



# Statement of Environmental Effects

MIXED USE DEVELOPMENT AT  
691-695 VICTORIA ROAD  
RYDE

19 MAY 2025



#### QUALITY ASSURANCE

<b>PROJECT:</b>	Mixed use development including a centre based child care centre
<b>ADDRESS:</b>	691-695 Victoria Road, Ryde
<b>Lot/DP:</b>	Lot 17 DP 777986
<b>COUNCIL:</b>	City of Ryde
<b>AUTHOR:</b>	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
29 November 2023	Co-Ordination	Draft	BC	JW
29 November 2023	Client Issue	Final	BC	JW
29 November 2023	DA Submission	Final	JW	JW
19 May 2025	Post S.34 Update	Final	BC	JW

#### Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

#### Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	Yes
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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## EXECUTIVE SUMMARY

This revised Statement of Environmental Effects has been prepared in support of a revised development application at 691-695 Victoria Road, Ryde for tree removal, excavation, and the construction of two residential flat buildings and one mixed use building that includes a centre based child care facility.

The proposed development will contain a total of 155 residential units over three levels of basement parking providing 260 car parking spaces, inclusive of 23 spaces for the centre based child care facility. A total of 30 bicycle parking spaces are also provided. The proposed development includes the following number of dwellings in each building:

	Building A	Building B	Building C
TOTAL	29	83	43

The overall unit mix within the subject development is:

Apartment	Provision	% Mix
1 bedroom	51	33%
2 bedroom	70	45%
3 bedroom	34	22%
TOTAL	155	100%

The proposal also includes a centre based child care facility within Building C and located on levels 2 and 3. The centre based child care facility operate between 6AM and 6PM on Mondays to Friday only and will include a total of 108 children:

Age	No of Children	Educators
0-2	28	7
2-3	30	6
3-5	50	5
TOTAL	108	18

The child care centre provides indoor and outdoor open space in a manner consistent with required rates

Area	Rate	No. of children	Required	Provided
Indoor	3.25m <sup>2</sup> per child	120	351 m <sup>2</sup>	493 m <sup>2</sup>
Outdoor	7m <sup>2</sup> per child		756 m <sup>2</sup>	834.4 m <sup>2</sup>

A total of 23 parking spaces are provided for the centre based child care facility, with 14 spaces associated with the children and 9 spaces for staff.

The subject site is located on the corner of Blaxland Road and Victoria Road, with an unformed section of Prince Street providing access and car parking. The site is of irregular shape and proportions and is prominently located at a key gateway entry point to the Ryde Town Centre. In terms of frontages, it is approximately 101m to Victoria Road and 87m to Blackland Road, providing a total area of 6,296.8m<sup>2</sup>. There are no significant features located on the site with it being substantially covered in hard surfaces and buildings associated with its use as a car dealership.

Along the Blaxland Road frontage there are stands of mature trees, with there generally being no other significant green elements. In terms of slope, this is generally south to north direction and falls towards Blaxland Road. The site is located nearby several heritage items with a heritage report provided as part of this DA to understand their significance to the proposed development.

In terms of character this is mixed along Victoria Road and Blaxland Road. Typically there are , one-two storey residential dwellings, residential flat buildings, commercial tenancies and parklands. The immediate western boundary is to low rise residential properties, with the northern boundary Ryde Park on the adjacent side of Blaxland Road. Immediately to the east is the Queen Victoria Jubilee Foundation, an important item of local heritage significance. Likewise to the south on the other side of Victoria Road is the significant Dalton House hospital site.

The subject site is zoned MU1 Mixed Use with a permitted maximum building height of 18.5m and FSR of 1:8:1 under the Ryde Local Environmental Plan 2014. Additional provisions apply to the subject site that facilitate additional building height and FSR if a public laneway is provided and the development is mixed use. This increases the possible height on the subject site to 21.5m and the FSR to 2.5:1. The subject proposal is able to use the bonus provisions in the Ryde LEP 2014 as it (1) provides a publicly accessible laneway and (2) is mixed use through the inclusion of a centre based child care facility.

*Residential Flat Buildings, shop top housing and centre based child care facilities* are all permitted with consent with the MU1 zone. Primarily due to the slope of the subject site, along with the desire to enhance the overall amenity of the development through rooftop communal open space, the proposal will not comply with the height and FSR controls. Cl.4.6 Requests are therefore provided and submitted under separate cover on those issues.

The existing building on site is in a reasonable condition, however, are significantly underutilising the site's full development potential given the MU1 zoning of the subject site and the strategic location, being in the gateway into the Ryde Town Centre, arterial road and bus stops connecting to Sydney CBD and Parramatta, along with more local destinations, including West Ryde and its train station and other services.

The proposed development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport and services. The proposal aims to provide a strong interface to Victoria Road and Blaxland Road to provide a good contextual fit with the existing and desired future character of the Ryde Town Centre. The development will contribute to the completion of the orderly development of the site and will contribute towards increasing the housing choice and housing stock within Ryde.

The subject site is also an ideal location for accommodating a child care facility due to its location within established commercial centre, its proximity to educational services, public transportation and key arterial road networks. As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of a tenancy within the proposed development at Building C.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

## SITE AND LOCALITY

The site is legally described as Lot 17 in DP777986, Lot 2 in DP443925, Lot 3 in DP443926 and Lot 4 DP5873, though is more commonly known as 691-695 Victoria Road, Ryde.

Situated as the south eastern gateway into the Town Centre at the junction of Blackland and Victoria Road, the subject site is visually prominent. It is located within the Commercial Edge East Precinct of the Ryde Town Centre, with the subject site located on the northern side of Victoria Road and the southern side of Blaxland Road. Located along the western boundary are older style residential apartment buildings that front Hatton Street. To the north and on the adjacent site of Blaxland Road is the large Ryde Park which provides exceptional amenity and address within the town centre. The eastern boundary is to the intersection of Blaxland and Victoria Road; however its actual eastern boundary is an unformed section of Princes Street and the Queen Jubilee Fountain that once may have been part of Ryde Park. On the southern side of Victoria Road is more housing, commercial development and the Dalton House site which is now a retirement village.

Both Victoria Road and Blaxland Road are significant and contribute to the overall character of the subject site and its broader context. Victoria Road is a six-lane arterial road and Blaxland Road is a five-lane road. Both are state roads providing important local and regional links, with Victoria Road the primary east/west connection between Parramatta and the Sydney CBD, and Blaxland Road the north to south link providing a more local connection between Epping and Ryde.


The Ryde Town Centre core which includes the Top Ryde Shopping Centre is located within 200m of the subject site, further to the west. This can be conveniently accessed via Blaxland Road.

The subject site comprises of four separate allotments which make up a large irregularly shaped lot. In terms of frontages, it is approximately 101m to Victoria Road and 87m to Blackland Road, providing a total area of 6,296.8m<sup>2</sup>. There are no significant features located on the site with it being substantially covered in hard surfaces and buildings associated with its use as a car dealership. All existing built features on the site will be demolished as part of this development application.

The aerial map extract on the next page demonstrates the subject site and its relationship with adjoining properties.

Figure 1: Aerial Photograph (Source: Six maps)



 Subject Site

Photographs are provided below to give context to the site.





Photograph 1: Shows the subject site as viewed from Concord PI looking southwards



Photograph 2: Shows the adjoining RFB at 1 Concord PI





Photograph 3: Shows the adjoining RFB at 7 Stansell St



Photograph 3: Shows the adjoining RFB at 7 Stansell St







Photograph 3: Shows the adjoining RFB at 7 Stansell St



## HERITAGE

The site is not identified as a heritage item, however, is located within the vicinity of the several heritage items of Local significance as listed under Schedule 5 of the Ryde Local Environmental Plan 2014. Accordingly, heritage consultants Urbis were engaged to prepare a Heritage Impact Statement.

**Figure 2: Heritage Map Extract (Source: Ryde LEP 2014).**



The heritage impact statement has considered the following heritage items that are located in the vicinity of the subject site.

- Built Heritage item no. I13 under Schedule 5 of the Ryde LEP 2014, identified as Ryde Park (gazebo), located at 30 Argyle Avenue.
- Built Heritage item no. I14 under Schedule 5 of the Ryde LEP 2014, identified as Ebenezer Church, located at 142 Blaxland Road.
- Built Heritage item no. I19 under Schedule 5 of the Ryde LEP 2014, identified as Fountain, located at corner Blaxland and Victoria Roads.

- Built Heritage item no. I54 under Schedule 5 of the Ryde LEP 2014, identified as Road, located at Great North Road, Bedlam Point to Eastwood.
- Built Heritage item no. I148 under Schedule 5 of the Ryde LEP 2014, identified as Dalton House (hospital), located at 642-648 Victoria Road.

The heritage impact assessment has concluded:

- *The extant buildings at the subject site are commonplace buildings fitted out as commercial tenancies, the buildings which range c.1950s-1990s. They have a pedestrian character and do not have heritage significance in their own right, nor do they make a positive contribution to the streetscape nor the setting of the vicinity items.*
- *The proposed replacement of the extant buildings would not adversely impact any significant views to or from nearby heritage items. Victoria Road (item no. I54) is simple in profile and contains historic significance with little aesthetic distinction or value, therefore the envelope of the development is not required to respond directly to that item. Furthermore, dominant view corridors towards the heritage listed fountain (item no. I19) located at Benson Place, best viewed from the corner of Victoria Road and Blaxland Road will be preserved from the public domain.*
- *The proposed replacement buildings present an opportunity to introduce a new, high-quality, architecturally designed, mixed-use development within the locality, which will enhance the setting and produce a sympathetic solution to existing buildings and heritage items.*
- *The proposal is sympathetic in its design and incorporates a neutral palette of muted tones and materials and finishes. Works are vertically proportioned and simple in form and finish to sympathetically create an overlay of contemporary development within the surrounding streetscape which currently comprises a mixed typology and various periods of development.*

*In summary the proposed works will not detract from the identified heritage values of proximate heritage items and ensures that the heritage items significance and character is preserved and continues to be both understood and appropriately read within the streetscape and public domain.*



## DESCRIPTION OF PROPOSAL

This Statement of Environmental Effects has been prepared in support of a development application at 691-695 Victoria Road, Ryde for the excavation, and the construction of two residential flat buildings and a mixed use component that includes a centre based child care facility and three (3) commercial tenancies facing Blaxland Road.

A summary of the relevant aspects of the proposal is provided below:

### **Demolition**

Demolition of existing structures is proposed.

### **Tree Removal**

The proposal seeks to remove a total of five trees from the subject site, noting that two of these trees are exempt from requiring approval to remove.

### **Laneway**

The proposal seeks to provide a new public laneway connecting to Blaxland Road which will, in time, connect through adjoining properties to the south.

### **Mixed Use and Apartment buildings**

The proposal will include three separate buildings on site which are described as follows:

- Building A – A building of 6 storeys with a mix of 29 by one, two and three bedroom units. There are also three (3) commercial tenancies at the ground floor
- Building B – A building of 8 storeys with 83 by one, two and three bedroom units. Communal open space is accessible on level 8. Level one contains three (3) commercial tenancies fronting Princes Street.
- Building C – A building of 8 storeys with a mix of 43 by one, two and three bedroom units.

### **Basement Parking**

The proposal will provide a consolidated basement for the subject site, with access from a centrally located public laneway from Blaxland Road.

A total of 260 parking spaces are proposed, with 23 of these spaces allocated to the centre based child care facility that is in Building B and then 16 spaces associated with the commercial tenancies in Building and Building B.

### Waste storage and Collection

All waste and recycling services for the development will be provided from a loading zone as indicated on the Architectural Drawings. The loading area has been designed to facilitate a HR rear loading vehicle.

Distributed throughout the building will be waste chutes that direct waste into the waste room. There is a separate waste room provide for the centre based child care facility.

Waste will be transferred from the waste rooms to the centralised collection area by the building manager.

### Commercial Tenancies

The proposal also includes a total of six (6) commercial tenancies as follows:

- Building A: Three (3) ground floor commercial tenancies of 36m<sup>2</sup>-52m<sup>2</sup>
- 
- Building B: Three (3) Level 1 commercial tenancies of 106m<sup>2</sup>-220m<sup>2</sup>

### Child Care Centre

The proposal also includes a centre based child care facility within Building B and located on the ground level. The centre based child care facility operate between 6AM and 6PM on Mondays to Friday only and will include a total of 108 children:

Age	No of Children	Educators
0-2	28	7
2-3	30	6
3-5	50	5
TOTAL	108	18

The child care centre provides indoor and simulated outdoor open space in a manner consistent with required rates

Area	Rate	No. of children	Required	Provided
Indoor	3.25m <sup>2</sup> per child	120	351 m <sup>2</sup>	493 m <sup>2</sup>
Outdoor	7m <sup>2</sup> per child		756 m <sup>2</sup>	834.4 m <sup>2</sup>

A total of 23 parking spaces are provided for the centre based child care facility, with 14 spaces associated with the children and 9 spaces for staff.

The child care centre includes:

Building B	Inclusions (for child care centre only)
Basement 1	<ul style="list-style-type: none"> <li>– Child care waste room, including sanitary waste room</li> <li>– 23 Child Care Centre parking spaces</li> <li>– Fire stairs and dedicated child care centre lift</li> </ul>
Ground Floor (general areas)	<ul style="list-style-type: none"> <li>– Main entry from ground level and reception area</li> <li>– Pedestrian entry and lobby</li> <li>– Meeting room</li> <li>– Pram storage room</li> <li>– Directors' office</li> <li>– Administration area and staff room</li> <li>– Storage</li> <li>– Kitchen</li> </ul>
Ground Floor Indoor Play Rooms	<ul style="list-style-type: none"> <li>– Play room 1 for 15 X 2-3 year children <ul style="list-style-type: none"> <li>○ Art and craft area</li> <li>○ Shared bottle preparation area</li> <li>○ Shared nappy change room</li> <li>○ Shared cot room</li> <li>○ Storage</li> <li>○ Shared Toilet</li> <li>○ Direct access to outdoor play area</li> </ul> </li> <li>– Play room 2 for 28 X 0-2 year children: <ul style="list-style-type: none"> <li>○ Art and craft area</li> <li>○ Shared bottle preparation area</li> <li>○ Shared nappy change room</li> <li>○ Shared cot room</li> <li>○ Storage</li> <li>○ Shared Toilet</li> <li>○ Direct access to outdoor play area</li> </ul> </li> <li>– Play room 3 for 15 X 2-3 year children <ul style="list-style-type: none"> <li>○ Art and craft area</li> <li>○ Storage</li> <li>○ Toilet with nappy change space</li> <li>○ Direct access to outdoor storage room</li> <li>○ Direct access to outdoor play area</li> </ul> </li> <li>– Play room 4 for 20 X 3-5 year children <ul style="list-style-type: none"> <li>○ Art and craft area</li> <li>○ Storage</li> <li>○ Shared Toilet</li> <li>○ Direct access to outdoor play area</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Play room 5 for 30 X 3-5 year children <ul style="list-style-type: none"> <li>o Art and craft area</li> <li>o Storage</li> <li>o Shared Toilet</li> <li>o Direct access to outdoor play area</li> </ul> </li> </ul>
<b>Outdoor Play Areas</b>	<ul style="list-style-type: none"> <li>- Outdoor play area 1 for 58 children <ul style="list-style-type: none"> <li>o Outdoor Storage</li> <li>o Direct access to play rooms and toilets</li> </ul> </li> <li>- Outdoor play area 2 for 50 children <ul style="list-style-type: none"> <li>o Outdoor Storage</li> <li>o Direct access to play rooms and toilets</li> </ul> </li> </ul>

## Design Intent

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties. The development involves the redevelopment of an isolated site that was unable to be consolidated with adjoining properties. The development response acknowledges this constraint and carefully manages its interface with adjoining apartment buildings.

The proposal will also incorporate a number of ancillary elements, including detailed landscape embellishment works are relevant drainage elements as shown on the submitted plans.

CD Architects has prepared the relevant architectural plans for the proposal, while supporting specialist reports have been prepared by relevant sub consultants.

The design of the proposed development incorporates contemporary architectural aesthetics that are consistent with the desired future character of the Ryde Town Centre Commercial Edge East Precinct

Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining development and the changing character and built form of the locality. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

## PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant statutory planning controls include:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022; and
- Ryde Local Environmental Plan 2014.

### POLICY CONTROLS

The applicable policy control document is:

- Ryde Development Control Plan.
- The Apartment Design Guide



## CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

### STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table considers the risk of the site being contaminated:

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?	X	
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill		

sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation

Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X

CEC Geotechnical Pty Ltd has prepared this report on behalf of Chanine Developments to provide a Stage 2 Detailed Site Investigation (DSI) or Contamination Assessment at 691-695 Victoria Road, Ryde. The works included a detailed site assessment study with a scope following the request from Chanine Developments to support the Development Application (DA). Based upon the findings of PSI report conducted by CEC Geotechnical, Ref. 22011, dated 28/11/2023. The DSI was performed to provide information on the type, extent, and level of contamination of potential concerns (COPCs) from potential area of environmental concerns (AECs) and to support the proposed development at the site.

CEC Geotechnical, concludes that the site is suitable for the proposed work and can be used for six and eight storey buildings, overlying three level basements. The, following recommendations are put forward:

- *Should evidence of site contamination be identified at any stage during the development process, such as staining, odorous soils, or suspect asbestos, then an experienced site contamination consultant should be contacted immediately for advice.*
- *Any material to be removed off-site, ENM, MUST be classified for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines.*
- *Any material being imported to the site for backfilling purposes should be assessed for potential contamination in accordance with the EPA guidelines.*

## STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP also came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's, with below applicable to the site:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)

**Chapter 2** of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The application seeks approval to remove two trees species within the site boundaries. Of these five trees, two are exempt from requiring any approval for removal. The remaining two trees have been confirmed as necessary to remove due to their location on site which necessitates removal. An arborist report is attached to this DA and provides appropriate recommendations to mitigate the removal of the five trees.

To offset the removal of the existing vegetation on site, the Development is providing appropriate landscaping, including within the front, side and rear setbacks. Overall, these works will positively contribute to the cohesiveness and visual appreciation of the area whilst providing relief from the built form and softening the impact of the Development.

**Chapter 4** – contains the land-use planning and assessment framework from the former Koala SEPP 2021 for koala habitat within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3 in the short term. The site is not identified as containing koala habitat and accordingly this chapter is not applicable to this Development.

**Chapter 5** – Contains the provisions from the former Murray REP, which establishes a consistent and co-ordinated approach to environmental planning and assessment along the River Murray. Given the sites location, this chapter is not applicable to this development.

**Chapter 6** contains the provisions for water catchments including:

- (a) the Sydney Drinking Water Catchment,

- (b) the Sydney Harbour Catchment,
- (c) the Georges River Catchment,
- (d) the Hawkesbury-Nepean Catchment.

The subject site is subject to the broad planning principles contained within the chapter. The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment. The relevant principles include:

- *Protect and improve hydrological, ecological and geomorphologic processes;*
- *Consider cumulative impacts of development within the catchment;*
- *Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and*
- *Protect and rehabilitate riparian corridors and remnant vegetation.*

The proposed Development does not detract from the above listed principles given the nature of the Development and the environmental safeguards proposed, including the detailed drainage concept that includes water quality measures and erosion and sediment controls. Therefore the proposal is consistent with the provisions of Chapter 6.

**Chapters 7 – 12** are repealed.

**Chapter 13** relates to strategic conservation planning and is not relevant to this proposal.

## STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery. The relevant sections of this chapter are addressed below:

### Subdivision 2 Development in or adjacent to road corridors and road reservations

### Division 15 relates to Development in or adjacent to rail corridors and interim rail corridors

The following table discussed the requirements of division 15.

Clause	Response
<b>2.96 Development involving access via level crossings</b> (1) This section applies to development that involves— (a) a new level crossing, or (b) the conversion into a public road of a private access road across a level crossing, or (c) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing as a result of the development.	In accordance with clause 2.96 the development does not propose a level crossing or increase traffic generation across an existing level crossing. Accordingly, no further consideration of this clause is required.
<b>2.97 Development adjacent to rail corridors</b> (1) This section applies to development on land that is in or adjacent to a rail corridor, if the development— (a) is likely to have an adverse effect on rail safety, or (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or (c) involves the use of a crane in air space above any rail corridor, or	The site is not located adjacent to a rail corridor. Accordingly, no further consideration of this clause is required.



(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities

**2.98 Excavation in, above, below or adjacent to rail corridors**

(1) This section applies to development (other than development to which section 2.100 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—

- (a) within, below or above a rail corridor, or
- (b) within 25m (measured horizontally) of a rail corridor, or
- (c) within 25m (measured horizontally) of the ground directly below a rail corridor, or
- (d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

The site is not located within 25m (horizontally or vertically) of a rail corridor). Accordingly, no further consideration of this clause is required.

**2.99 Impact of rail noise or vibration on non-rail development**

(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The development is not impacted by rail noise or vibration given the distance to a rail corridor. Accordingly, no further consideration of this clause is required.

**2.100 Development within or adjacent to interim rail corridor**

- (1) This section applies to development that is—
- (a) on the land shown as “Zone A” on a rail corridors map and has a capital investment value of more than \$200,000, or
  - (b) on the land shown as “Zone B” on a rail corridors map and—
    - (i) involves the penetration of ground to a depth of at least 2m below ground level (existing), or
    - (ii) has a capital investment value of more than \$200,000 and involves the erection of a structure that is 10 or more metres high or an increase in the height of a structure so that it is more than 10m, or
  - (c) on the land shown as “Sydney Metro West Tunnel” on a rail corridors map and involves the penetration of ground to a depth of at least 2m below ground level (existing).

The development is not located within or adjacent to an interim rail corridor. Accordingly, no further consideration of this clause is required.

**Division 17 relates to Development in or adjacent to road corridors and road reservations**

The following table discussed the requirements of division 17.

Clause	Response
<p><b>2.115 Development other than road facilities on public roads</b></p> <p>(1) Development may be carried out with consent on a public road that is unzoned land for any purpose that may be carried out (either with or without consent) on land adjoining the road.</p> <p>(2) Development for any purpose may be carried out by a public authority without consent on a public road that is unzoned land.</p>	<p>The development is not proposed on part of a public road that is to be reclassified as part of this application. Accordingly, no further consideration of this clause is required.</p>
<p><b>2.116 Highway service centres in road corridors</b></p> <p>(1) Development for the purpose of a highway service centre may be carried out in a road corridor for a freeway, main road or tollway only with consent</p>	<p>The development is not proposed in a road corridor. Accordingly, no further consideration of this clause is required.</p>
<p><b>2.117 Development on proposed classified road</b></p> <p>(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land</p>	<p>The development site is not located on a proposed classified road. Accordingly, no further consideration of this clause is required.</p>

is declared to be a classified road) may be granted only with the concurrence of TfNSW—

- (a) subdivision that results in the creation of an additional lot with dwelling entitlements,
- (b) development with a capital investment value greater than \$185,000,
- (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.

#### **2.118 Development with frontage to classified road**

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposed development is located with frontage to Victoria Road and Blaxland Road, both which are classified roads.

Access to the proposed development is via a new laneway off Blaxland Road. A traffic report is attached to this DA and confirms that the projected increase in the traffic generation potential of the site as a consequence of the development proposal is minimal and will clearly not have any unacceptable traffic implications in terms of road network capacity.

The proposed development includes a child care centre. An air quality assessment report is included with the DA and confirms that the child care centre is appropriate on the subject site, subject to implementing its recommendations. Refer to attached air quality report for details that confirms the child care centre is compliant with air quality standards.

#### **2.119 Impact of road noise or vibration on non-road development**

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

The site is located on a classified road and an acoustic report is attached. The acoustic report confirms that the proposed development is appropriate and can successfully mitigate noise impacts if the recommendations are implemented. These have been incorporated into the plans of the proposed development. Refer to attached acoustic report and plans.

- (a) residential accommodation,
  - (b) a place of public worship,
  - (c) a hospital,
  - (d) an educational establishment or centre-based child care facility.
- (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—
- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

**2.120 Excavation in or immediately adjacent to corridors**

- (1) This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)—
- (a) the Eastern Distributor,
  - (b) the Cross City Tunnel,
  - (c) the Lane Cove Tunnel,
  - (d) the Tugun Bypass,
  - (e) the Liverpool—Parramatta Transitway,
  - (f) the North-West Sydney Transitway Network,
  - (g) the Gore Hill Freeway,
  - (h) the Western Distributor,
  - (i) Southern Cross Drive,
  - (j) the Cahill Expressway,
  - (k) General Holmes Drive,
  - (l) the Hume Motorway,
  - (m) the M1 Pacific Motorway,
  - (n) the M2,
  - (o) the M4,
  - (p) the M5,
  - (q) the M4—M5 link,
  - (r) the M7,
  - (s) NorthConnex,
  - (t) the Sydney Harbour Tunnel,
  - (u) the King Georges Road Interchange,
  - (v) the Pacific Highway.

The proposal is not located in or immediately adjacent to a corridor. Accordingly, no further consideration of this clause is required.

#### 2.121 Traffic-generating development

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

The site is traffic generating development and requires referral to TfNSW.

In terms of traffic impacts the traffic and parking impacts report provided by Varga Traffic Planning concludes the following:

- *That projected increase in the traffic generation potential of the site as a consequence of the development proposal is minimal, and will clearly not have any unacceptable traffic implications in terms of road network capacity. (p.19)*
- *The foregoing assessment has found that the proposed development satisfies the relevant requirements specified in Council's DCP as well as relevant Australian Standards, and it is therefore concluded that the proposed development will not have any unacceptable parking implications. (p.24)*

Chapter 3 – contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

SEPP	Comment
3.1 Aims	
The aims of this Policy are as follows:	The proposal will result in the addition of valuable child care places within the Ryde Town Centre
(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and	
(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,	
(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and	

(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and

(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and

(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,

(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and

(h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

### 3.3 Interpretation

*centre-based child care facility* means:

a building or place used for the education and care of children that provides any one or more of the following:

long day care,  
occasional child care,  
out-of-school-hours care (including vacation care)  
preschool care, or  
an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),

but does not include:

- a building or place used for home-based child care or school-based child care, or  
an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or  
- a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

The proposed centre-based child care facility is consistent with the definition contained within the SEPP.

- a child-minding service that is provided in connection with - a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

### Part 3.3 Early education and care facilities – specific development controls

#### 3.23 Matters for Consideration

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 Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines have been addressed further within this statement.

#### 3.25 Centre-based child care facility—floor space ratio

(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

The site is zoned MU1 Mixed Use

(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.

N/A

#### 3.26 Centre-based child care facility – non-discretionary development standards

The objective of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevents the consent authority from requiring more onerous standards for those matters.

The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

location the development may be located at any distance from an existing or proposed early education and care facility, indoor or outdoor space for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor

There are no restrictions relevant to the proposed development.



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 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,

Indoor play space required = 3.25m<sup>2</sup> for each child  
Outdoor place space required = 7m<sup>2</sup> for each child  
site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth,

The facility provides a total of 493 m<sup>2</sup> or at least 4.56m<sup>2</sup> of unencumbered indoor play area per child and 834.4m<sup>2</sup> or at least 7.7m<sup>2</sup> of unencumbered outdoor play area per child, consistent with the requirements of the Education and Care Service National Regulations.

colour of building materials or shade structures – 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.

There are no restrictions relevant to the proposed development.

3.27 Centre-based child care facility – development control plans

Noted.

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 age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:  
operational or management plans or arrangements (including hours of operation),  
demonstrated need or demand for child care services, proximity of facility to other early childhood education and care facilities,  
any matter relating to development for the purpose of a centre-based child care facility contained in:  
the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or  
the matters for consideration set out in Part 2 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).

Chapter 4 – contains provisions from the former Corridor SEPP, including planning controls and reserves land for the protection of 3 corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line). The site is not identified as being within any of these corridors and accordingly this chapter is not applicable to this development.

Chapter 5 – Contains the land-use planning and assessment framework from the former Three Ports SEPP for appropriate development at Port Kembla, Port Botany and Port of Newcastle. The site is not identified as being within any of these port precincts and accordingly this chapter is not applicable to this development.

## CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be considered when developing a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table overleaf details the development standards relevant to the current proposal.

The Guideline underwent minor revisions in 2021 however the provisions are largely the same.

SEPP	Comment
<b>Objectives</b>	
The planning objectives of this Guidelines are to	
<ul style="list-style-type: none"> <li>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</li> </ul>	The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.
<ul style="list-style-type: none"> <li>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</li> </ul>	The child care facility is to occupy a purpose built tenancy within an proposed mix use building.
<ul style="list-style-type: none"> <li>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</li> </ul>	The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is addressed in detail further within this table.
<b>Part 2 Design Quality Principles</b>	
<b>Principle 1 – Context</b>	
<i>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</i>	The proposed building has been appropriately designed to respond to its town centre location.

*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.*

The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.

The child care centre occupies a tenancy within a proposed mixed use building that complies with key development standards.

The development is within proximity to local shops, open space and bus services.

## **Principle 2 – Built form**

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.*

*Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

*Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.*

The child care centre occupies a tenancy in a proposed mixed use development.

The development proposes a highly articulated built form with a variety of materials, colours and textures.

**Principle 3 - Adaptive learning spaces** *Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit out.*

*Good design achieves a mix of inclusive learning spaces to cater for all students and*

The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

*different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.*

**Principle 4- Sustainability**  
*Sustainable design 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.*

The proposed facility has been designed to achieve cross ventilation and adequate natural light access.

The development provides windows facing different orientations with the proposed ceiling heights proportional to the room size to ensure natural lighting is available to activity spaces.

**Principle 5 - Landscape**  
*Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

The development is to remove identified trees/vegetation in-order in accordance with the attached plans.

The development proposes appropriate landscape embellishment works that will contribute to the local context.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail.

The development provides setbacks from the building envelope to the boundaries that will allow for appropriate deep soil and drainage, so that the development will not impact vegetation on neighbouring properties.

**Principle 6 - Amenity**  
*Good design positively influences internal and external amenity for children, staff and neighbors. Achieving good amenity*

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

*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.*

The development also proposes adequate storage, service areas and accessibility for all.

#### **Principle 7 - Safety**

*Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.*

*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.*

The development proposes a design that will optimise safety for children.

Fencing and gates are designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance of the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

### **Part 3 Early education and care facilities – specific development controls**

#### **3.1 Site selection and location**

**C1 – For proposed development in or adjacent to a residential zone, consider:**

- the acoustic and privacy impacts of the proposed development on the residential properties

An Acoustic Report prepared by Acoustic Noise and Vibration Solution Pty Ltd, which accompanies this application, has found that the child care facility complies with the relevant assessment requirements. Refer to the attached Acoustic Report for more details.

<ul style="list-style-type: none"> <li>the setback and siting of buildings within the residential context</li> </ul>	<p>The development is to be undertaken under the noise mitigation measures recommended in the report.</p>
<ul style="list-style-type: none"> <li>visual amenity impacts (e.g., additional building bulk and overshadowing, local character)</li> </ul>	<p>Complies with ADG separation requirements between buildings. As shown in the attached shadow diagrams, the proposed mixed use building has no detrimental shadow impacts to either open space or neighbouring dwellings.</p>
<ul style="list-style-type: none"> <li>traffic and parking impacts of the proposal on residential amenity</li> </ul>	<p>The Traffic &amp; Parking Assessment prepared by Varga Traffic Planning has confirmed that the proposed development will have no traffic and parking impacts on residential amenity. Refer to the attached Traffic &amp; Parking Assessment for more details.</p>
<p><b>C2 – When selecting a site, ensure that:</b></p> <ul style="list-style-type: none"> <li>the location and surrounding uses are compatible with the proposed development or use</li> </ul>	<p>Centre-based child care facilities are permissible and compatible with land use within the MU1 Mixed Use Zone</p>
<ul style="list-style-type: none"> <li>the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards</li> </ul>	<p>The site is not identified as being affected by flooding, bush fire, land slip, coastal hazards and other environmental hazards.</p>
<ul style="list-style-type: none"> <li>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed</li> </ul>	<p>A PSI has been prepared for the application. Refer to the earlier discussion under the SEPP (Resilience and Hazards) for details.</p>
<ul style="list-style-type: none"> <li>the characteristics of the site are suitable for the scale and type of development proposed having regards 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> </ul> </li> </ul>	<p>The site is considered sufficient size and width to accommodate the proposed centre-based child care facility. It has a single shared boundary to residential properties with this being adequately separated from the proposed building.</p>
<ul style="list-style-type: none"> <li>will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul>	<p>The development site is not located within a sensitive environmental or cultural area. It will not result in adverse environmental impacts on surrounding areas.</p>
<ul style="list-style-type: none"> <li>where the proposal is to occupy or retrofit an existing premise, the interior</li> </ul>	<p>N/A. Development proposes to undertake the development of a new centre-based child care facility.</p>

<p>and exterior spaces are suitable for the proposed use</p> <ul style="list-style-type: none"> <li>- there are suitable drop off and pick up areas, and off and on street parking</li> <li>- the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>- not located closely to incompatible social activities and uses such as restricted premises, injection 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 development provides car parking spaces in a basement in accordance with the DCP requirements. A total of 23 spaces are provided, with 9 allocated to staff and 14 to visitors. Refer to the attached Parking &amp; Traffic Impact Assessment accompanying this application for more detail.</p> <p>Victoria Road is a classified Road. Vehicular access is via a new public lane off Blaxland Road, with pedestrian entry via an at grade pathway off the public laneway (in addition to basement lift). Refer to the attached Traffic Report for details.</p> <p>The subject site is not located closely to incompatible social activities and uses.</p>
<p><b>C3 – A child care facility should be located;</b></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 subject site is within proximity to educational establishments, employment opportunities and recreational activities.</p> <p>The site is within an existing town centre and provides parents with an important child care function. It is near compatible uses, including open space, employment and services, shops and public transport.</p> <p>The site has access to bus services.</p>
<p><b>C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</b></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</li> </ul> </li> </ul>	<p>The subject site is not located within proximity to an identified environmental hazard.</p>



- zoning, may in future accommodate noise or odour generating uses
  - extractive industries, intensive agriculture, agricultural spraying activities
  - any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site
- A DSI has been prepared for the application. Refer to the SEPP (Resilience and Hazards) for details.

### 3.2 Local character, streetscape and the public domain interface

#### C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
  - reflect the predominant form of surrounding land uses, particularly in low density residential areas
  - recognise predominant streetscape qualities, such as building form, scale, materials and colours
  - include design and architectural treatments that responds to and integrate with the existing streetscape
  - use landscaping to positively contribute to the streetscape and neighbouring amenity
  - integrate car parking into the building and site landscaping design in residential areas
  - in R2 Low Density Residential 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
- The purpose-built child care facility occupies a proposed tenancy in a proposed mixed use building.
- Appropriate landscaping is proposed that reflects the sites context.
- The front setbacks are also landscaped to minimise the impact of hard surfaces whilst integrating the proposal within the site's context and its surroundings.
- Not a R2 Zone, however Acoustic treatment is to be undertaken following the accompanying Acoustic Report recommendations.

#### C6 – Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
  - windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community
- The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.
- The proposed development incorporates an active façade that will permit casual surveillance of the car park, internal driveways and pathways.

<ul style="list-style-type: none"> <li>integrating existing and proposed landscaping with fencing</li> </ul>	<p>Proposed landscaping works seek to soften the built form and fencing and integrate the development with the site's residential context.</p>
<p><b>C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours</b></p>	<p>The site does not contain multiple buildings or entries.</p> <p>The primary entry point is designed to be visible and legible from the street frontage.</p>
<p><b>C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</b></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 development provides clearly defined street access, pedestrian paths and building entries.</p> <p>Fencing and landscape works will contribute towards delineating communal/private open space from the public domain.</p> <p>The development incorporates architectural features and articulation to provide an attractive frontage to Victoria Road</p>
<p><b>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</b></p>	<p>The development proposes appropriate fencing consistent with fencing within the subject area and with comparable child care facility within the wider locality.</p> <p>The site is not a heritage item, though it is in the vicinity of five heritage items. A HIS by Urbis confirms that the proposed development is appropriate.</p>
<p><b>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</b></p>	<p>Noted – the adoption of acoustic fencing is following the accompanying Acoustic Report.</p>
<p><b>3.3 Building orientation, envelope and design</b></p>	
<p><b>C11 – Orient a development on a site and design the building layout to ensure visual privacy and minimise potential noise and overlooking impacts on neighbors by;</b></p>	

- |  |  |
|--|--|
| <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> </ul>                           | <p>The proposed centre-based child care facility has been designed and sited to minimise privacy impacts on neighbouring properties.</p>   |
| <ul style="list-style-type: none"> <li>- placing play equipment away from common boundaries within residential properties</li> </ul>   | <p>Where possible, play equipment is located away from common boundaries, noting landscape embellishment works and fencing/acoustic barriers are situated along the site's boundaries where necessary, which, combined with the Plan of Management, will mitigate acoustic impacts to neighbouring properties.</p> |
| <ul style="list-style-type: none"> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul>   | <p>Finally, an Acoustic Report accompanying the development application has found that the child care facility complies with the relevant assessment requirements. Refer to the attached Acoustic Report for more details.</p>   |
| <ul style="list-style-type: none"> <li>• optimise solar access to internal and external play areas</li> </ul>  | <p>The centre-based child care facility has been designed to maximise solar access.</p>  |
| <ul style="list-style-type: none"> <li>• avoid overshadowing of adjoining residential properties</li> </ul>  | <p>The proposed mixed use building will not be resulting in overshadowing of neighbouring properties.</p>  |
| <ul style="list-style-type: none"> <li>• ensure buildings along the street frontage define the street by facing it</li> </ul>  | <p>The development proposes a modern mixed use building that fronts the street.</p>  |
| <ul style="list-style-type: none"> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions</li> </ul> | <p>Complies: all outdoor play areas above the ground floor will provide appropriate protection from the wind and other climate conditions.</p>   |

**C12 – The following matters may be considered to minimise the impacts of the proposal on local character:**

- |  |   |
|--|---|
| <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 neighbors and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character</li> </ul> | <p>The proposed building responds appropriately to its context.</p> |
|--|---|

<p><b>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</b></p>	<p>The development proposes a setback consistent with ADG requirements.</p>
<p><b>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</b></p>	<p>The development has been designed to comply with ADG building separation requirements.</p>
<p><b>C15 – Entry to the facility should be limited to one secure point which is:</b></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 accessible 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 proposed centre-based child care facility provides a primary pedestrian entry point from Victoria Road. A direct entry point is available from the basement via a dedicated lift.</p>
<p><b>C16 – Accessible design can be achieved by:</b></p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should 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 development has been designed to be accessible to and within the building per all relevant legislation, with direct equitable pedestrian access provided via Victoria Road and the basement.</p> <p>Designed to comply.</p> <p>The development provides an appropriate continuous path of travel to and within the building, including access between the street entry and the main building entrance.</p> <p>Designed to comply.</p>

### 3.4 Landscaping

**C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.**

**Use the existing landscape where feasible to provide a high quality landscaped area by:**

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping

Refer to the attached Landscaping Plan for details.

**C18 – Incorporate car parking into the landscape design of the site by:**

- planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- considering streetscape, local character and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas

N/A as parking is within the basement

### 3.5 Visual and acoustic privacy

**C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.**

The proposal complies and will provide appropriate barrier fencing and shade sail are recommended in the acoustic report (attached).

**C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:**

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

The development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public areas via appropriate site and building layout, sill windows to side elevations and the use of fencing and landscape works to side boundaries.

**C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:**

- appropriate site and building layout
- suitable locating pathways, windows and doors

Complies: There is no direct overlooking of living areas or the outdoor spaces of adjacent dwellings.

- permanent screening and landscape design

**C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:**

- 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 fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

The development proposes appropriate acoustic fencing/barriers following the accompanying Acoustic Report.

An Acoustic Report prepared by ANVS Pty Ltd has found that the child care facility complies with the relevant assessment requirements, subject to implementation of its recommendations. Refer to the attached Acoustic Report for more details.

**C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:**

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met

An Acoustic Report accompanies the development application, demonstrating compliance with the requirements.

### 3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

**C24 – Adopt design solution to minimise the impacts of noise, such as:**

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources

An Acoustic Report prepared by ANVS Pty Ltd has found that the child care facility complies with the relevant assessment requirements, subject to implementation of its recommendations. Refer to the attached Acoustic Report for more details.

- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

**C25 – 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:**

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise

Accompanying Acoustic Report has found that the child care facility complies with the relevant assessment requirements. Refer to the Acoustic Report that accompanies this application for detail.

**C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development**

Complies.

**C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.**

An air quality assessment report is provided. This report confirms that the child care centre can operate appropriately subject to following the recommendations in air quality assessment report.

The air quality assessment report should evaluate design considerations to minimise air pollution such as:

- creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor



- areas should be as far as practicable from the major source of air pollution
- using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway
- incorporating ventilation design into the design of the facility.

### 3.7 Hours of operation

**C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays**

The child care facility is to operate between 6am to 6pm Monday to Friday.

**C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses**

The hours of operation are consistent with other uses within the town centre.

### 3.8 Traffic, parking and pedestrian circulation

**C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.**

The proposal complies with the relevant DCP rate for child care centres with 14 visitor and 9 staff spaces provided.

Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:

Within 400m of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children

**C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.**

No on street parking is proposed.

**C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that**

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network

A Traffic & Parking Assessment has found that there will be no traffic or parking impacts as a result of the proposal. Refer to the attached Traffic & Parking Assessment for details.

**C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;**

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials

Access to the site is via a new public laneway, located off Blaxland Road.

The alternate access must have regard to the prevailing traffic conditions

- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic

**C34 – 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 sider locality in times of emergency.**

The development site is not within a cul-de-sac or narrow lanes or road. Not applicable.

**C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;**

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities

The development provides separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction. Refer to swept path diagrams for more detail.

- vehicles can enter and leave the site in a forward direction
- clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.

**C36 Mixed use developments should include:**

- driveway access, maneuvering areas and parking areas for the facility that are separate to parking and maneuvering areas used by trucks
- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site
- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

The proposal complies. Refer to attached plans and traffic report for details.

**C37 – Car parking design should:**

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking

Car parking is within a basement with access to the child care centre via a lift to the lobby.

Accessible car parking space designed following Australian Standards is clearly marked and situated near the entry point.

## Part 4 Applying the National Regulations to development proposals

### 4.1 Indoor space requirements

**Regulation 107**

**Education and Care Services National Regulations**

**Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.**

The facility provides a total of 493 m<sup>2</sup> or at least 4.56m<sup>2</sup> of unencumbered indoor play area per child.

The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

<p><b>Design Guidance</b> <b>Verandas as indoor space</b> For a veranda 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.</p>	<p>No verandah is to be included as an unencumbered indoor space. Not applicable.</p>
<p><b>Design Guidance</b> <b>Storage</b> It is recommended that a child care facility provide;</p> <ul style="list-style-type: none"> <li>• a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>• a minimum of 0.2m<sup>3</sup> per child of internal storage space</li> </ul>	<p>The proposal provides appropriate internal and external storage areas.</p>
<p><b>4.2 Laundry and hygiene facilities</b></p>	
<p><b>Regulation 106</b> <b>Education and Care Services National Regulations</b> There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.</p> <p>Laundry and hygienic facilities must be located and maintained in a way that 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 <i>National Construction Code</i>.</p>	
	<p>On site laundry facilities are provided.</p>
	<p>Designed to comply.</p>
	<p>The laundry is designed to comply with relevant requirements under the National Construction Code.</p>
<p><b>Design Guidance</b> <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 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>Designed to comply.</p>

#### 4.3 Toilet and hygiene facilities

##### *Regulation 109*

##### *Education and Care Services National Regulations*

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.

Toilet facilities for both the children and staff are provided.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities are designed to comply with relevant requirements under the *National Construction Code*.

#### 4.4 Ventilation and natural light

##### *Regulation 110*

##### *Education and Care Services National Regulations*

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive adequate natural light and be temperature controlled to avoid extremes in temperature.

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.

Light, ventilation and minimum ceiling heights are designed to comply with relevant requirements under the *National Construction Code*.

##### *Design Guidance*

##### *Natural light*

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

The development provides windows facing different orientations. The proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

#### 4.5 Administrative space

##### *Regulation 111*

##### *Education and Care Services National Regulations*

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

Adequate space for administrative tasks being conducted on site is proposed within the office, staff and meeting rooms.



#### 4.6 Nappy change facilities

##### *Regulation 112*

##### *Education and Care Services National Regulations*

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. Complies.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children. Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*. Nappy changing, and bathing facilities are designed to comply with relevant requirements under the National Construction Code.

##### *Design Guidance*

In circumstances where nappy change facilities must be provided, design considerations could include; Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre forms the nappy change bench

- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area

- A space to store steps positioning to enable supervision of the activity and play areas

#### 4.7 Premises designed to facilitate supervision

##### *Regulation 115*

##### *Education and Care Services National Regulations*

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 regards to the needs to maintain their right and dignity. The proposed layout ensures that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*. Comply.

## 4.8 Emergency and evacuation procedures

### *Regulations 97 and 168*

#### *Education and Care Services National Regulations*

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including;

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

The proposed child care facility has been designed to incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

An Emergency and Evacuation Plan will be prepared per Regulation 97 and design guidance contained within this Guideline before operations commencing.

### *Design Guidance*

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

An Emergency and Evacuation Plan will be prepared per Regulation 97 and design guidance contained within this Guideline before operations commencing.

## 4.9 Outdoor space requirements

### *Regulations 108*

#### *Education and Care Services National Regulations*

Every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.

The facility provides a total of 834.4m<sup>2</sup> or at least 7.7m<sup>2</sup> of unencumbered outdoor play area per child, consistent with the requirements of the Education and Care Service National Regulations. Exploration and learning within the outdoor play area will be maximised using facilities such as the outdoor play equipment.

<p><b>A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.</b></p>	<p>Not applicable.</p>
<p><b><i>Design Guidance</i></b>  <b>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children's play.</b></p>	<p>Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.</p>
<p><b>4.10 Natural environment</b></p>	
<p><b><i>Regulations 113</i></b>  <b><i>Education and Care Services National Regulations</i></b>  <b>The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment</b></p>	<p>Exploration and learning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.</p>
<p><b><i>Design Guidance</i></b>  <b>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:</b></p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leave or berries</li> <li>• have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches</li> </ul>	<p>Noted, refer to attached landscape plan for detail.</p>
<p><b>The outdoor space should be designed to:</b></p> <ul style="list-style-type: none"> <li>• provide a variety of experience 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 behavior</li> <li>• enhance outdoor learning, socialization and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction</li> <li>• sand pits and water play areas</li> <li>• furniture made of logs and stepped logs</li> <li>• dense indoor planting and green vegetated walls</li> </ul>	<p>The outdoor space has been designed to provide various experiences that facilitate the development of cognitive and physical skills, opportunities for social interaction and appreciation of the natural environment.</p>

- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

#### 4.11 Shade

##### *Regulations 114*

##### *Education and Care Services National Regulations*

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm 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.
- 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
- have evenly distributed shade structures over different activity spaces.

Complies. Solar access diagrams show that both outdoor play areas receive at least 2 hours of solar access for at least 30% of the minimum area at mid-winter between 8AM and 4PM.

#### 4.12 Fencing

##### *Regulations 104*

##### *Education and Care Services National Regulations*

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

The development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Ryde Local Government Area.

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*.

Designed to comply.

##### *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 areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing

The development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Ryde Local Government Area.

- not create a sense of enclosure.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Fencing/barriers have been undertaken in accordance with the Acoustic Report.

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.

Fencing and gates designed to comply with relevant requirements under the 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.

Designed to comply.

#### 4.13 Soil assessment

*Regulations 25  
Education and Care Services National  
Regulations*

Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.

A DSI has been prepared for the application. See the discussion earlier in this report.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant Ryde City Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements and
- various miscellaneous requirements.

It is noted that a large portion of the controls have been addressed in Chapter 3 Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	The proposed centre-based child care facility will provide appropriate outdoor play area fencing.	<b>Yes</b>
106	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	<b>Yes</b>
107	Space requirements – indoor space	The proposed centre-based child care facility provides at least 3.25m <sup>2</sup> of unencumbered indoor play space per child as shown on the submitted architectural plans.	<b>Yes</b>
108	Space requirements – outdoor space	The proposed centre-based child care facility provides at least 7m <sup>2</sup> of unencumbered outdoor play space per child as shown on the submitted architectural plans.	<b>Yes</b>



109	Toilet and hygiene facilities	Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
Division 2 Additional Requirements for Centre-Based Services			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	The proposed centre-based child care facility provides a nappy change facility.	Yes
113	Outdoor space – natural environment	As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes
114	Outdoor space – shade	The proposed centre-based child care facility has provided adequate shading.  Refer to attached architectural plans for detail.	Yes
Part 4.4 Staffing Requirements			
123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u><b>Australia:</b></u></p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u><b>New South Wales.</b></u> Therefore, the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 28 children (7 staff) 2-3 Years – 30 children (6 staff) 3-5 Years – 50 children (5 staff) Total: 18 staff.</p> <p>18 staff to be provided.</p>	Yes

Part 7.3 New South Wales – Special Provisions

271	Educators to child ratios – (1) children aged 36 months or more but less than 6 years	(1) Regulation 123 (1)(c) applies as modified by this section.  (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.  This is addressed in the section above.	Yes
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## STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The development application is accompanied by a design verification statement from Rudy Jasin, a registered architect from CD Architects a verifying that they have directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

As described above the site is identified as a constrained and isolated site bounded by a mix of larger and smaller scale older style walk up flats.

As such, the development has taken specific design measures to respond to this context and it is noted that the proposal does breach ADG separation controls however there has been care taken to consider the relationship to those adjoining properties to manage visual privacy issues. Stringent compliance with the ADG would render redevelopment of the site unfeasible. Hence discussion on the merits of the separation and design approach taken is sought to work towards an outcome focused design on the site.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below and the submitted DVS also provides an assessment against the provisions of the ADG as required by Clause 29 of the Environmental Planning and Assessment Act Regulation 2021 that states:

### **29 Residential apartment development**

*(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.*

*(2) The statement must—*

*(a) verify that the qualified designer designed, or directed the design of, the development, and*

*(b) explain how the development addresses—*

*(i) the design quality principles, and*

*(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.*

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
<b>Part 3 – Siting the Development</b>			
<b>3A Site Analysis</b>	Appendix 1 of the ADG	Provided and this has informed the design development of the scheme.	Yes
<b>3B Orientation</b>	Building to define the street, by facing it and incorporating direct access from the street	The proposed residential flat building has been designed to address its frontages.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Adjoining properties do not contain solar collectors	N/A
<b>3C Public Domain Interface</b>	Terraces, balconies should have direct street entry, where appropriate.	Given the topography and grade changes over the site, it is not possible to have direct street entry to all terraces however a number of dwellings do achieve this where possible.	Yes
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mail boxes are capable of being appropriately located. Complies.	Yes
	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	Bin rooms and services are located out of view and within the building footprint.	Yes
<b>3D Communal and Public Open Space</b>	<u>Design Criteria:</u> Communal open space has a minimum area equal to 25% of the site	52% of the site area is dedicated for communal open space area.	Yes
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Complies with 56% receiving at least 2 hours of sunlight at midwinter.	
	<u>Design Guidelines:</u> Minimum dimension of 3m	Complies	Yes
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from	Yes

	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	common circulation areas, entries and lobbies.	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:	Communal open space is provided at ground and roof tops.	Yes
	<ul style="list-style-type: none"> <li>seating for individual or groups</li> <li>barbecue areas</li> <li>play equipment or play area</li> <li>swimming pools, gyms, tennis courts or common rooms</li> </ul>	The Development provides a, seating and recreational areas within the communal open space.	Yes
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy		
	Public open space should be well connected with public street along at least one edge	The proposed RFB has been designed with the orientation of balconies and windows to maximise passive surveillance to the street and public domain.	Yes
		Direct access to site is provided from pedestrian pathway from its frontage is provided as shown in the attached plans.	Yes
<b>3E Deep Soil Zones</b>	<u>Design Criteria:</u> A deep soil zone equivalent to 7% of the site area must be provided	14.2% of the site is provided as deep soil	Yes
	If the site is between 650m <sup>2</sup> to 1500m <sup>2</sup> then the DSZ must have minimum dimensions of 3m	Minimum dimensions of greater than 6m is provided.	Yes
	If over 1500m <sup>2</sup> then min dimensions of 6m	As above	Yes
	<u>Design Guidelines:</u> On some sites it may be possible to provide larger deep soil zones: <ul style="list-style-type: none"> <li>10% of the site as deep soil on sites with an area of 650m<sup>2</sup>- 1,500m<sup>2</sup></li> <li>15% of the site as deep soil on sites greater than 1,500m<sup>2</sup></li> </ul>	Noted	-
<b>3F Visual Privacy</b>	<u>Design Criteria:</u>		
<b>Building Separation Up to 4 storeys (up to 12m)</b>	12m between habitable rooms 6m between non habitable rooms	The proposal complies as shown in the attached plans	Yes

<b>3G Pedestrian Access and Entries</b>	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas	The proposal provides a clearly identifiable entry points to each building	Yes
<b>3H Vehicle Access</b>	Car park access should be integrated with the building's overall façade	Vehicle access point to the basement level is integrated with the proposed building's overall façade.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	The basement is accessible via a new public lane.	Yes
<b>3J Carparking</b>	<p><u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:</p> <p><b>&gt;20 units</b> <u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit</p> <p>0.9 spaces per 2 bedroom unit</p> <p>1.40 spaces per 3 bedroom unit</p> <p>1 space per 5 units (visitor parking)</p> <p><u>Design Guidelines:</u> Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</p>	<p>Parking is provided in accordance with the DCP which is discussed further in this statement and the submitted traffic report.</p> <p>Bicycle parking is provided in accordance with DCP rates</p>	<p>Yes</p> <p>Yes</p>
<b>Part 4 – Designing the Building</b>			
<b>4A Solar Access</b>	<u>Design Criteria:</u>		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	109 units (70%) achieve the required 2 hours of solar access at mid-winter.	Yes
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	19 (12.29%) units receive no direct sunlight	Yes
<b>4B Natural Ventilation</b>	<u>Design Criteria:</u>		
	60% of Units are cross ventilated in a building up to 9 storeys	93 units or 60.6% of units are naturally cross ventilated.	Yes
	Overall width of a cross over or cross through apartment is < 18m	Designed to comply.	Yes



	<p><u>Design Guidelines:</u></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>The proposal includes a mix of apartments typologies and complies with natural cross ventilation requirements.</p>	Yes
<b>4C Ceiling Height</b>	<p><u>Design Criteria:</u></p> <p><u>2.7m for habitable and 2.4m for non-habitable.</u></p>	<p>A minimum floor to ceiling height of 2.7m is provided</p>	Yes
<b>4D Unit Sizes</b>	<p><u>Design Criteria:</u></p>		
1 bed	50m <sup>2</sup>	All units comply	Yes
2 bed	70m <sup>2</sup>		
3 bed	90m <sup>2</sup>		
+ 5m <sup>2</sup> for each unit with more than 1 bathroom.		Complies.	
	<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%</p>	<p>Every habitable room is provided with a window.</p>	Yes
	<p><u>Design Guidelines:</u></p>		
<b>Habitable Room Depths</b>	Limited to 2.5m x Ceiling Height	Complies	Yes
<b>Bedroom sizes</b>			
Master	10m <sup>2</sup>	Comply	Yes
Other	9m <sup>2</sup>	Comply	Yes
Living rooms	<p>Living rooms/dining areas have a minimum width of:</p> <p>3.6m</p> <p>4m</p>	<p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p>
<b>Open Plan Layouts that include a living, dining room and kitchen.</b>	<p><u>Studio/1 br</u></p> <p><u>2br/ 3br</u></p> <p><u>8m to a window</u></p>	<p>The proposal complies with habitable room depths</p>	Yes
<b>4E Private Open Space</b>	<p><u>Design Criteria:</u></p>		
<b>Balcony Sizes</b>			
1 bed	8m <sup>2</sup> & 2m depth	Complies	Yes
2 bed	10m <sup>2</sup> & 2m depth	Complies	Yes
3 bed	12m <sup>2</sup> & 2.4m depth	Complies	
Ground level/ podium apartments	15m <sup>2</sup> & 3m depth	Complies	Yes

<b>4F Common Circulation and Spaces</b>	<u>Design Criteria:</u>		
<b>Common Circulation Units per Plate</b>	<u>8 -12 Unit per Plate</u>	Development has a maximum of 7 units on each floor which is serviced by a lift.	Yes
<b>Corridors &lt; 12m</b>	<u>Are articulated</u>	Complies	Yes
<b>4G Storage</b>	1 bed 6m <sup>3</sup> 2 bed 8m <sup>3</sup> 3 bed 10m <sup>3</sup> Min 50% of required storage is within the apartment	The proposed development is considered to offer storage space that aligns with the provisions of the ADG. Refer to plans for details.	Yes
<b>4H Acoustic Privacy</b>	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbouring buildings/properties in-line with 3F Visual Privacy – design criteria above.	Yes
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	Yes
<b>4K Apartment Mix</b>	A variety of apartment types is provided	A diversity of apartments is proposed as follows: <ul style="list-style-type: none"> <li>• 51 x 1 bedroom apartments;</li> <li>• 70 x 2 bedroom apartments; and</li> <li>• 34 x 3 bedroom apartments</li> </ul> The proposed unit mix will offer a variety of housing choice.  The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability, noting an increase in the affordable housing units within Ingleburn.	Yes
<b>4M Facades</b>	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, and projecting balconies.	Yes

		Overall, the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the locality.	
4O Landscape Design			
Site Area			
Between 850 – 1,500m²	1 large tree or 2 medium trees per 90m²of DSZ	N/A	N/A
>1500m2	1 large tree or 2 medium trees per 80m²of DSZ	Complies, refer to landscape plan	Yes
4Q Universal Design			
20% of the total apartments	Achieve Livable House Guidelines silver level universal design features	17 units or 11% are designed as adaptable dwellings/ Liveable dwellings as shown in the attached plans. Whilst this is less than 20% of all units, generous apartments are provided which enable aging in place.	On merit
4U Energy Efficiency		The application is accompanied by BASIX certificate indicating energy efficiency for each residential unit provided	Yes
4V Water Management and Conservation	Reduce mains consumption and reduce the quantity of storm water runoff.	The application is accompanied by BASIX certificate indicating the water efficiency for each residential unit provided.	Yes
4W Waste Management	Supply WMP	Provided	Yes
	Allocate storage area	Appropriate waste storage areas are provided within the basement levels, which are easily accessible and out of view from the residents/public.	Yes
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes

## **STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022**

This SEPP came into effect on 1 October 2023 and incorporated the provision of the now repealed State Environmental Planning Policy (BASIX) 2004.

The Sustainable Building SEPP encourages the design and construction of more sustainable buildings across NSW. It applies to a range of development types, including residential and commercial developments.

Chapter 2 of the SEPP contains controls for the standards for residential development. A BASIX Certificate is provided with this DA showing compliance with relevant sustainability measures of the SEPP.

Chapter 3 of the SEPP contains controls for the Standards for non-residential development. A BASIX report is required for the mixed use development as it has a capital investment value greater than \$5 million. Please see below for detailed discussion regarding the application of Chapter 3.

A Section J Report is also included with this Development Application for the commercial and child care components of the proposal.



## RYDE LOCAL ENVIRONMENTAL PLAN 2014

The development site is zoned MU1 Mixed Use under the provisions of the Ryde Local Environmental Plan 2014 as illustrated by Council's zoning map extract below.

**Figure 3: Zoning Map Extract (Source: NSW Planning Portal)**



*Residential Flat Buildings, shop top housing and centre based child care facilities are all permitted with consent with the MU1 zone.*

- **residential flat buildings** means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.
- **centre-based child care facility** means—
  - (a) a building or place used for the education and care of children that provides any one or more of the following—
    - (i) long day care,
    - (ii) occasional child care,
    - (iii) out-of-school-hours care (including vacation care),

- (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
  - (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
  - (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
  - (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
  - (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
  - (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.
- **shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The proposal is consistent with the specified zone objectives being:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses in the Macquarie Park corridor.



The proposal development will permit a constrained site to be developed to its full zoning potential and proposes one mixed use apartment building and two apartment buildings set within a landscape setting compatible within the evolving higher density residential character of the Commercial Edge East Precinct of the Ryde Town Centre

The proposal will contribute towards increasing the housing stock within the Ryde Town Centre by 155 additional units. The site is also well located and is within proximity to essential services, public transportation and recreational opportunities.

The table below provide detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Ryde Local Environmental Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R4 – Residential Flat Building	Residential Flat Buildings, shop top housing and Centre-based child care facilities are permitted with consent.	<b>Yes</b>
<b>Part 2 Permitted or Prohibited Development</b>			
2.3	Zone Objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of the MU1 Mixed Use Zone and will provide additional housing and child care centre services in the catchment of public transport and town centre services. It contributes to the range of housing types to suit the needs of residents within a high-density context.</p> <p>The site as it is currently existing is underutilized in terms of its potential.</p> <p>The proposal will not only permit the site to be developed to its full zoning potential but will be consistent with the evolving high-density built form character within the Ryde Town Centre.</p>	<b>Yes</b>
2.6	Subdivision – Consent Requirements	Council consent is not sought for strata subdivision at this stage.	<b>N/A</b>
2.7	Demolition Requires Consent	Demolition is not included in this DA	<b>N/A</b>

Part 4 Principal Development Standards			
4.3	Height of Buildings: 18.5m	A maximum building height of 18.5m is identified for the site. However, the	On Merit Clause 4.6 variation
4.3A	Exceptions to height of buildings:  <i>The lot on which the building is sited has an area of at least 900 square metres and the development is a mixed use development and provides laneway access that is not a private driveway or private laneway</i>	maximum height is 21.5m under Cl.4.3A as the proposed development (1) has a site area above 900m <sup>2</sup> , (2) includes a centre based child care facility and commercial tenancies, and is therefore mixed use, and (3) includes a public laneway.  A Clause 4.6 departure accompanies the development application and provides a detailed assessment against the objectives of the Clause and also environmental planning grounds for the variation in this instance.	
	Area F: 18.5m + 3 = 21.5m		
4.4	Floor Space Ratio: 1.8:1	A maximum floor space ratio of 1.8:1 is identified for the site under Ryde Local Environmental Plan 2014 Floor Space Ratio Map.	Yes
4.4A	Exceptions to FSR:  <i>The lot on which the building is sited has an area of at least 900 square metres and the development is a mixed use development and provides laneway access that is not a private driveway or private laneway</i>	However, the FSR is 2.5:1 under Cl.4.4A as the proposed development (1) has a site area above 900m <sup>2</sup> , (2) includes a centre based child care facility and commercial tenancies, and is therefore mixed use, and (3) includes a public laneway.	
	Area I: 1.8 + 0.7 = 2.5:1	The proposal has a proposed FSR of 2.46:1 and accordingly complies.	
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	Whilst the subject site is not a heritage item, it is in the vicinity of five heritage items. Accordingly, a Heritage Impact Statement has been prepared by Urbis for the proposed development.  The full report is attached with Urbis noting the following in their conclusion:  – <i>The extant buildings at the subject site are commonplace buildings fitted out as commercial tenancies, the buildings which range c.1550s-1990s. They have a pedestrian character and do not have heritage significance in their own right, nor do they make a positive contribution to</i>	Yes

- the streetscape nor the setting of the vicinity items.*
- *The proposed replacement of the extant buildings would not adversely impact any significant views to or from nearby heritage items. Victoria Road (item no. 154) is simple in profile and contains historic significance with little aesthetic distinction or value, therefore the envelope of the development is not required to respond directly to that item. Furthermore, dominant view corridors towards the heritage listed fountain (item no. 119) located at Benson Place, best viewed from the corner of Victoria Road and Blaxland Road will be preserved from the public domain.*
  - *The proposed replacement buildings present an opportunity to introduce a new, high-quality, architecturally designed, mixed-use development within the locality, which will enhance the setting and produce a sympathetic solution to existing buildings and heritage items.*
  - *The proposal is sympathetic in its design and incorporates a neutral palette of muted tones and materials and finishes. Works are vertically proportioned and simple in form and finish to sympathetically create an overlay of contemporary development within the surrounding streetscape which currently comprises a mixed typology and various periods of development.*

*In summary the proposed works will not detract from the identified heritage values of proximate heritage items and ensures that the heritage items significance and character is preserved and continues to be both understood and appropriately read within the streetscape and public domain.*

The proposed development is therefore worthy of support as it will have no impacts on the heritage values of nearby sites.

<b>5.21</b>	Flood Planning	The subject site is not identified by Council's Flooding Maps as being flood prone. Not applicable.	<b>N/A</b>
<b>Part 6 Additional Local provisions</b>			
<b>6.1</b>	Acid Sulfate Soils	The subject site is not identified as potentially containing Acid Sulfate Soils. Not applicable.	<b>N/A</b>
<b>6.2</b>	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	<b>Yes</b>
<b>6.4</b>	Stormwater Management	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles which seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>See attached Stormwater Management Plan for detail.</p>	<b>Yes</b>
<b>6.5</b>	Limited Development on Foreshore Area	The site is not subject to a foreshore building line. Not relevant.	<b>N/A</b>

## RYDE DEVELOPMENT CONTROL PLAN 2014

The subject site is located in Precinct 8 of the Ryde Town Centre as shown in the map below.

**Figure 4: Built form structure plan (Source: Ryde DCP 2014)**



**Figure 4.4.39  
Indicative Plan -  
Commercial Edge  
East**

**Note:** This plan indicates the built form layout of the precinct

It is noted that the development is seeking to vary the structure plan. The design of the proposed development has been informed through careful consideration of the most appropriate design response on the site- as compared to the DCP envelopes. This has been informed by an Urban Design Study by Bonus and Associates and ongoing discussions with Council.

The logic and rationale of the height breach is:

- The provision of a better design outcome having regard to the site configuration and constraints and context- i.e. being more site responsive as to where the building volumes sit and a better distribution of the permissible GFA as compared to the DCP envelopes.
- The lifting of the building along the corner and the removal of built form in the 'tail' of the site is an improvement in terms of relationships to adjoining properties and amenity for future residents.
- The public laneway and through site link splits the building mass down and results in a redistribution of the GFA into the remaining buildings with a more prominent built form on the corner of Blaxland Road/Princes Street.
- The GFA of the scheme is compliant with the 2.5:1 provision- it is simply redistributed across the site.
- The lot orientation and relationship to adjoining properties means the bulk and scale is set away from those properties to alleviate amenity impacts (overshadowing, visual impact and the like)

The rationale is best understood comparing the DCP envelope with the proposed building envelope, and these are shown over the page.

Figure 5: Built form structure plan (Source: Ryde DCP 2014)



Figure 6: Proposed Built Form





The comparison of these envelopes shows:

- Greater breathing space, and green space, around the buildings;
- More landscape and deep soil to the edges of the buildings for landscape opportunities.
- Elimination of the tail of the southern building.
- Provision of a north/south through site link.
- Improved relationships to the adjoining properties to the west.

Therefore the amended scheme incorporates the redistribution of GFA across the site (noting the GFA of the scheme is compliant with the 2.5:1 provision, being 2.46:1- it is simply redistributed across the site). This is a better design response through adoption of smaller, but taller, building footprints and a genuine laneway and pedestrian access.

On that basis the alternate design approach is suitable on the site.

## RYDE DEVELOPMENT CONTROL PLAN 2014 – PART 4.4 RYDE TOWN CENTRE

The subject site is located within Precinct 8 Commercial Edge East of the Ryde Town Centre. Relevant controls from Part 4.4 of the DCP are addressed below.

Ryde Development Control Plan 2010 Part 4.4– Ryde Town Centre			
Clause	Controls	Comment	Complies
3.1	Pedestrian access and through site links	<p>The DCP identifies a pedestrian through site link at the Princes Street road closure. The proposed development facilitates this running north south.</p> <p>An additional through site link is provided in the location identified on the site plan and reproduced at Figure 6.</p> <p>This creates exceptional permeability and an attractive route connecting Victoria and Blaxland Roads.</p> <p>The through site link is direct with appropriate width and lighting to ensure the safety of users, with passive surveillance also occurring from the residential properties abutting the link.</p>	Yes
3.2	Environmental Management and the Public Domain	<p>This control requires solar access to 80% of the ground plane for at least 2 hours between 10 am and 2 PM on June 21 of identified areas:</p> <ul style="list-style-type: none"> <li>- School playgrounds.</li> <li>- Landscaped grounds of heritage items.</li> <li>- Ryde Park including bowling greens.</li> <li>- Public Open Spaces in the area identified in the Public Domain Control Drawing. (Figure 4.4.02)</li> </ul>	Yes

Shadow diagrams submitted with this DA confirm that at least two hours of solar access is provided between the specified time period and date. Refer to attached plans for details.

The location of the buildings, along with their height and separation ensures that there is no wind impacts to public spaces.

The placement of the buildings is generally consistent with the DCP and will ensure that breezes are not blocked to private open spaces.

<b>3.3</b>	Active Frontage	The proposal provides commercial frontage to Blaxland Road via individual commercial tenancies and the childcare centre. The proposal accordingly complies.	Yes
<b>3.4</b>	Awnings + Entry Canopies	The proposal provides a landscape setback to Blaxland Road. The commercial tenancies are weather protected from apartments above. The proposal therefore complies with the intent of the control.	On merit
<b>3.5</b>	Access and the Public Domain	The proposal provides appropriate access arrangements to comply with DCP requirements and disability standards. See attached access report.	Yes
		d) Accessible parking spaces are provided within the basement	Yes
		e) All vehicles enter the site via a new public laneway that connects to Blaxland Road. This provides a public benefit by removing loading and access areas from Blaxland Road, facilitating access to the basement for users of the child care centre, in addition to visitors and residents.	Yes
		f) All vehicles enter the site via a new public laneway that connects to Blaxland Road. The laneway provides a public benefit through removing loading areas and car park access from the Blaxland Road frontage.	Yes
		g) Pedestrian and vehicular access is separated as shown in the attached plans	Yes
		h) Loading docks are located within the building footprint.	Yes
		i) All parking is contained within a basement which is well lit and easily accessible. This improves the visual quality of the street through removing at grade parking or areas of visible parking from the public domain.	Yes

3.7	Public Domain Finishes and Elements	The proposal complies with relevant controls regarding pedestrian safety and public domain elements and finishes.	Yes
3.8	Landscaping and Street Trees	The proposal complies with suitable tree plantings and entries that are well lit and unobstructed by plantings. Refer to attached architectural and landscape plans for details.	Yes
3.9	Public Art	A public art plan can be included as a condition of development consent if required.	On merit
3.10	Hoardings	The proposal can comply	Yes
4.1	Building Height	<p>a) The proposal exceeds the height of buildings map in the LEP with a CI.4.6 Request submitted. See submitted CI 4.6 variation request that deals with the merits of that departure.</p> <p>b) The proposal provides a 7m setback along Blaxland Road and Victoria Road. Along Blaxland Road the ground level is setback further to account for weather protection of the commercial shops, along with the outdoor area associated with the child care centre. This is considered to be an appropriate response to the site context and land use arrangement.</p> <p>The proposal does not provide a 0m setback to Blaxland Road at ground level as this area is occupied by landscaped communal open space associated with the child care centre. However, the upper level is built to the street alignment and is therefore considered to meet the principle of the DCP objective. Likewise, the corner to Princes Street also is activated at ground level via commercial frontages with the entries ranging from 0m and slightly setback and landscaped to account for the grade transition. This is considered to be an appropriate response to the site context and land use arrangement.</p> <p>Overall, the design of the buildings at the street alignment is considered to be consistent with the intent of the DCP guidance, with an appropriate upper level setback provided as shown in the architectural plan package.</p> <p>d) Residential ceiling heights comply with the 2.7m minimum as floor to floor heights range from 3.1m and 3.2m.</p> <p>e) The proposal can comply with 3.7m floor to floor heights provided for commercial floor space. The child care centre is purpose designed and has a floor to floor height of 3.1m which is appropriate for a child care centre use.</p>	<p>On merit</p> <p>Appropriate on merit given the site responsive design response.</p> <p>Yes</p> <p>Yes, on merit for child care centre</p>

4.2	Setbacks and Build-to Lines	The proposed development adopts setbacks and separation requirements from the ADG. The proposal provides setbacks and an arrangement that are generally consistent with the Future Character as described in Figure 4.4.39 noting the alternate design response proposed maintains the desired separation and setbacks envisaged by the DCP but with more appropriate building separation and space between buildings.	Yes
4.3	Building Depth	<p>The proposed centre based child care centre complies with building depth requirements.</p> <p>The DCP applies a maximum building depth of 18m for residential apartments. Whilst the proposal exceeds this requirement, the DCP allows exceedance when the proposal exhibits design excellence and natural ventilation is achieved. The proposal clearly achieves design excellence as shown in the architectural verification statement. In addition, it complies with daylight and solar access requirements and also natural ventilation. The depth can therefore exceed 18m.</p> <p>The commercial element complies with depth requirements.</p>	Yes
4.4	Architectural design quality	<p>a) The proposed development addresses the street corner and both frontages as shown in the attached architectural plans.</p> <p>b) The proposal provides a variety of architectural treatments and materials. This includes indentations in the façade to break up the mass into separate modules, the use of entry features and verahdahs. Refer to attached architectural plans for details of the finishes and design features to articulate the building.</p> <p>c) Windows are placed to provide for passive surveillance of the public domain and internal communal areas.</p> <p>d) Balconies are not continuous</p> <p>e) Solar protection is provided. Refer to attached plans for details</p> <p>f) The proposal protects the amenity of surrounding users by providing appropriate building separation in accordance with ADG requirements. This along with the proposed building height ensures that privacy is retained, as is access to daylight, solar and breezes.</p> <p>h) High quality materials are provided. Refer to materials schedule in the attached architectural plans.</p> <p>k) Refer to the attached architectural design verification statement for details.</p> <p>l) The proposal complies with the points identified in i through to vii. Refer to attached plans.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.5	Streetscape and building elements	Not applicable to the subject site	N/A

5.0 Heritage			
5.1	Understanding heritage significance	A heritage impact Statement has been prepared by Urbis for the subject site. Refer to the attached HIS.	Yes
5.2 through to 5.4	Sections 5.2 – 5.4	<p>The heritage impact statement by Urbis has considered the following heritage items that are located in the vicinity of the subject site.</p> <ul style="list-style-type: none"> <li>– Built Heritage item no. I13 under Schedule 5 of the Ryde LEP 2014, identified as Ryde Park (gazebo), located at 30 Argyle Avenue.</li> <li>– Built Heritage item no. I14 under Schedule 5 of the Ryde LEP 2014, identified as Ebenezer Church, located at 142 Blaxland Road.</li> <li>– Built Heritage item no. I19 under Schedule 5 of the Ryde LEP 2014, identified as Fountain, located at corner Blaxland and Victoria Roads.</li> <li>– Built Heritage item no. I54 under Schedule 5 of the Ryde LEP 2014, identified as Road, located at Great North Road, Bedlam Point to Eastwood.</li> <li>– Built Heritage item no. I148 under Schedule 5 of the Ryde LEP 2014, identified as Dalton House (hospital), located at 642-648 Victoria Road.</li> </ul> <p>The heritage impact assessment has concluded:</p> <ul style="list-style-type: none"> <li>– <i>The extant buildings at the subject site are commonplace buildings fitted out as commercial tenancies, the buildings which range c.1550s-1990s. They have a pedestrian character and do not have heritage significance in their own right, nor do they make a positive contribution to the streetscape nor the setting of the vicinity items.</i></li> <li>– <i>The proposed replacement of the extant buildings would not adversely impact any significant views to or from nearby heritage items. Victoria Road (item no. I54) is simple in profile and contains historic significance with little aesthetic distinction or value, therefore the envelope of the development is not required to respond directly to that item. Furthermore, dominant view corridors towards the heritage listed fountain (item no. I19) located at Benson Place, best viewed from the corner of Victoria Road and Blaxland Road will be preserved from the public domain.</i></li> <li>– <i>The proposed replacement buildings present an opportunity to introduce a new, high-quality, architecturally designed, mixed-use development within the locality, which will enhance the setting and</i></li> </ul>	Yes

*produce a sympathetic solution to existing buildings and heritage items.*

- *The proposal is sympathetic in its design and incorporates a neutral palette of muted tones and materials and finishes. Works are vertically proportioned and simple in form and finish to sympathetically create an overlay of contemporary development within the surrounding streetscape which currently comprises a mixed typology and various periods of development.*

*In summary the proposed works will not detract from the identified heritage values of proximate heritage items and ensures that the heritage items significance and character is preserved and continues to be both understood and appropriately read within the streetscape and public domain.*

The proposed development therefore satisfies DCP controls as it will have no impact on nearby heritage items.

#### 6.0 Sustainable Development

6.1	Environmental Management	The proposal complies with all relevant environmental management standards. A compliant BASIX certificate is provided.	Yes
6.2	Water Management	A Stormwater Management Plan provides details of the WSUD approach applied over the subject site.	Yes
6.3	Waste Management	A Waste Management Plan is provided that addresses all stages of the proposed development. Refer to attached for details.	Yes
6.4	Stormwater Management	A Stormwater Management Plan provides details of the WSUD approach applied over the subject site.	Yes
6.5		a) The proposal requires 23 bicycle spaces under the DCP rates. A total of 27 bicycle spaces are provided which complies with DCP requirements.	Yes

#### 7.0 Residential Amenity

7.1	Residential Private Open Space	Front gardens:  A landscape plan is provided within this DA showing all elements of landscaping including front gardens. The proposed site landscaping complies with DCP requirements. Refer to attached for details.	Yes
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		Private gardens:	
		A landscape plan is provided within this DA showing all elements of landscaping including private open space. The proposed site landscaping complies with DCP requirements, noting that the provision of deep soil meets ADG requirements. Refer to attached for details.	Yes
		Above ground open space:	
		The proposal provides for balconies and communal open spaces throughout the development. Communal open space is also located on the rooftop Building B, providing an exceptional level of amenity for residents. Refer to architectural and landscape plans for details.	Yes
		Fences:	
		Front exceed DCP design guidance, however they are largely unobtrusive, are within a landscaped setting and essential for the safety of children in outdoor play areas.	On merit
7.2	Solar access and sun shading	The proposal complies with DCP design guidance as shown in the attached plans.	Yes
7.3	Visual privacy	(a) No ground floor apartments. (b) Noted (c) The proposal complies with rooms arranged to minimise direct overlooking of private open space and adjacent rooms (d) Tinted glazing is not used (e) The proposal complies with the building separation requirements of the ADG.	Yes N/A Yes Yes Yes
7.4	Acoustic privacy	The proposal has been designed to comply with all relevant acoustic measures. It is noted that an acoustic report has been prepared and submitted with this DA. This report concludes that the proposed development will not have any acoustic impacts subject to including the recommendations in Section 9 of the acoustic report.  The recommendations are provided overleaf and refer to the attached acoustic report for full details.	Yes



Table 9.1- Typical Noise Breakout Recommendations

Item	RECOMMENDATIONS
Basement Roller Door	<ul style="list-style-type: none"> <li>• Ensure maintenance and lubrication of motor bearings, door tracks and joints.</li> <li>• The proposed security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and/or columns.</li> </ul>
AC Condenser Units	<ul style="list-style-type: none"> <li>• We recommend that all outdoor air-conditioning units to be acoustically enclosed or set away by more than 3.0m from any boundary with a sound power level of each unit no more than 65 dB(A).</li> </ul>
General Mechanical Plant	<ul style="list-style-type: none"> <li>• We recommend acoustic assessment at CC stage of all proposed mechanical plants and equipment once the development has been approved and full Mechanical Services Plans have been prepared. In the meantime, we recommend the following: <ul style="list-style-type: none"> <li>◦ Procurement of quiet plant (when required) and the maintenance of existing plant.</li> <li>◦ Strategic positioning of plant away from potential sensitive receivers.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>◦ Commercially available silencers or acoustic attenuators for air discharge and air intakes of plant.</li> <li>◦ Acoustically lined and lagged ductwork.</li> <li>◦ Acoustic screens and barriers between plant and sensitive neighboring premises; and/or,</li> <li>◦ Partially enclosed or fully enclosed acoustic enclosures around plant.</li> </ul>
Acoustic Fences/Barriers & Operating Hours	<ul style="list-style-type: none"> <li>• Outdoor Common Area Acoustic Fencing is as per Section 8.3.1 of this Report [Figure 10 – Proposed Sound Barriers (Outdoor Common Areas)]</li> <li>• Outdoor Common Area operating hours is 7:00 a.m – 10:00 p.m</li> <li>• Childcare Noise Modelling is presented in Acoustic Report ref-2023-374 C Rev. 2 and Childcare Acoustic Fencing/Shade Sails is as per Figures 11 &amp; 12 in the appendix of this Report.</li> <li>• Childcare Operating Hours 6:00 am- 6:00 pm</li> </ul>

7.5	Buildings facing Devlin St, Lane Cove Rd, Blaxland Rd, and Victoria Rd	Appropriate noise attenuation measures have been included in the proposed building. Refer to attached architectural plans for details.	Yes
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7.6

Housing choice

The DCP Requires:

Yes

3 bedroom	5 – 35%
2 bedroom	40 – 80%
1 bedroom + studio	5 – 35%

The apartment mix complies with DCP requirements as follows:

- 22% = 34 x 3 bedroom
- 45% = 70 x 2 bedroom
- 33% = 51 x 1 bedroom

8.6.3 Precinct 8 – Commercial East Edge			
a)	Façade modulation	The façade is modulated to break up the overall mass and scale of the building. A varied palette of materials and finishes further breaks up the façade into smaller elements, ensuring that it reads as a series of individual buildings.	Yes
b)	40m maximum building length	Buildings are appropriately articulated with breaks to ensure that facades are less than 40m.	Yes
c)	Step with topography	The buildings appropriately respond to the topography of the site to ensure suitable articulation and response to landform	Yes
d)	Material selection	A varied palette of materials and finishes further breaks up the façade into smaller elements, ensuring that it reads as a series of individual buildings	Yes
e)	Concentrate massing and height along Victoria Road	The proposal complies	Yes
f)	Basement parking	Parking is provided in the basement	Yes
g)	Retention of trees along Blaxland Road	The proposal seeks to remove a total of two trees from the subject site. All other trees will be retained, with landscaping replacing the removed trees with appropriate species.  Refer to arboricultural report for further details.	On Merit
h)	Benson Place Upgrade	Noted, this is outside of the subject site and no works are proposed in the public domain.	N/A
k)	Traffic Management	A traffic management report is submitted with this DA. This report has concluded:  <i>The foregoing assessment has found that the proposed development satisfies the relevant requirements specified in Council's DCP as well as relevant Australian Standards, and it is therefore concluded that the proposed development will not have any unacceptable parking implications.</i>	Yes
m)	Residential interface	The rear boundary is appropriately landscaped as shown on the attached landscape plans	Yes

## RYDE DEVELOPMENT CONTROL PLAN 2014 PART 7: ENVIRONMENT

All relevant Council controls have been considered in the following compliance table.

Ryde Development Control Plan 2014 Part 7.1 – Energy Smart, Water Wise – Compliance Table			
Clause	Controls	Comment	Complies
2.0 Development Policies			
2.3	Residential Flat Buildings (RFBs) including those contained in Mixed Use Development	<p>The development proposal has been designed to maximise the north eastern orientation for solar access and natural ventilation.</p> <p>A compliant BASIX certificate accompanies the development application demonstrating a commitment to energy efficiency and water conservation.</p>	Yes
Ryde Development Control Plan 2014 Part 7.2 – Waste Minimisation and Management – Compliance Table			
Clause	Controls	Comment	Complies
2.0 Development Controls			
2.4	Demolition and Construction	<p>A Waste Management Plan accompanies the development application outlining the appropriate waste management measures to be incorporated.</p> <p>No demolition is included in this DA.</p>	Yes
2.7	Residential Flat Buildings of 4 Storeys or more	<p>As shown on the submitted plans the proposal makes provision for adequate waste storage areas within the basement level the development that provides for adequate storage space to deal with the anticipated volume of waste.</p> <p>A communal waste collection point is provided within Building A, which is accessible via the public laneway by a waste collection vehicle.</p> <p>Refer to waste management and architectural plans for further detail.</p>	Yes

## RYDE DEVELOPMENT CONTROL PLAN 2014 PART 8: ENGINEERING

All relevant Council controls have been considered in the following compliance table.

Ryde Development Control Plan 2014 Part 8.2 – Stormwater Management – Compliance Table			
Clause	Controls	Comment	Complies
<b>2.0 Property Drainage Systems</b>			
<b>2.0</b>	Property Drainage Systems	Drainage concept plans accompany the development application demonstrating compliance with the relevant provisions of this section of the DCP.	<b>Yes</b>
<b>3.0 On-site Stormwater Detention Systems</b>			
<b>3.0</b>	On-site Stormwater Detention Systems	Drainage concept plans accompany the development application demonstrating compliance with the relevant provisions of this section of the DCP.	<b>Yes</b>
<b>4.0 Disposal of Property Runoff</b>			
<b>4.0</b>	Disposal of Property Runoff	Drainage concept plans accompany the development application demonstrating compliance with the relevant provisions of this section of the DCP.	<b>Yes</b>
<b>5.0 Street and Trunk Drainage</b>			
<b>5.0</b>	Street and Trunk Drainage	Drainage concept plans accompany the development application demonstrating compliance with the relevant provisions of this section of the DCP.	<b>Yes</b>
<b>6.0 Water Cycle Management</b>			
<b>6.0</b>	Water Cycle Management	Drainage concept plans accompany the development application demonstrating compliance with the relevant provisions of this section of the DCP.	<b>Yes</b>

## RYDE DEVELOPMENT CONTROL PLAN 2014 PART 9: OTHER PROVISIONS

All relevant Council controls have been considered in the following compliance table.

Ryde Development Control Plan 2014 Part 9.2 – Access for People With Disabilities – Compliance Table			
Clause	Controls	Comment	Complies
<b>5.0 Design Requirements</b>			
<b>5.0</b>	Design Requirements	<p>The proposal is designed to facilitate disabled access noting the use of lifts within the basement and the accessible parking spaces within proximity to the lift cores.</p> <p>Access to the communal open space area is accessible to all users given the lift access.</p> <p>Full detail regarding disabled access will be provided at CC stage and will comply with the relevant provisions of the BCA and AS1428.</p>	<b>Yes</b>
<b>6.0 Adaptable Housing</b>			
<b>6.0</b>	Adaptable Housing	17 units or 11% are designed as adaptable dwellings as shown in the attached plans.	<b>Yes</b>
<b>6.4</b>	Design Requirements	The proposal includes architectural plans showing adaptable dwellings as well as other requirements of this section of the DCP. Refer to attached for details.	<b>Yes</b>
Ryde Development Control Plan 2014 – 9.3 Parking Controls - Compliance Table			
Clause	Controls	Comment	Complies
<b>2. Parking requirements in Respect of Specific Uses</b>			
<b>2.2</b>	Residential Flat Building <ul style="list-style-type: none"> <li>- 0.6 to 1 space per 1 bedroom unit</li> <li>- 0.9 to 1.2 space per 2 bedroom unit</li> <li>- 1.4 to 1.6 spaces per 3 bedroom unit</li> <li>- 1 visitor space per 5 units</li> </ul> Child care centre <ul style="list-style-type: none"> <li>- 1 space / 8 children</li> <li>- 1 space / 2 employees</li> </ul>	<p>The proposed development will contain a total of 155 residential units over three levels of basement parking, providing 260 parking spaces, inclusive of 23 spaces for the centre based child care facility. Of the 23 child care spaces, 9 are allocated to staff and the remainder to visitors.</p>	<b>Yes</b>

<b>2.7</b>	Bicycle Parking	A total of 30 bicycle parking spaces are provided.	<b>Yes</b>
<b>3.0 Other Requirement</b>			
<b>3.1</b>	On-site Loading and Unloading Facilities	A loading bay is provided off the public lane.	<b>Yes</b>
<b>3.2</b>	Design of Parking Areas	The parking areas are designed to achieve compliance with the relevant Australian Standards. The design and location of the basement entry minimises visual impact as viewed from exiting laneway. Dedicated lift access is provided from the basement to the building lobby areas.	<b>Yes</b>
		The basement itself is designed under the building footprint. The basement location has been designed to maximise opportunity for deep soil plantings at the rear and front of the site, noting appropriate soil depths will be provided on top of the basement slab to provide medium sized trees and shrubs.	<b>Yes</b>

## RYDE DEVELOPMENT CONTROL PLAN 2014 PART 3.2: CHILD CARE CENTRES

The table below provides detail on the development standards relevant to the current proposal.

<b>Ryde Development Control Plan 2013 – Part A General Controls Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Complies</b>
<b>2.0 Size, Location and Site Selection</b>			
<b>2.1.1</b>	Preferred Locations	a. – b. The child care centre satisfies DCP location requirements, in addition to those in the TI SEPP 2021.	<b>Yes</b>
		d: The child care centre is located on a site identified for mixed use development. Its location is anticipated in the TI SEPP as a desirable location being within a town centre. The child care centre is located on Blaxland Road which is significantly separated from Victoria road via both distance and use of buffer building. Furthermore, an odour and also acoustic assessment confirm that the centre can operate without being impacted from noise or odour.	<b>Yes</b>
		h. The child care centre will be located to ensure easy access in addition to flat playing areas. It is accessible to all community	

members and compliance with accessibility standards.

**Yes**

Furthermore, the proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.

The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.

The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.

See attached Stormwater Management Plan for detail.

**Yes**

i. The development is sited and oriented to maximise solar access. Furthermore, where appropriate the development has also been designed to achieve natural ventilation.

**Yes**

j. The site is not affected by overshadowing (see shadow and solar access diagrams).

**Yes**

k. The development will be designed to maximise privacy to neighbouring properties whilst ensuring privacy is maintained to the proposed child care facility from neighbouring properties.

Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.

It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.

The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.



2.1.2	Environmental Risks / Hazards	<p>a. Development site is not identified as being flood prone land or affected by overland flow. The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.</p> <p>See attached Stormwater Management Plan for detail.</p>	N/A
		d. Development site is not located on bushfire prone land.	N/A
		e. CEC Geotechnical Pty Ltd has prepared this report on behalf of Chanine Developments to provide a Stage 2 Detailed Site Investigation (DSI) or Contamination Assessment at 691-695 Victoria Road, Ryde. CEC Geotechnical concludes that the site is suitable for the proposed work. The DSI is attached.	Yes
		f. The site has been subject to Geotechnical Testing, PSI and DSI which has confirmed that the site is suitable for its intended use. Further an air quality assessment has been conducted and is attached to this DA. The air quality assessment confirms that the child care centre is appropriate on the subject site, with the recommendations included in the overall design of the child care centre and plan of management. Refer to attached reports for details.	Yes
		g. Whilst the site was used for a car dealership with workshops, a DSI has concluded that the site is suitable for its intended use. Refer to attached report.	Yes
		h. The site is adjacent to Victoria Road, with an air quality report confirming that the site can be used safely for children.	Yes
		i. A DSI is submitted as discussed earlier.	Yes

2.2

Assessing Child Care Needs and Size of Facility

a.

Age	No of Children	Educators
0-2	28	7
2-3	30	6
3-5	50	5
TOTAL	108	18

Yes

Refer to plan of management for detail.

b. Meets TI SEPP requirements.

Yes – SEPP

2.3

Site Analysis

A Site Analysis has been prepared and is attached as part of this application.

Yes

The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.

3

Design and Character

3.1

All Child Centres

a. The proposed development incorporates an active façade that will permit casual surveillance of its street frontage as well as the driveway areas.

Yes

The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.

b. & c. The building has been sited and oriented to maximise solar access and also designed to maximise natural ventilation.

Yes

d. The development has been designed to minimise the use of large expanses of UV reflective surfaces including metal sheeting, concrete, asphalt, glass and sand from reflecting into the outdoor play spaces.

Yes

e. Where appropriate, the facility has been designed to be consistent with Council’s DCP 2014 Part 7.1 Energy Smart, Water Wise Controls and Principles

Yes

g. Energy efficient appliances can be installed in the centre with a 3.5 star rating.

Yes

h. The child care centre is located in a new purpose built mixed use building

Yes

		i. The child care facility has been designed with pedestrian entry points from the public laneway, with vehicles entering the basement via a public laneway off Blaxland Road.	<b>Yes</b>
		j. A Site Analysis has been prepared and is attached as part of this application.	<b>Yes</b>
		k. Where appropriate all doors and windows are to be screened.	<b>Yes</b>
<b>3.2</b>	Detached Centres and Centres in Residential Areas	Not applicable.	<b>N/A</b>
<b>3.3</b>	Combined Dwelling/ Child Care Centre	Not applicable.	<b>N/A</b>
<b>3.4</b>	Centres in Mixed Use Developments and in Non-residential areas	a. The centre has accessible entrance from the public laneway and also via the basement lift.	<b>Yes</b>
		b. The centre is orientated to gain access to daylight. Refer to solar diagrams.	<b>Yes</b>
		c. The centre has been designed to ensure there is maximum daylight and natural ventilation to the outdoor play spaces.	<b>Yes</b>
		d. The design of the outdoor play are appropriately covered in part to ensure that there is weather protection from heat and also rain.	<b>Yes</b>
		e. An air quality report attached to this DA confirms that the location of the outdoor play areas is appropriate and appropriately separated from fumes associated with vehicles on busy roads.	<b>Yes</b>
		f. Air conditioning of the centre will be separate from the remaining mixed-use development.	<b>Yes</b>
		g. Located at ground level.	<b>Yes</b>
		h, i and j. N/A	<b>N/A</b>
<b>3.5</b>	Fencing, Gates and Security	b. Materials and finishes used are consistent with the overall development scheme and context.	<b>Yes</b>

		c. The development provides appropriate fencing to the designated outdoor play areas, noting that the fencing has been designed to prevent children scaling or crawling under them.	Yes
		d. Childproof gates are to be provided to prevent children leaving/entering unsupervised.	Yes
		e. All raised areas are to be enclosed.	Yes
		f. The proposal has been designed to prevent children gaining access to part of the building/site unsupervised.	Yes
		g. Fencing and gates have been designed to provide adequate sightlines for vehicles and pedestrian safety in accordance with the relevant Australian Standards and RMS Traffic Management Guidelines.	Yes
<b>4.0 Privacy</b>			
<b>4.1</b>	Acoustic Privacy – for children in the centre	<p>Sleep rooms and play areas have been designed to be located on the Blaxland Road frontage, setback behind the outdoor play area. The second outdoor play area is appropriately buffered from Victoria Road by a building, which along with landscaping and separation provides for acoustic privacy.</p> <p>An acoustic report is also provided with this submission. Refer to attached Acoustic Report for detail.</p>	Yes
<b>4.2</b>	Acoustic Privacy – for adjoining residents	a. The child care facility has been designed to minimise potential acoustic impact to neighbouring properties. Recommendations include time limited use of the outdoor play areas, maximum number of children in each outdoor play area, type of window and doors including acoustic seals, doors, type of play equipment in outdoor areas and fixtures, ground covering in outdoor play area, signage, sound barrier fence and shade awning, mechanical plant criteria and noise management plan. The acoustic report confirms that the proposal can comply with all relevant noise criteria when the recommendations of the attached report are implemented. These recommendations have	Yes

	been included in the building design and also the attached Plan of Management.	
	b. The child care facility has been designed with internal rooms closes to the site's southern boundary is used for low noise generating uses including cot room, kitchen, bathroom, stairwells and reception desk to reduce potential noise impact on neighbouring properties to the site's southern boundary.	<b>Yes</b>
	c. An Acoustic Impact Assessment accompanies the development application demonstrating that the acoustic impact of the development on adjoining properties is satisfactory provided that the noise control measures recommended are implemented.	<b>Yes</b>
	d. Roof and wall are to be insulated where appropriate.	<b>Yes</b>
	e. All outdoor play areas are at ground level.	<b>Yes</b>
	g. Location detail of noise sources have been identified via the attached Acoustic Report.	<b>Yes</b>
	h. An Operational Management Plan is to manage outdoor play times and the number of children accessing outdoor area at any one time to minimise acoustic impact on neighbouring properties. Refer to the attached Operational Management Plan for detail.	<b>Yes</b>
<b>4.3 &amp; 4.4</b>	Visual Privacy – for children in the centre & for adjoining residents	<b>Yes</b>
	<p>The proposal child care centre is located on the corner of Blaxland Road, Princes Street and the new public laneway. This along with the ground location, landscaping and building separation and design ensures that there is no overlooking into the child care centre, or areas where the children can look into neighbouring dwellings or private open space.</p> <p>Refer to attached Acoustic Report for detail.</p> <p>The design of car parking spaces and vehicular access is integrated into the overall site design to maximise safe vehicular and pedestrian movement in and round the facility. Refer to attached plans for details.</p>	

Furthermore, appropriate landscaping along the site's frontage will contribute towards softening the built form and integrate with the development and the site's context.

#### 5.0 Car Parking, Traffic and Access

<b>5.1</b>	Car Parking	a. All on-site parking areas have been designed in accordance with Australian Standards AS 2890.1 and AS 2890.2.	<b>Yes</b>
		b. 23 Child Care Centre parking spaces are provided. 14 of these spaces are for visitors and 9 for staff.	<b>Yes</b>
		d. An accessible car parking space has been designed in terms of size and width in accordance with relevant Australian Standard. The accessible parking space is designed to provide a continues path of travel to the proposed building.	<b>Yes</b>
		e. The proposal has been designed to comply with access requirement contained within Section 5.5 and Part 9.2 of this DCP.	<b>Yes</b>
		F, g and h. Not applicable to this site being a mixed-use site.	<b>Yes</b>
		I, j and k. The proposal provides parking in a basement with direct lift access into the child care centre. The accessway is not shared with other movements.	<b>Yes</b>
<b>5.2</b>	On Site Maneuverability	a. The parking for this site is provided within the basement as such vehicles can enter and leave the site in a forward direction.	<b>Yes</b>
		The development has been designed to provide sufficient area on-site to enable vehicles to enter and exit the site in a forward direction.	
		The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site, with the pedestrian pathway segregated from vehicular access/ driveway and at-grade parking area. Vehicle and pedestrian routes are clearly indicated and accessible. See attached Traffic Report for detail.	

		It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.	
<b>5.3</b>	Impact on Traffic Flow	<p>The development has been designed to provide sufficient area on-site to enable vehicles to enter and exit the site in a forward direction.</p> <p>Attached Traffic Report concludes that the additional traffic generated by the development will be minimal and will have no detrimental impact on the street network.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal. See traffic report for further detail.</p>	<b>Yes</b>
<b>5.4</b>	Pedestrian Safety	<p>a. Pedestrian access is via a dedicated pathway from the public laneway. This is separate to the vehicular access point to the basement.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible. See attached Traffic Report for detail.</p> <p>b. The at-grade carparking area provides sufficient drop off/pick up opportunities, noting that the parking areas is to be clearly lit and permit safe movement of children, staff, parents and visitors to and from the facility.</p>	<b>Yes</b>
<b>5.5</b>	Accessibility	<p>Accessible pathway to and from the site is provide in accordance with AS 1428.1 Design for Access and Mobility as per the attached Accessibility Review Report.</p> <p>The accessible parking space has been designed to comply with relevant Australian Standards in terms of size and width.</p> <p>The development provides appropriate access for people with mobility disabilities by a continuous path of travel from the street and parking area to the facility and within every room and outdoor areas used by staff and children.</p>	<b>Yes</b>



6.0 Landscape Design and Play Spaces			
6.1	General Landscape Design Requirement	a. – c. A Landscape Plan has been prepared and attached to this statement.	Yes
		e. The development provides an appropriate landscape setback.	Yes
		f. Not relevant.	N/A
6.2	Play Spaces	<b><u>6.2.1 Size and Functionality of Play Spaces</u></b>	
		a. Development provides indoor play spaces, outdoor play spaces and transition areas in accordance with the TI SEPP.	Yes – SEPP
		b. All plays spaces have been designed where practical of regular shapes and with convenient access between them in-order to maximise opportunity for supervision of children by staff.	Yes
		c. An outdoor play space is located in the front setback, noting that this is not prohibited by the DCP. This is required to ensure that open space is provided at ground level, rather than above, in addition to ensuring that an appropriate level of amenity for children is maintained.	Yes
		d. & e. The provision of unencumbered indoor and outdoor play spaces is provided in accordance with the TI SEPP.	Yes – SEPP
		<b><u>6.2.2 Outdoor Play Spaces</u></b>	
		The unencumbered outdoor play space has been designed to comply with the key requirements under the TI SEPP.	Yes – SEPP
		The outdoor play areas have been designed to maximise useable space and also permit maximum supervision whilst contributing towards early learning.	
		Development provides separate outdoor play areas for the various age groups.	
		The outdoor play area is to be appropriate landscape as per the attached Landscape Plans.	
		The outdoor area is to be appropriated shaded in accordance with Shade for Child Care Services.	

### 6.2.3 Indoor Play Spaces

The unencumbered indoor play space has been designed to comply with the key requirements under the TI SEPP. Refer to the discussion against the SEPP previously within this report for detail. **Yes – SEPP**

Furthermore, the indoor play spaces have been designed to achieve passive surveillance from all rooms and provide direct access to the outdoor play area.

### 6.2.4 Transition Area

The development provides appropriate transition area between the indoor and outdoor play areas and the proposed awning will permit indoor and outdoor activities to be conducted under cover. **Yes**

## **7.0 Miscellaneous Controls**

<b>7.1</b>	<b>Centre Facilities</b>	a. The proposed facility provides appropriate administrative and staff rooms. Refer to attached Architectural Plans for detail.	<b>Yes</b>
		b. Administration desk and also an office is located adjacent to the entry area. The combined administration and office area exceeds 10m <sup>2</sup> in size.	<b>Yes</b>
		c. DCP stipulates that the staff room is to be provided with a minimum floor space of 20m <sup>2</sup> .	<b>On merit</b>
		The development provides a staff room with a minimum area of about 15m <sup>2</sup> , which together with other areas on the site including meeting room, administration area and directors office is considered sufficient.	
		d. Development provides sleep room/cot room and nappy change rooms in accordance with the TI SEPP requirements as discussed earlier.	<b>Yes – SEPP</b>
		e. Development provides laundry facilities in accordance with the TI SEPP.	<b>Yes – SEPP</b>
		f. Appropriate storage areas are provided within the facility in accordance with the SEPP.	<b>Yes – SEPP</b>

<b>7.2</b>	Signage	No signage is proposed at this stage.  Signage is to be provided as part of future DAs.	<b>N/A</b>
<b>7.3</b>	Exterior Lighting	Appropriate lighting is provided to the proposal, noting that the provision of lighting will not have an adverse impact on adjoining properties.	<b>Yes</b>
<b>7.4</b>	Waste Storage and Management	A Waste Management Plan has been prepared and attached to this statement.  Appropriate waste facilities will be provided.	<b>Yes</b>
<b>7.5</b>	Emergency Evacuation	A Fire Safety and Evacuation Plan has been prepared and attached to this statement.	<b>Yes</b>

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.