions involving pedestrians.

It is acknowledged that the Supplementary Traffic Statement recommends that "Parents are reminded that they should not park on the opposite side of Aeolus Avenue", but given the occasional long queues and traffic delays, it is questionable how practical this reminder could be to minimise pedestrians crossing the road outside the designated crossing facilities given the greater walking distance to/from the subject site.

### Mitigation Measure

Given Aeolus Avenue is already operating above the environmental capacity of a local residential street, any additional traffic volume associated with the proposed development would exacerbate both the amenity of residents and also the high level of congestion in the PM peak period.

TTPP is of the view that there are no practicable solutions to alleviate the existing congestion level on the Aeolus Avenue given its function and road class are to be retained. If more green time is provided to North Road (minor road) to flush out the traffic on North Road and Aeolus Avenue, a reduction of green time on Blaxland Road (major road) would increase traffic delays on the arterial road. This would undesirably reduce the intersection level of service.

### Summary and Conclusion

An independent review was undertaken by TTPP to assess traffic, parking and safety impacts in relation to the proposed long day care centre at 5 Aeolus Avenue, Ryde. There are a number of primary concerns relating to this application:

- The proposed 2-way combined driveway is not compliant to the DCP as it requires to provide a "U" shaped one-way driveway system. However, there are approved and operating examples of childcare centres with the car parking layout in the proposed configuration.
- SIDRA modelling has not been calibrated to reflect the typical traffic conditions and is deemed invalid for the following reasons:
  - Comparison of the July 2021 and August 2022 traffic volumes confirms that the adopted baseline traffic volume was not adjusted and is a fraction of the typical

traffic volume given the June 2021 survey was undertaken when Covid restrictions were in place.

- Modelling of the North Road- Aeolus Avenue intersection and the proposed driveway in isolation does not take into consideration of the downstream queueing extended from the Blaxland Road- North Road intersection.
- The August 2022 traffic survey indicates excessive long queues on Aeolus Avenue westbound towards North Road which blocked the proposed driveway on many occasions during the afternoon peak period. This would impede access and egress to/from the subject development.
- A future year assessment is sought to demonstrate intersection performance considering the additional traffic in relation to the future background growth and development traffic.
- The location of the subject site is deemed unsuitable for a long day care development due to the high congestion level in the surrounding roads and Aeolus Avenue is already operating above its environmental capacity in the PM peak period. Any additional traffic would exacerbate the level of both the residential amenity and also the traffic congestion making it worse than the current situation.
- TTPP is of the view that there are no practicable solutions to alleviate the existing congestion level on the Aeolus Avenue given its function and road class are to be retained. If more green time is provided to North Road (minor road) to flush out the traffic on North Road and Aeolus Avenue, a reduction of green time on Blaxland Road (major road) would increase traffic delays on the arterial road. This would undesirably reduce the intersection level of service.
- Sight distance is impeded by parked vehicles on both sides of Aeolus Avenue. As a result, the egress movement would be unsafe due to the restrained sight distance caused by the parked vehicles on both sides of the driveway.

Based on the above, the application in its current form, has significant shortfalls in terms of being acceptable in traffic, parking and safety terms.

We trust the above is to your satisfaction. Should you have any queries regarding the above or require further information, please do not hesitate to contact the undersigned on 8437 7800.

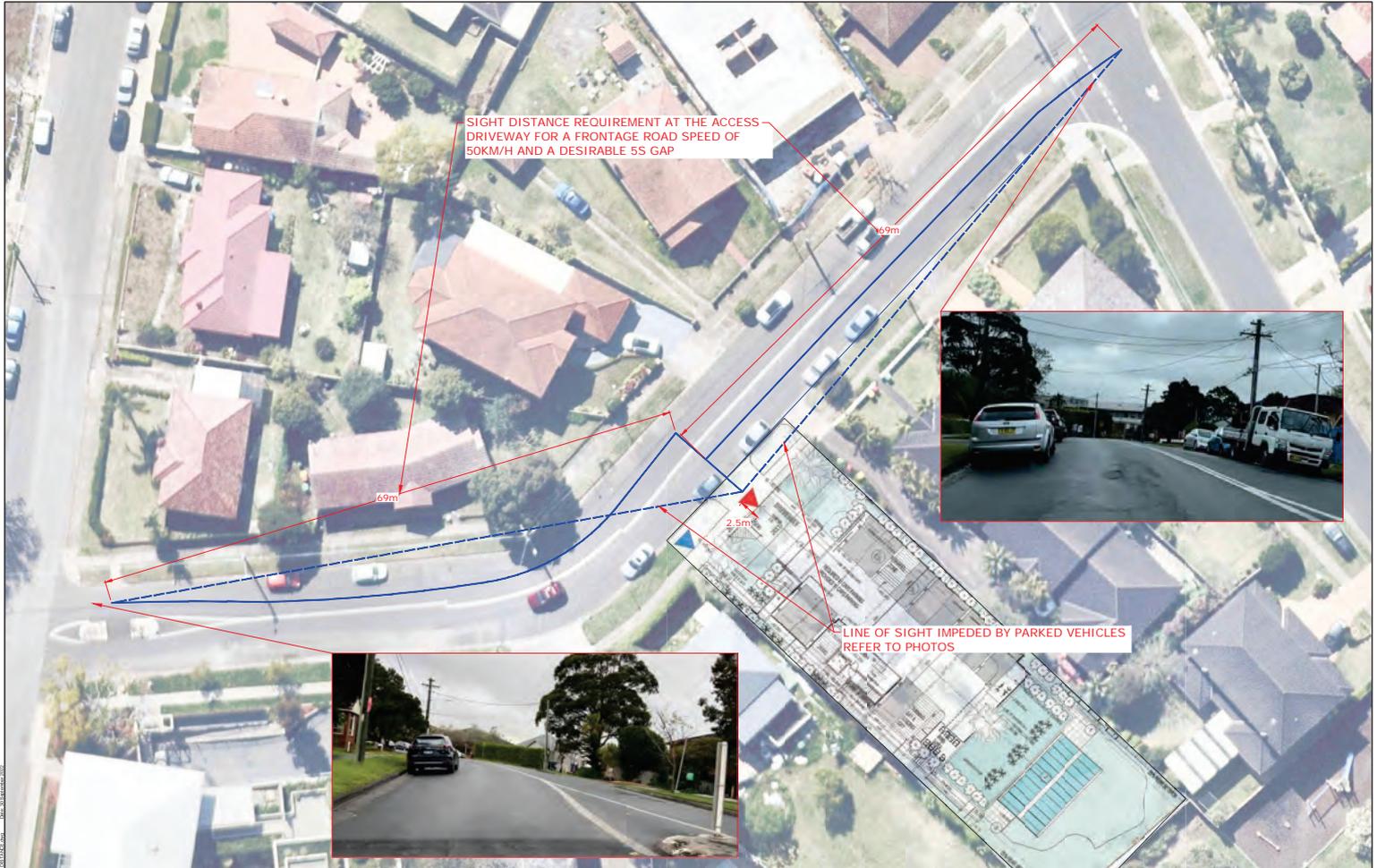
Yours sincerely,



**Ken Hollyoak**  
Director

# Attachment One

## Sight Distance Assessment



REV.	DESCRIPTION	DRAWN	CHECK	APP'D	DATE
A	ISSUE FOR DISCUSSION	JG	DL	DL	30/09/22



PROJECT: 5 AEOLUS AVENUE, RYDE

TITLE: SIGHT DISTANCE REQUIREMENTS AT ACCESS DRIVEWAYS

DWG No. 22394CAD001	
FIGURE 1	
DATE STAMP: 30 SEPTEMBER 2022	
PROJECT No. 22394	SCALE: 1:400 @A3
REV. A	

File Name: 22394CAD001.dwg Date: 30 September 2022