

**Item 1**

**56 Rutledge Street Eastwood**

**Construction of a two storey child care centre with basement car parking and a capacity for 70 children**

**Report prepared by:** Shannon Butler – Senior Town Planner

**Report approved by:** Holly Charalambous – Senior Coordinator Development Assessment

Sohail Faridy – Acting Manager Development Assessment

**City of Ryde  
Local Planning Panel Report**

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| <b>DA Number</b>                         | LDA2024/0195   |
| <b>Site Address &amp; Ward</b>           | 56 Rutledge Street, Eastwood<br>West Ward  |
| <b>Zoning</b>                            | R2 Low Density Residential   |
| <b>Proposal</b>                          | Construction of a two storey child care centre with basement car parking and a capacity for 70 children        |
| <b>Property Owner</b>                    | AFD Family Trust   |
| <b>Applicant</b>                         | Janssen Group P/L  |
| <b>Report Author</b>                     | Shannon Butler – Senior Town Planner   |
| <b>Lodgement Date</b>                    | 13 September 2024  |
| <b>Notification – No. of Submissions</b> | Notified from 13 September 2024 until 14 October 2024. 22 submissions objecting to the proposal were received. |
| <b>Estimated Development Cost</b>        | \$3,481,588.00   |
| <b>Reason for Referral to LPP</b>        | <b>Contentious Development</b><br>Is the subject of 10 or more unique submissions by way of objection.         |

|                       |   |
|-----------------------|---|
|                       | A total of 22 unique submissions were received by way of objection.   |
| <b>Recommendation</b> | Refusal   |
| <b>Attachments</b>    | <ol style="list-style-type: none"> <li>1. Reasons for Refusal</li> <li>2. Submitted Plans (Architectural and Landscaping)</li> <li>3. Tables of Compliance</li> </ol> |

## 1. Executive Summary

The proposal is for the construction of a two storey centre-based child care facility with basement car parking. The child care centre is proposed to accommodate a maximum of 70 children and parking for 15 vehicles.

The building is proposed to comprise three indoor play rooms and two outdoor play areas over two levels with sleeping rooms, administrative areas (staff rooms and offices), kitchen, laundry, storerooms and amenities.

The proposed age breakdown of the children to be accommodated is as follows:

- 0-2 years: 20 places
- 2-3 years: 20 places
- 3-5 years: 30 places

Hours of operation are proposed to be 7:00am to 6:00pm Monday to Friday with the facility proposed to provide a total of 15 educators.

## Compliance

The development achieves compliance when assessed against the applicable planning instruments and controls with exception to the following matters which constitute reasons to refuse the application:

### State Environmental Planning Policy (Transport and Infrastructure) 2021

#### Section 2.119(2)(c)

##### a) Vehicle Access

The proposal does not provide vehicular access to the land by a road other than a classified road when access could feasibly be proposed from the secondary street (Wentworth Road). The proposal is not supported by Transport for NSW on this basis.

##### b) Air Quality

The application does not satisfactorily demonstrate that the development is of a type that is not sensitive to vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential vehicle emissions within the site of the development arising from the adjacent classified road without adversely impacting on the operation of the child care centre.

Council's Environmental Health department do not support the proposal as the Air Quality Assessments undertaken for the development, which is adjacent to a classified road, do not satisfy the requirements of section 2.119(2)(c) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* in that the development is considered to be in a location where the health of the attending children is at risk from airborne pollution generated by vehicles using Rutledge Street. Further, there are a number of identified deficiencies identified with the submitted acoustic report.

Child Care Planning Guideline (CCPG) dated September 2021

- a) The following Design Quality Principles in Part 2 of the CCPG are not met:
  - i. Principle 1 – Context.
  - ii. Principle 2 – Built Form.
  - iii. Principle 6 – Amenity.
- b) The following Matters for Consideration in Part 3 of the CCPG are not satisfied:
  - i. Clause 3.1 – Site Selection and Location:
    - a. Sub-clause C2.
    - b. Sub-clause C4.
  - ii. Clause 3.6 – Noise and Air Pollution:
    - a. Sub-clause C26.
    - b. Sub-clause C27.
  - iii. Clause 3.8 – Traffic, Parking and Pedestrian Circulation:
    - a. Sub-clause C33.

**Ryde Local Environmental Plan 2014**

An assessment against the Ryde Local Environmental Plan 2014 has revealed that the proposed floor space ratio exceeds the 0.5:1 standard, resulting in a proposed FSR of 0.522:1. No Clause 4.6 request has been submitted by the applicant. As this is a jurisdictional prerequisite, consent cannot be granted on this basis.

**Ryde Development Control Plan 2014**

- a) The following controls under Part 3.2 – Child Care Centres are not satisfied by the proposal:
  - i. Clause 2.1 – Suitability of Location and Site for Child Care
  - ii. Clause 3.2 – Detached Centres in Residential Areas
  - iii. Clause 4.2 – Acoustic Privacy – for Adjoining Residents
  - iv. Clause 5.1 – Car Parking
  - v. Clause 6.1 – General Landscape Design Requirements

- vi. Clause 7.1 – Miscellaneous Control – Centre Facilities
  - vii. Clause 7.4 – Waste Storage and Management
- b) The following control under Part 3.3 – Dwelling Houses and Dual Occupancy:
- i. Clause 2.9.1 – Front Setbacks

These matters are addressed in detail in **Section 5.5** of this report.

### **Public Exhibition and Submissions**

The application was publicly exhibited between 13 September and 14 October 2024 in accordance with Council's Community Participation Plan.

As a result, 22 unique submissions were received objecting to the development. The issues raised in the submissions are addressed in the body of the report and contribute to the reasons for the recommended refusal of the application.

### **Recommendation**

Assessment of the application against the relevant planning framework, and consideration of various matters by Council's technical departments, has identified fundamental issues of concern which focus on vehicular access, airborne pollution and acoustic impacts from vehicles using Rutledge Street and the potential risk to the health of the children at the centre as a result. Consequently, this report finds the site is not suitable for the proposed development.

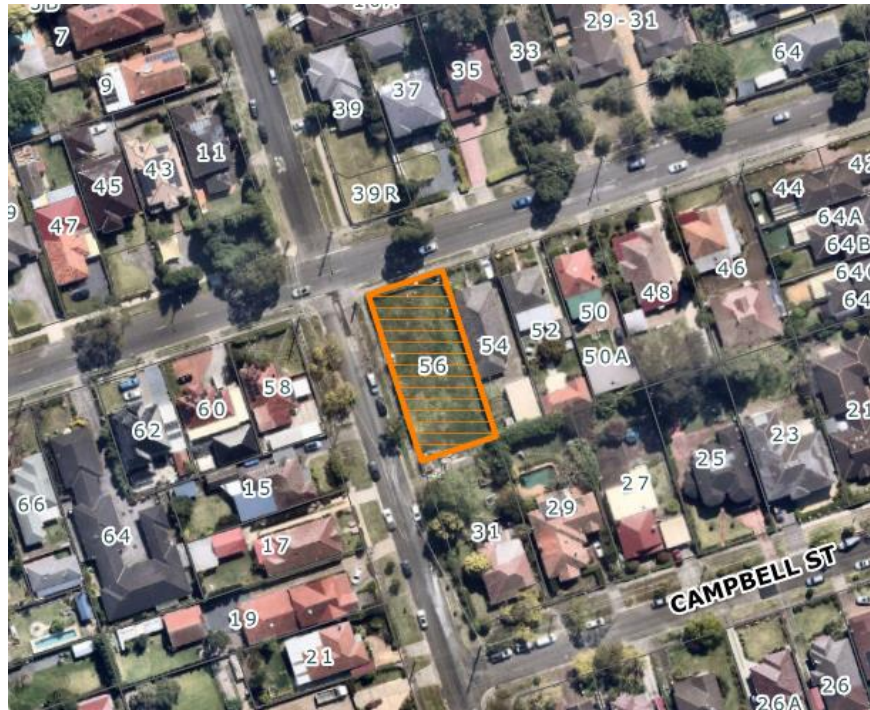
After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is likely to result in adverse impacts on the surrounding low density residential area. The site is not considered suitable for the proposed development and the proposal is regarded as being contrary to the public interest.

This report recommends that the application be refused in accordance with the reasons provided in **Attachment 1**.

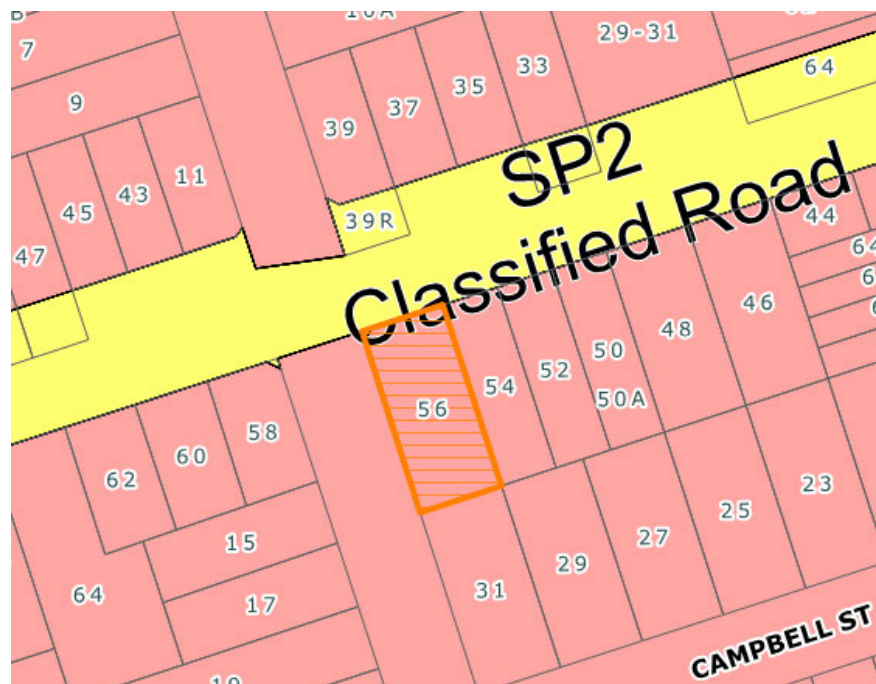
## **2. The Site and Locality**

The subject site is legally described as Lot 7 in DP4789 and is known as 56 Rutledge Street, Eastwood. The site is located on the corner of Rutledge Street and Wentworth Road and is rectangular in shape with a splayed corner. The site has a frontage of 17.68 metres to Rutledge Street and 42.11 metres to Wentworth Road with a splayed corner length of 3.45m and has a total area of 893.2m<sup>2</sup>, excluding the splayed corner. The site has a fall from south to north of approximately 3.3 metres. The site has been cleared of all structures and does not contain any trees. There are three street trees located on the Wentworth Road frontage.





**Figure 1** – Aerial photograph of subject site



**Figure 2** – Extract of RLEP 2014 Zoning map

The site is zoned R2 Low Density Residential under the provisions of the Ryde Local Environmental Plan 2014. Rutledge Street is a classified road which is owned and maintained by Transport for NSW. Wentworth Road is a local road owned by Council.

The site is bounded to the south by No. 31 Campbell Street which contains a cottage which is listed in the Ryde Local Environmental Plan 2014 as a local heritage item (**Figure 4**). The site is bounded to the east by No. 54 Rutledge Street which contains a single storey dwelling (**Figure 5**).

To the north, on the opposite side of Rutledge Street, there is a mix of single and two storey dwellings. To the west, on the opposite side of Wentworth Road, there are predominately single storey dwellings.



**Figure 3** – View of subject site from opposite side of Rutledge Street



**Figure 4** – View of adjoining dwelling at No. 31 Campbell Street (Local Heritage Item)



**Figure 5** – View of adjoining dwelling at No. 54 Rutledge Street

### **3. The Proposal**

The proposal is for the construction of a two storey centre-based child care facility with basement car parking. The child care centre is proposed to accommodate a maximum of 70 children and parking for 15 vehicles.

The building is proposed to comprise three indoor play rooms and two outdoor play areas over two levels with sleeping rooms, administrative areas (staff rooms and offices), kitchen, laundry, storerooms and amenities.

The proposed age breakdown of the children to be accommodated is as follows:

- 0-2 years: 20 places
- 2-3 years: 20 places
- 3-5 years: 30 places

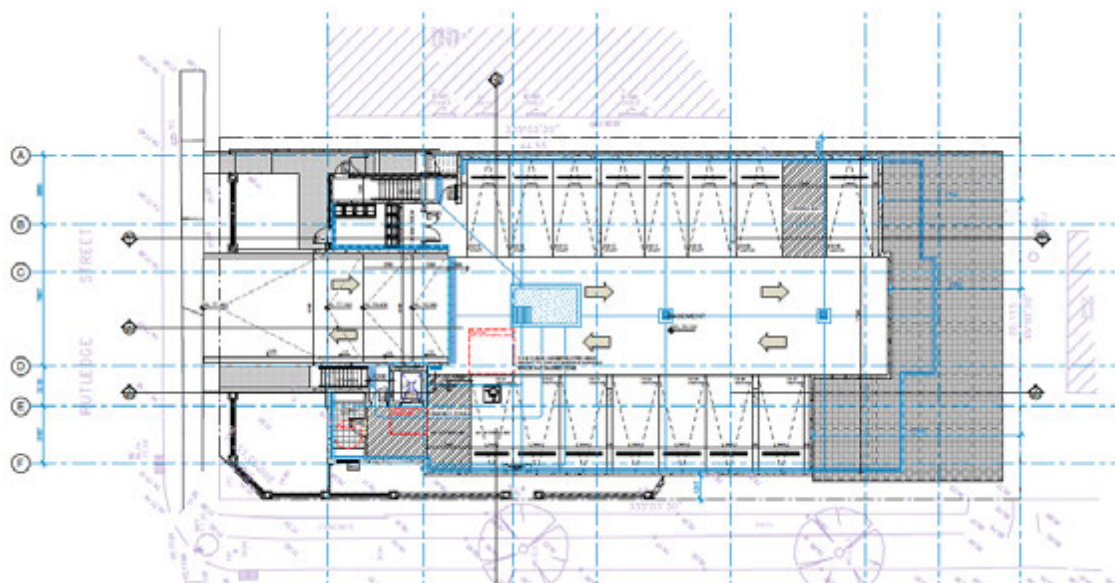
Hours of operation are proposed to be 7:00am to 6:00pm Monday to Friday with the facility proposed to provide a total of 15 educators. It is noted that there is generally a 30 minute shoulder period for staff arrivals and departures.

The proposal provides 15 car parking spaces within a basement which is accessed off Rutledge Street via a double width driveway and crossover. The basement provides the following parking space breakdown:

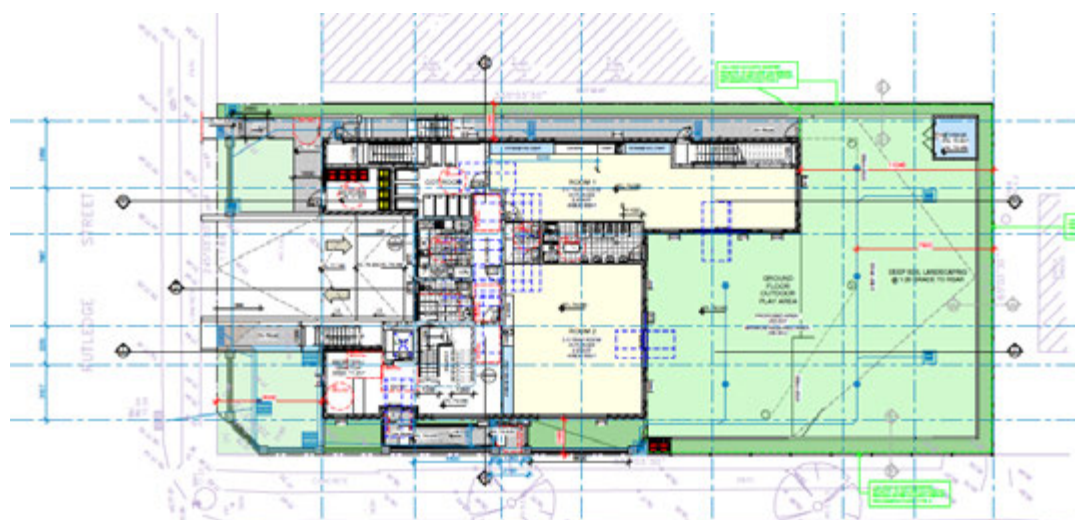
- Six staff parking spaces
- Nine visitor parking spaces including one accessible parking space.

The proposed built form is depicted in **Figures 6 to 10** as follows.

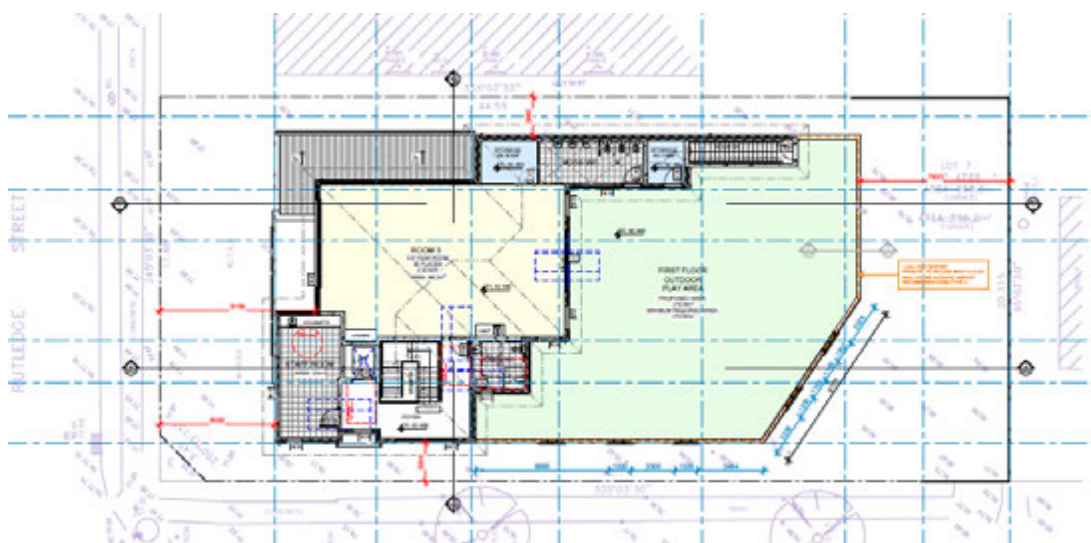




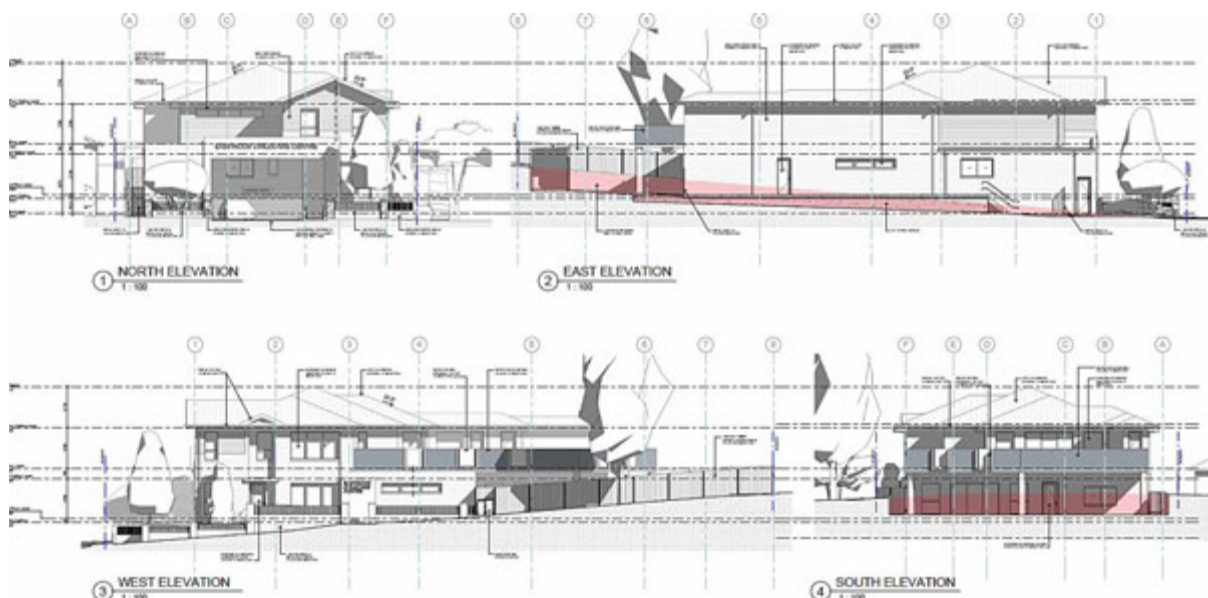
**Figure 6 – Proposed basement plan**



**Figure 7 – Proposed ground floor plan**



**Figure 8 – Proposed first floor plan**



**Figure 9 – Proposed elevations**



**Figure 10 – 3D perspectives of proposal**

## 4. Background

### History of the site

| Date         | Event   |
|--------------|---|
| 30 July 2021 | Complying Development Certificate No. 210321/01 was issued by Compass Building Certification for the demolition of existing structures and removal of the inground swimming pool. |



## Application History

| Date                               | Event  |
|------------------------------------|--|
| 13 September 2024                  | Subject Development Application lodged with Council.   |
| 13 September until 14 October 2024 | The subject application was notified in accordance with the Ryde Community Participation Plan and 22 unique submissions were received in response. The notification period originally closed on 29 September 2024. However, one of the residents raised concerns with Council that the letters were delayed for a number of days. In response, the notification period was extended for two weeks until 14 October 2024. |
| 11 October 2024                    | Comments were received from Transport for NSW advising that the proposal was not supported under the provisions of Section 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021 given the proposed vehicle access from a classified road (Rutledge Street).  |

## 5. Planning Assessment

### 5.1 National Quality Framework

The National Quality Framework (NQF) was introduced in 2012 to improve education and child care services.

The NQF provides a national approach to regulation, assessment and quality improvement for early childhood education and care and outside school hours care services across Australia.

The *Child Care Planning Guideline* (published by the NSW Department of Planning, Industry and Environment in September 2021 and gazetted on 1 October 2021) is aligned to the National Quality Framework. The Guideline has been used to assess the proposal (see **Section 5.4.3** (*State Environmental Planning Policy (Transport and Infrastructure) 2021*) at **Attachment 3**).

### 5.2 Environmental Planning and Assessment Act 1979

The following planning policies and controls are of relevance to the development:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
- Childcare Planning Guideline
- Education and Care Service National Regulations 2012

All relevant matters for consideration under Section 4.15 have been addressed in the assessment of this application.

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

#### **Chapter 2 – Vegetation in Non-Rural Areas**

The aims of this Chapter are:

- a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

This chapter applies to the Ryde local government area on land within the R2 Low Density Residential zone and provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation.

Whilst the subject site does not contain any vegetation, there is vegetation on adjoining sites and in the nature strip on Wentworth Road. The application was not accompanied by an arboricultural impact assessment (AIA), however, Council's Landscape Architect has deemed that an AIA is not required in this instance.

### **5.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

Clause 4.6(1) of the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

- a) *It has considered whether the land is contaminated, and*
- b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and*
- c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application includes a Preliminary Site Investigation report dated 30 August 2024 which concludes that the potential risks to human health and the environment are low to negligible and that an intrusive investigation is unlikely to be required. The report considers the site to be suitable for the proposed development. Council's Environmental Health Officer concurs with the findings of the report.

### **5.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### **Chapter 2 - Infrastructure**

#### **Clause 2.48 - Determination of Development Applications - Other Development**

This clause applies to development comprising or involving any of the following:



- a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- b) *development carried out:*
  - i. *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
  - ii. *immediately adjacent to an electricity substation, or*
  - iii. *within 5m of an exposed overhead electricity power line.*

The front boundary is located within 2.0m from the nearest electricity power line (along Rutledge Street).

The survey diagram submitted with the application does not indicate the presence of an easement for electricity purposes within or immediately adjacent to the development.

The application was therefore required to be referred to Ausgrid for consideration under clause 2.48(1)(b)(iii) of this SEPP.

Ausgrid have not raised any objection to the development subject to conditions.

Should the application be approved, the conditions required by Ausgrid can be included as a condition.

### **Clause 2.119 – Development with a Frontage to a Classified Road**

Section 2.119(2)(a) states the following:

*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.*

The application proposes all vehicle access to and from Rutledge Street (classified road). The application was referred to Transport for NSW (TfNSW) under this Section who provided the following comments:

*TfNSW has reviewed the application and notes that the subject site has frontage to Rutledge Street (classified road) and Wentworth Road (local road) with the driveway proposed on Rutledge Street.*

*The current practice of TfNSW is to minimise the number of driveways on arterial roads on traffic efficiency and road safety grounds and is reflected in clause 2(a) of section 2.119 of the SEPP (Transport and Infrastructure) which states “where practicable and safe, vehicular access to the land is provided by a road other than the classified road”. As such, TfNSW does not support the proposed development in its current form and requests that the application be amended so that all vehicular access is provided from Wentworth Road. TfNSW recommends that the access to and from Wentworth Road*

*be located as close as possible to the southern property boundary to maximise the separation from the intersection of Rutledge Street and Wentworth Road.*

Amending the proposal in response to the comments from TfNSW would require a complete redesign of the proposal. Given the topography of the site and the fact that the highest point of the site is where TfNSW have suggested that the vehicle access point be relocated to, this would make the basement car parking design unviable, likely resulting in the need for at-grade car parking. This would result in significant knock-on effects in relation to impact on the heritage item and on the ability to fit the proposed development on the site.

It is considered that this application was lodged without a detailed site analysis that would have identified viability of proposed access arrangements. Another option to resolve such issues was a pre-lodgement meeting that was not opted for by the applicant. It is acknowledged that addressing the above concerns raised by TfNSW would likely require a redesign of the proposal. Such a redesign may result in a development that is not substantially the same as the application originally lodged.

Council also notes Ministerial Expectation Order 2024 that requires development applications to be determined within 115 days for this financial year. This application at the time of determination is 68 days old and seeking any redesign will make it grossly inconsistent with the Ministerial Expectation Order 2024.

This matter forms a reason for the recommended refusal of the application.

Section 2.119(2)(c) states the following:

*“The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

*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 *Child Care Planning Guideline (2021)* includes provisions which recommend that child care centres are located on or adjacent to sites which are compatible with the use, and which are environmentally safe with respect to the effects of pollution and acoustic impact on the development.

A child care centre is considered to be a type of development which is sensitive to traffic noise or vehicle emissions and therefore, consent must not be granted to the development unless the centre is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions arising from the adjacent classified road.

The application is accompanied by an Acoustic Report (dated 19 August 2024 as prepared by Day Design) and an Air Quality Assessment Report (dated 6 September 2024 as prepared by EnvironOdour P/L) both of which have been reviewed by Council’s Environmental Health department and both found to be deficient.

The deficiencies of the reports were as follows:

a) Acoustic Report

- i) The acoustic report does not clearly clarify the permissible outdoor play scenarios under Section 8.1.2 of the report.
- ii) The acoustic report identifies that the noise intrusion in the cot room will exceed the requirement of 35 dB, with an exceedance of 14 dB with windows closed. The control measures listed in section 8.1 include windows on the eastern facades on the ground floor “cot room” should be closed during operating hours. This is already included in the assessment and is identified that the noise will still exceed the requirement. There are no clear treatment measures outlined for the cot room to demonstrate that the predicted noise levels for internal cot room can comply with the noise criteria.
- iii) The architectural plans do not reflect the correct sound barrier fence materials and/or height recommended in Section 8.2.1 of the Acoustic Report.

b) Air Quality Assessment

- i) Lack of reference to appropriate air quality standards

There was no reference to the National Environment Protection (Ambient Air Quality) Measures (AAQ NEPM) or any other air quality standards in the assessment to demonstrate that these standards have been adequately assessed for compliance.

- ii) Suitability of the air quality dataset (location)

The assessment was conducted based on air quality data from the Parramatta North roadside monitoring station, approximately 8km away from the proposed site.

The Clean Air and Urban Landscapes Hub (funded by the Australian Government’s National Environmental Science Program) found that:

*The concentration of air pollutants from vehicles can vary significantly over a small area, usually decreasing with distance from traffic. CAUL researchers conducted a roadside study in Randwick in Sydney’s east to investigate this.*

*We found levels of PM<sub>2.5</sub> at the roadside were sometimes twice those measured at nearby air-quality monitoring stations. PM<sub>2.5</sub> concentrations were also found to be about 50% higher in the morning peak hour compared to the evening traffic peak. This is consistent with a well-recognised pattern of morning traffic being busier and more congested.*

It is also noted that Parramatta North roadside monitoring station does not adjoin or is in close proximity to any classified road carrying similar level of traffic as the proposed site on Rutledge Street. The report did not provide any justification for

using air quality data from Parramatta North and why this would be a suitable comparison for this proposal.

iv) Suitability of the air quality dataset (year)

The assessment was conducted based on air quality data gathered in 2021. It should be noted that 2021 was during the COVID pandemic lockdowns in Sydney, with potentially less traffic on the roads which may have potentially improved air quality during this period.

v) Methodology

The assessment employed the RAQST for the first-pass screening of air quality impact in connection with road projects. It is noted that the inputs displayed in Figure 7 of the report do not match the details provided in the report. Specifically, in accordance with the RAQST guidance road type should be Arterial, with traffic composition at Level 3. It is also noted that “user defined values” have been input, but there is no clarification as to where these values came from. The results from the testing indicate a moderate impact and further assessment should be undertaken.

## Discussion

The Department of Planning, Industry and Environment *Childcare Planning Guideline dated September 2021* emphasises the importance of ensuring air quality for childcare facilities located near external sources of air pollution, such as major roads and industrial areas. Given the well-established links between high traffic volumes and adverse health effects, particularly lung development in children, it is crucial to thoroughly assess air quality for any proposed childcare site.

If a site is adjacent to a classified road with heavy vehicle traffic (over 18,200 vehicles), conducting comprehensive site-specific air quality assessments and modelling is essential and upholds the precautionary principle. This process helps to confirm that the proposed location is safe and suitable for use, considering the potential health impacts on a vulnerable population.

The acoustic and air quality report deficiencies form reasons to refuse the application.

### **Clause 2.120 – Impact of Road Noise or Vibration on Non-Road Development**

This clause applies to a centre-based child care facility that is proposed to be located adjacent to a road corridor with an average daily traffic volume of more than 2,000 vehicles, and that the consent authority considers it likely that the development be adversely affected by road noise or vibration.

The development is sited adjacent to Rutledge Street which is a classified road with a traffic volume of more than 2,000 vehicles per day.

As previously outlined, there are deficiencies in the acoustic report in relation to the noise impact of the classified road on the cot room and the architectural plans do not

reflect the correct sound barrier fence materials and height recommended in the acoustic report.

### **Chapter 3 - Educational Establishments and Child Care Facilities**

With respect to location and design outcomes for child care centres, Chapter 3 aims to:

- Establish consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas.
- Align the NSW planning framework with the National Quality Framework that regulates early education and care services.
- Ensure that proponents of new developments 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.

#### **Part 3.3 - Early Education and Care Facilities - Specific Development Controls**

##### **Clause 3.23 - Centre-Based Child Care Facility - Matters for Consideration by Consent Authorities**

Clause 3.23 requires a consent authority to take into consideration any applicable provisions of the *Child Care Planning Guideline* prior to determining the proposal for a centre-based child care centre.

A copy of the detailed assessment table for the Guideline is at **Attachment 3** of this report. In summary, the development has been found to be inconsistent with the following provisions of Parts 2 and 3 the Guideline:

#### **Part 2 – Design Quality Principles**

##### **Principle 1 – Context**

*Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.*

*Well-designed child care facilities take advantage of its context by optimising access by walking and public 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.*

##### Comment

The local area comprises a mix of residential buildings of varying scales and architectural styles.

The subject site is therefore considered to have a low density residential character.

The development has been found to not comply with the floor space ratio development standard under the RLEP 2014 which is indicative of the proposal having a bulk and scale which is not compatible with the low density residential surrounds.

Notwithstanding the above, with respect to health and environmental conditions, the Air Quality Report (dated 6 September 2024, prepared by EnvironOdour Australia P/L) has been found by Council's Environmental Health Officer to not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that pollutants of concern generated by vehicles using Rutledge Street have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.

In this respect, the environmental context of the site is not considered to be suitable for the development and this forms a reason to refuse the application.

## **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.*

### Comment

The development has been found to not comply with the floor space ratio development standard under the RLEP 2014 which is indicative of the proposal having a bulk and scale which is not compatible with the surrounds.

In the event that the proposal was amended to comply with the floor space ratio standard, it could potentially be a building which is compatible with the built form aims of Principle 2.

## **Principle 6 – Amenity**



*Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.*

*Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.*

*Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.*

#### Comment

Amenity to neighbours is considered to be unsatisfactory. The architectural plans do not reflect the recommendations of the acoustic report in relation to the sound barrier fence materials and heights recommended in the acoustic report. Further, the acoustic report does not clearly clarify the permissible outdoor play scenarios under Section 8.1.2 of the report. Further, there are concerns in relation to the suitability of the site in relation to air quality.

### **Part 3 – Matters for Consideration**

The following Matters for Consideration are extracted from the table included at **Attachment 3** and detail the identified elements of inconsistency/non-compliance. The matters discussed below are included as reasons to refuse the application.

| Clause   | Comment  |
|--|--|
| <b>3.1 Site Selection and Location</b>   |  |
| <b>C2</b><br><br><b><i>Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.</i></b>                    | <b>Not consistent</b><br><br>Acoustic report submitted which is considered unsatisfactory as outlined earlier in this report.<br><br>The proposed access point from Rutledge Street is not supported by Transport for NSW or Council.                    |
| <b>C4</b><br><br><b><i>Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.</i></b> | <b>Not Consistent</b><br><br>The proposed child care centre will be subject to impacts from air quality and acoustics resulting from proximity to the classified road.<br><br>As outlined earlier in this report, the submitted acoustic and air quality |



| Clause  | Comment   |
|---|---|
|   | reports have a number of identified deficiencies.   |
| <b>Clause 3.6 - Noise and Air Pollution</b>   |   |
| <p><b>C26</b></p> <p><b><i>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></b></p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>  | <p><b>Not Consistent</b></p> <p>The site is situated on Rutledge Street which is a Classified Road.</p> <p>As discussed throughout this report, a primary concern, and the fundamental reason for the recommendation to refuse the application, is the impact of vehicle generated airborne pollution from Rutledge Street on the health of children attending the centre.</p>  |
| <p><b>C27</b></p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed childcare facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution.</li> <li>• Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway.</li> <li>• Incorporating ventilation design into the design of the facility.</li> </ul> | <p><b>Not consistent</b></p> <p>The submitted air quality assessment contains the following identified deficiencies:</p> <ol style="list-style-type: none"> <li>1. Lack of reference to appropriate air quality standards</li> </ol> <p>There was no reference to the National Environment Protection (Ambient Air Quality) Measures (AAQ NEPM) or any other air quality standards in the assessment to demonstrate that these standards have been adequately assessed for compliance.</p> <ol style="list-style-type: none"> <li>2. Suitability of the air quality dataset (location)</li> </ol> <p>The assessment was conducted based on air quality data from the Parramatta North roadside monitoring station, approximately 8km away from the proposed site.</p> <p>The Clean Air and Urban Landscapes Hub (funded by the Australian Government's National</p> |

| Clause | Comment  |
|--------|--|
|        | <p>Environmental Science Program) found that:</p> <p>The concentration of air pollutants from vehicles can vary significantly over a small area, usually decreasing with distance from traffic. CAUL researchers conducted a roadside study in Randwick in Sydney's east to investigate this.</p> <p>We found levels of PM2.5 at the roadside were sometimes twice those measured at nearby air-quality monitoring stations. PM2.5 concentrations were also found to be about 50% higher in the morning peak hour compared to the evening traffic peak. This is consistent with a well-recognised pattern of morning traffic being busier and more congested.</p> <p>It is also noted that Parramatta North roadside monitoring station does not adjoin or is in close proximity to any classified road carrying similar level of traffic as the proposed site on Rutledge St. The report did not provide any justification for using air quality data from Parramatta North and why this would be a suitable comparison for this proposal.</p> <p>3. Suitability of the air quality dataset (year)</p> <p>The assessment was conducted based on air quality data gathered in 2021. It should be noted that 2021 was during the COVID pandemic lockdowns in Sydney, with potentially less traffic on the roads which may have potentially improved air quality during this period.</p> <p>4. Methodology</p> |

| Clause  | Comment  |
|---|--|
|   | <p>The assessment employed the RAQST for the first-pass screening of air quality impact in connection with road projects. It is noted that the inputs displayed in Figure 7 of the Report do not match the details provided in the report. Specifically, in accordance with the RAQST guidance road type should be Arterial, with traffic composition at Level 3. It is also noted that “user defined values have been input, but there is no clarification as to where these values came from. Furthermore the results from the testing indicate a moderate impact and further assessment should be undertaken.</p> |
| <p><b>C33</b></p> <p><b>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b></p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul> | <p>The proposed vehicle access is from Rutledge Street being a classified road. Transport for NSW does not support the proposed access from Rutledge Street and have requested that it be relocated to Wentworth Road. This would have a significant knock-on effect to the design of the development and may render the basement design unworkable.</p>   |

### 5.3 Ryde Local Environmental Plan 2014

The site is zoned R2 Low Density Residential under the provisions of the Ryde Local Environmental Plan 2014 (RLEP).

A ‘centre-based childcare facility’ is permitted with consent in the R2 Low Density Residential zone.

The aims and objectives for the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types.*

The proposed child care centre will provide a facility to meet the day to day needs of residents.

The first and third objective are not of relevance to the proposed development. The proposed development satisfies the relevant objectives.

#### **Part 4 – Principal Development Standards**

The site is subject to the provisions of Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) Development Standards.

The following table details the levels of compliance achieved by the development:

| Standard  | Permitted                            | Proposed  | Variation | Compliance  |
|---|--------------------------------------|---|-----------|---|
| <b>Height of Buildings</b>                                    | 9.5m                                 | The maximum proposed height is 9.3m   | N/A       | Yes   |
| <b>Floor Space Ratio</b><br>Site area:<br>893.2m <sup>2</sup> | 0.5:1<br>446.2m <sup>2</sup><br>GFA* | Basement laundry: 7.2m <sup>2</sup><br>Ground floor: 284.8m <sup>2</sup><br>First floor: 174.6m <sup>2</sup><br>Total GFA: 466.6m <sup>2</sup><br>Proposed FSR: 0.522:1 | 4.5%      | No. A Clause 4.6 request has not been submitted with the application. |

\*GFA = Gross Floor Area.

#### **Clause 4.6 Exceptions to Development Standards**

Based upon Council's assessment of the proposal, the floor space ratio does not achieve compliance with the provisions of Clause 4.4 of RLEP 2014. The development standard permits a maximum floor space ratio of 0.5:1. The proposed floor space ratio has been calculated as being 0.522:1 or a gross floor area of 466.6m<sup>2</sup>.

A Clause 4.6 request has not been submitted as part of the application. As this is a jurisdictional prerequisite, consent cannot be granted to the proposal in its current form. In the event that the proposal was satisfactory in other aspects, the application would be afforded an opportunity to amend the proposal to demonstrate compliance. However, as outlined elsewhere in this report, there are other aspects of the proposal which are not supported and give weight to the recommendation of this report.

The floor space ratio standard is the key control to limit the bulk and scale of development within the R2 Low Density Residential zone and the proposed non-compliance is indicative of the proposal representing an over-development of the site.

## **Other Applicable Clauses**

### **Clause 5.10 – Heritage Conservation**

Under this Clause, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The adjoining site to the rear (No. 31 Campbell Street) is listed in Schedule 5 of the RLEP 2014 as a local heritage item (No. 307) and significance is noted as a 'house'.

The application has not been supported by a Heritage Impact Statement by a suitably qualified consultant, addressing the impact of the proposal on the heritage item. Heritage is addressed in the Statement of Environmental Effects submitted with the application as follows:

*Having regard to the existing low density residential character which comprises of one and two storey dwelling house of mixed ages and architectural forms within the immediate locality and noting that the heritage significance associated with local heritage item 307 comes from the heritage listed building itself rather than the streetscape which is not intact with redevelopment of the subject area over time, the proposal will not alter the established residential character to any degree nor will it impact on the heritage curtilage of the heritage item.*

*The development is compliant with height, FSR and setback provision. This indicates that the proposed built form is appropriate within the subject area and considering that the design scheme is to provide generous setback to 31 Campbell Street to its southern boundary and combined with an existing brick wall within the neighbouring property will provide adequate separation to the heritage curtilage of the heritage listed building. Therefore, the proposed child care facility will not impact in any addition or unacceptable way upon the heritage item 307.*

As detailed earlier in this section of the report, Council's assessment of the proposal has revealed that it does not comply with the floor space ratio development standard. Further, Transport for NSW does not support the vehicle access from Rutledge Street and have requested that it be relocated to Wentworth Road, at the furthest point possible from the intersection. This would result in the driveway access needing to be located in close proximity to the heritage item which would result in greater impact on the item. The impact of the proposal on the heritage item is included as a reason for refusal of the application.

### **Clause 6.2 – Earthworks**

Clause 6.2(1) requires the consent authority to ensure that “any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.”

The extent and siting of excavation is to have regard to the following:

- a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.
- b) The effect of the development on the likely future use or redevelopment of the land
- c) The quality of the fill or the soil to be excavated, or both.
- d) The effect of the development on the existing and likely amenity of adjoining properties.
- e) The source of any fill material and the destination of any excavated material.
- f) The likelihood of disturbing relics.
- g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.
- h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

It is considered that the proposed excavation, particularly for the car parking area, would have minimal adverse environmental or amenity impact. The development has been designed to follow the site's natural topography to minimise excessive cut and fill. However, in the event that the vehicle access was relocated to Wentworth Road as required by Transport for NSW, this would significantly alter the extent of excavation noting that the south-west corner is the highest point of the site.

#### **Clause 6.4 – Stormwater Management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

The application has been assessed by Council's Development Engineer who advised the following in relation to stormwater management:

- The proposed on-site detention (OSD) tank is located in the front setback in an area which is intended for deep soil landscaping. This placement conflicts with the objectives of deep soil landscaping as outlined in the Ryde DCP 2014.
- The front of the property is subject to flood affectation and, due to the proposed detention tank levels being nearly equivalent to those of the pit fronting the site, the onsite detention system will suffer a submerged outlet and not function as designed, potentially resulting in backflow / surcharge of the system and flooding the site.

Therefore, the proposal is considered unsatisfactory in relation to Clause 6.4 of RLEP 2014. This is included as a recommended reason for refusal.

#### **5.4 Draft Environmental Planning Instruments**

There are no relevant draft Environmental Planning Instruments for consideration.

#### **5.5 Ryde Development Control Plan 2014 (RDCP)**



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

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

Clause 3.27 of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Chapter 3 Educational Establishments and child care facilities)* provides that a provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

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

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

A detailed assessment of the proposal against the RDCP Part 3.2 'Child Care Centres', Part 3.3 'Dwelling Houses and Dual Occupancies', and Part 9.3 'Parking Controls' is detailed in the compliance table at **Attachment 3**.

The following addresses specific clauses within the RDCP which are inconsistent/not compliant with an applicable requirement. The matters discussed below are included as reasons to refuse the application.

### **Part 3.2 – Child Care Centres**

| Clause   | Comment |
|--|---------|
| <b>Clause 2.1.1 - Preferred Locations</b>  |         |
| <b>Objectives:</b>   |         |
| 1. To ensure that sites selected for child care centres minimise opportunities for adverse impact on the locality and maximise opportunities for a suitable environment for the users. |         |



| Clause  | Comment  |
|---|--|
| <p>2. To ensure sites have the least potential adverse impact on neighbouring properties in terms of noise, loss of privacy and traffic.</p> <p>3. To ensure sites have the least amount of impact on neighbouring properties in terms of scale of development.</p> <p>4. To ensure sites are of a shape and size which can support vehicular access enabling vehicles to enter and leave with minimal disruption to traffic flow, and without endangering pedestrians.</p> <p>5. To encourage child care centre development in areas which are not adversely affected by noise, vibration, traffic safety issues or pollution associated with heavy traffic.</p> <p>6. To ensure sites are of suitable topography for child care centre development.</p> <p>7. To identify preferred sites for child care centre developments in order to assist in selection of sites suitable for maximising compliance with these controls.</p>                                     |  |
| Not located on arterial or sub-arterial roads.  | <p><b>Not Consistent</b></p> <p>The site is located on Rutledge Street which is a sub-arterial road (state).</p> <p>Given the objectives of the control (see above), it has been noted throughout this report that the development would not be consistent with Objective 5.</p>                 |
| <b>2.1.2 - Environmental Risks/Hazards</b>  |  |
| <p>The location is to take into consideration any other environmental health hazard including:</p> <ul style="list-style-type: none"> <li>i. Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads);</li> <li>ii. Existing and potential on and off-site electromagnetic fields;</li> <li>iii. Contaminated land;</li> <li>iv. Lead in painted surfaces, carpets, furnishings and roof void in existing buildings;</li> <li>v. Asbestos or other contamination or poisoning in existing buildings;</li> <li>vi. Proximity to service stations;</li> <li>vii. Proximity to LPG tanks;</li> <li>viii. Proximity to significant noise, odour and other pollutant generating sources, or sites which (due to prevailing land use zoning) may in future accommodate noise or odour generating uses;</li> <li>ix. Proximity to transmission lines, railway lines, mobile phone towers.</li> </ul> | <p><b>Not Consistent</b></p> <p>The site is located on Rutledge Street which is a sub-arterial road (state).</p> <p>Given the objectives of the control (see above), it has been noted throughout this report that the development would not be consistent with Objective 5 and Control (i).</p> |

| Clause   | Comment  |
|--|--|
| Where sites are proposed within 125m of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required.   | <b>Not Consistent</b>  |
| The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.   | <p><u>Air Quality</u><br/>A Roadside Air Quality Assessment was prepared by EnvironOdour Australia Pty Ltd, dated 6 September 2024, as the proposed site adjoins a “classified road” (Rutledge St).</p> <p>The assessment has failed to adequately demonstrate that the site is suitable for the proposed use, as detailed earlier in the report.</p> <p><u>Acoustic Impact</u><br/>An Acoustic report prepared by Day Design Pty Ltd, report no. 7998-1.1R, dated 19 August 2024 has been submitted with the application.</p> <p>As previously discussed in this report, the acoustic report has a number of identified deficiencies.</p> |
| <b>Clause 3.2 Detached Centres and Centres in Residential Areas</b>  |  |
| In low density residential areas, encouraged to be single storey in height for safety and access. If two storey, second storey should only be used for the purposes of storage and staff facilities. | The proposal is located in a low density residential area and is two storeys in height. On the first floor there is an indoor play room and outdoor play area. This is considered to be unsuitable from a residential amenity perspective.   |
| <b>Clause 4.2 Acoustic Privacy – for adjoining residents</b>   |  |
| Elevated play and transition areas are to be avoided.  | There is an outdoor play area located on the first floor. This is considered to be unsuitable from a residential amenity perspective.  |
| <b>Clause 5.1 Car Parking</b>  |  |
| Underground car parking is not permitted in low density residential areas.   | The proposal includes basement car parking. In the event that the proposal was satisfactory in other areas, the basement car parking could potentially be supported but in combination with the other non-compliances, the site is not considered suitable for the proposed development.   |
| <b>Clause 6.1 General Landscape Design Requirements</b>  |  |

| Clause   | Comment   |
|--|---|
| A landscape setback of minimum width 2m is to be provided along the front boundary of all new CCCs in residential zones to assist in preserving streetscape amenity and provide screening. Care is to be taken in design of the setback to avoid vegetation impeding sightlines from vehicles entering/exiting the site, and to consider the use of materials and finishes to complement the neighbouring streetscape. | A 2m landscaping area is not provided for the entirety of the front setback. On the Wentworth Road frontage, the landscaped area is only 1m in width where it is not interrupted by access paths or other features. On the Rutledge Street frontage, the extent of landscaping proposed is considered satisfactory. |
| <b>Clause 7.1 Miscellaneous Controls – Centre Facilities</b>   |   |
| In centres where children under the age of 2 years are proposed to be cared for the following are to be provided:<br>i) A sleeping room with 2.5m <sup>2</sup> of floorspace per cot and a max. of 10 cots per room;   | Cot room has 9 cots<br>Area required = 22.5m <sup>2</sup><br>Area provided = 17.65m <sup>2</sup> (shortfall of 4.85m <sup>2</sup> )<br><br>The proposed shortfall is considered to be unsatisfactory for a purpose-built centre.  |
| <b>Clause 7.4 Waste Storage and Management</b>   |   |
| Where a new CCC is proposed, the waste and recycling storage area must be designed to be visually and physically integrated into the design of the development, and not stored within the front setback to avoid visual clutter. Waste facilities are not to be sited within the areas required for car parking, vehicular and pedestrian access, landscaping and outdoor play areas.                                  | The waste room is integrated within the basement. However, there is a secondary bin storage location on the Wentworth Road frontage which is considered to be unsatisfactory from a streetscape perspective.  |

### Part 3.3 – Dwelling Houses and Dual Occupancies

The RDCP includes controls specific to development within the R2 Low Density Residential zone, being most typically dwelling houses and dual occupancies.

Although not a dwelling house or dual occupancy, the controls do reflect the built form expectations of development in the zone.

The following table outlines the non-compliances with the relevant controls of this DCP Part:

| <b>Clause 2.9 Setbacks</b>  |  |
|---|--|
| Minimum required front setback: 6m<br>Minimum secondary front setback: 2m | The majority of the secondary setback complies, with the exception of the ground floor basement vent which is set back 1.6m. This encroachment is considered to be unsatisfactory from a streetscape presentation perspective. |

A full assessment against the relevant controls under Part 3.3 has been undertaken and is included at **Attachment 3**.

### **Part 9.3 – Parking Controls**

The application has been assessed against the parking requirements under Part 9.3 of the RDCP and is found to be compliant.

The table detailing compliance is included at **Attachment 3**.

### **5.6 Planning Agreements OR Draft Planning Agreements**

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

### **5.7 City of Ryde Section 7.12 - Development Contributions Plan 2020**

From 1 July 2020, the City of Ryde Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020 (Fixed Rate Plan) applies to non-residential development outside of the Macquarie Park precinct that propose an increase in GFA. The Fixed Rate Plan imposes a 1% levy on the construction value of all non-residential development consents for developments over a \$350,000 construction value threshold.

The cost of works of the proposal is **\$3,481,588**. In the event that the application was recommended for approval, a condition of consent would be recommended requiring the payment of the following development contribution:

| <b>A – Contribution Type</b>     | <b>B – Contribution Amount</b> |
|----------------------------------|--------------------------------|
| <b>Section 7.12 Contribution</b> | <b>\$34,815.88</b>             |

### **5.8 Any matters prescribed by the regulation**

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

These Regulations underpin the operational and specific design requirements for education and care providers. With regard to this application, these Regulations govern physical environment design requirements for centre-based child care facilities, and form part of the design guidelines within the Guideline.

Refer to the assessment in **Attachment 3**.

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

- (i) The environmental impacts of the development on the natural and built environment are addressed within the State Environmental Planning Instruments section of this report.

It has been found that the development would not have a detrimental impact on any ecological communities or flora or fauna species of national conservation significance nor, subject to conditions, upon the surrounding built environment by achieving a balanced outcome with landscaping and replacement trees to cater for trees proposed to be removed.

- (ii) The development will not have a detrimental social impact in the locality considering the use of the proposal which forms a compatible and complimentary land use.
- (iii) The development will not have a detrimental economic impact on the locality considering the nature of the proposed land use.

## **7. Suitability of the site for the development**

It has not been demonstrated that the subject site is suitable for the proposed development. As outlined throughout the report, there are identified deficiencies with the submitted air quality and acoustic reports. The vehicular access design is not supported by Transport for NSW. In addition, a Heritage Impact Statement has not been submitted addressing the impacts of the proposal on the adjoining heritage item at No.31 Campbell Street.

## **8. The Public Interest**

The proposal is contrary to the public interest as it has not been demonstrated that the development is compatible with the acoustic and air quality impacts of the adjacent classified road. Further, the development will impact upon the safety and efficiency of the classified road by providing an access point where it could feasibly be located on the secondary street (Wentworth Road).

## **9. Public Notification and Submissions**

The application was notified in accordance with the Ryde Community Participation Plan from 13 September 2024 until 29 September 2024. One of the nearby residents raised concerns that the receipt of the notification letters was significantly delayed. As a result, the notification period was extended until 14 October 2024. A total of 22 unique submissions were received as a result of the overall notification period. The issues raised in the submissions and responses are outlined below:

- *This site is located on the busiest road in Eastwood, being Rutledge Street. The traffic conditions are bound to worsen with the ongoing development of the Eastwood Shopping Centre and dual occupancies in nearby residential areas. The objector has personally witnessed several accidents and near misses on Rutledge Street, including pedestrians and cars trying to cross the road. All the intersections in this neighbourhood are controlled by stop or give-way signs,*

*rather than roundabouts or traffic lights, which will become even more dangerous with the increased traffic from the childcare centre.*

Comment: The proposal is not supported by Transport for NSW based on the proposed vehicle access from Rutledge Street. The relocation of the vehicle access to Wentworth Road would make the basement design significantly challenging given that the vehicle access point would be at a more elevated location on site. In terms of traffic volumes on surrounding roads (pre and post development), there are no concerns raised by Council's Traffic officers.

- Although the application proposes that traffic will enter and exit from Rutledge Street with a left-in, left-out approach, this will redirect traffic onto local roads like Wentworth Road, Campbell Street, and Tarrants Avenue. Imagine if you need to enter from westbound Rutledge Street. You would first have to turn right into Wentworth Road, travel down Campbell Street, then Tarrants Avenue, before turning back onto Rutledge Street to finally drive into the centre. These are quiet, narrow streets that cannot accommodate the increased traffic. Can you imagine 70 parent cars and 15+ staff vehicles coming in and out every morning and afternoon? This is unacceptable and unfair to the residents, not to mention the safety risks for schoolchildren walking home from the nearby public school.*

Comment: The inconvenience of the left-in, left-out arrangement is acknowledged. The application is recommended for refusal on the basis that it is not supported by Transport for NSW given the proposed vehicle access from Rutledge Street. In terms of traffic volumes on surrounding roads, there are no concerns raised by Council's Traffic officers as the proposal would be within the environmental capacity of the surrounding streets.

- The neighbouring property at 31 Campbell Street is a local heritage item. The proposed childcare centre, with its large outdoor balcony and colourful decorations, creates an unacceptable visual impact that is incompatible with the heritage aesthetic of the property and the community. Furthermore, I have not seen any report from a heritage professional assessing the proposal's impact on the existing heritage property and approved addition, including overshadowing, solar access, and noise to the living areas.*

Comment: It is agreed that the proposal was not supported by a Heritage Impact Statement prepared by a suitably qualified consultant. Based on this omission, it is not possible for Council to conduct a full and detailed assessment in relation to heritage impact. This is a recommended reason for the refusal of the application.

- The site fronts the busiest road in the area, and the noise, vibrations, and air pollution caused by current and future traffic should not be underestimated. For instance, there is no report on the impact of vibrations. The air quality report provided is inadequate, as it does not use real-time, site-specific data. The assessment criteria applied are for the general public, rather than vulnerable children. Children aged 0-5 are particularly susceptible to pollution. The summary of the RAQST model shows a moderate potential impact and recommends seeking further advice on whether a detailed assessment is needed. However,*



*no further assessment has been conducted using site-specific data collected on school days. Can you imagine children playing and breathing in pollution every day on a balcony so close to the main road?*

Comment: As detailed through this report, the application is not supported on air quality and acoustic impact grounds. It is agreed that the air quality report is not informed by site-specific data.

- *Ryde Council's DCP requires a setback of at least 2 metres for the secondary frontage of a corner site. The proposed DA does not comply with this requirement along its Wentworth Street frontage - around the side entry.*

Comment: It is agreed that there are some elements of the building which encroach into the minimum two metre secondary setback area required by the Ryde Development Control Plan 2014.

- *There is no internal access from the centre to the garbage room. Staff would need to carry garbage bags out onto Wentworth Street and walk along the public footpath to Rutledge Street to re-enter the centre through the front gate. Can you imagine people carrying large garbage bags down the street? What an eyesore! Additionally, it appears that two garbage bins would be placed between the fence and the public footpath along Wentworth Road, which is unacceptable and inconsistent with DCP 3.2 – 7.4, Objective 4, which aims to ensure that waste storage areas have minimal visual impact.*

Comment: It is agreed that access to the bin storage room is inconvenient when transporting waste from the centre to the room. The proposed bin storage location on the Wentworth Road frontage of the site is unsuitable from a streetscape perspective and is not supported.

- *The property is home to several mature pine trees that contribute greatly to the natural environment and the local streetscape. These trees are not only aesthetically valuable but also play a crucial role in maintaining the ecological balance of the area. They are natural habitats to a couple of possums and various pieces of local birds. Any construction that threatens their preservation would have a detrimental impact on the community's natural heritage.*

Comment: The subject site has been previously cleared of all vegetation and structures and is currently vacant.

- *The house located at 56 Rutledge Street was built in 1940 and is an excellent example of Federation-style architecture. Its high ceilings and unique historical character are irreplaceable features that contribute to the charm and identity of the neighbourhood. Furthermore, the adjacent building is heritage-listed, and the proposed development may not align with the strict guidelines typically required for construction near heritage sites.*

Comment: The previous dwelling occupying the site has been demolished following the granting of a Complying Development Certificate by Compass Building Certification



for the demolition of existing structures and removal of the inground swimming pool on 30 July 2021.

- *Traffic congestion around Rutledge Street, especially during peak hours, is a major problem. With no parking available on Rutledge Street, the primary access point is through Wentworth Road, where parking is already near capacity due to the current residents between Rutledge and Campbell Streets. The addition of a new childcare centre would likely worsen this situation, making it harder for local residents to move safely through the area and maintain access to their regular off-street parking spaces.*

Comment: The application is recommended for refusal based on the location of the vehicle access point off Rutledge Street. No concerns have been raised by Council's Traffic engineers in relation to the capacity of surrounding streets to cater for the centre in terms of traffic and parking. The proposal is compliant in relation to the number of car parking spaces proposed. However, relocating the vehicle access to Wentworth Road would potentially reduce the number of car parking spaces that can be provided.

- *There are currently 32 childcare centres operating in Eastwood alone, not counting those in surrounding suburbs. Given this already high number, it does not seem necessary to add another centre, especially in a location where traffic and access are already strained.*

Comment: The number and proximity of child care centres located near site is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Competition with other centres would be a matter of consideration for the applicant and owner of the site.

- *The building of a two storey centre will compromise the privacy of surrounding homes by being able to overlook into the gardens of the surrounding properties. This privacy has been enjoyed in the local area and it would not be acceptable to have this disturbed.*

Comment: It is agreed that the proposal has the potential to impact upon the visual and acoustic privacy of surrounding properties.

- *Shadow diagrams have not been adequately provided to assess the sunlight access to the approved addition at 31 Campbell Street Eastwood as per clause 2.14.1 of the Dwelling Houses DCP.*

Comment: The application is accompanied by shadow diagrams based on 9am, 12 noon and 3pm on June 21 as required by the Ryde Development Control Plan 2014. Whilst there is some impact upon No. 31 Campbell Street, the level of impact is not unreasonable and complies with the solar access controls in the DCP.

- *Clause 6.1e of the Childcare DCP states a landscape setback of at least 2m is required around the front boundary of the childcare centre. In this case, considering the main entry to the centre is through the western boundary and car entry should also be relocated to western boundary, the front boundary*

*being western boundary appears to provide a landscape setback of <1m for approximately 50% of the frontage.*

Comment: It is agreed that a 2m landscaping area is not provided for the entirety of the front setback. On the Wentworth Road frontage, the landscaped area is only 1m in width where it is not interrupted by access paths or other features. On the Rutledge Street frontage, the extent of landscaping proposed is considered satisfactory.

- *Clause 2.9.3 of the Dwelling Houses DCP requires rear setbacks to be a minimum of 25% of the site length or 8m whichever is greater. The site is 44.5m long, so the rear setback should be 11.13m. As per the DCP the 'Rear setbacks are measured from the rear boundary to the outside edge of the rear wall including any articulation to the building, such as balconies, terraces and decks'. The rear setback of the upper level is 7.8m and does not comply.*

Comment: Given that the subject site is a corner allotment, it technically does not have a rear. The southern and eastern sides of the building are considered to be sides as opposed to rear. This is a common approach adopted when assessing buildings located on corner allotments.

- *1.39m high balustrades to the L1 outdoor play area will allow staff members and parents to look into the entire backyard and living spaces of the two adjoining properties (consider both existing and approved additions). This is inconsistent with 2.14.2 of the Dwelling Houses DCP objectives 1, 2 & 4 and controls c: 'Terraces and balconies are not to overlook neighbour's living areas and private open space'.*

Comment: It is considered that the first floor external play area provides a minor level of overlooking impact on the surrounding properties given that the fence would only be capable of being seen over by educators. It would be uncommon for parents to enter the first floor of the building.

- *Stair 02 is not provided with a door at street level and is accessible by the public. The stairs create a security and crime risk by allowing the public to walk down the stairs and around the corner in front of the emergency exit door, hidden from the public.*

Comment: It is agreed that Stair 02 presents a potential security issue but this could be mitigated by the installation of security cameras or motion activated lighting.

- *Clause 3.2a of the Childcare DCP requires child care centres to be designed to appear domestic in scale and character, with a bulk, height, scale, and appearance compatible with the existing surrounding development. When viewed from Wentworth Road, as the site is on a corner, the large, extended balcony with colourful decorations does not align with the existing surrounding development or the heritage item at 31 Campbell Street, Eastwood.*

Comment: It is considered that the proposed building is not domestic in scale and character. As discussed earlier in the report, the proposed floor space ratio has been calculated as being 0.522:1 which exceeds the maximum permitted 0.5:1. This is

indicative that the bulk and scale of the proposal is excessive. Further, the elevated external play area is atypical of domestic character and its proposed embellishment with coloured elements is also uncharacteristic of the surrounding residential character.

- *The driveway profile and clearance height for accessible vehicles has not considered wastewater plumbing beneath the slab from the kitchen and accessible WC. Furthermore, the slab should be assumed as a standard 300mm slab which does not consider the likely need for a transfer beam spanning across the driveway opening. Evidence from a structural and hydraulic engineer should be provided to support that the accessible clearance can be provided into the basement.*

Comment: This a valid point which would be included in a request for additional information from the applicant. However, given the recommendation of this report, additional information is not being sought from the applicant.

- *The stormwater drawings have not considered a sewer tank pump out system for the laundry in the basement.*

Comment: This is a valid point as the waste water from the laundry may not be able to flow to the sewer system by gravity. This would be a matter that should be addressed as part of any Section 73 Certificate application to Sydney Water.

- *The application has not considered the impact to adjoining trees or tree root zones. The application needs to be supported by an arborist report.*

Comment: The application has been assessed by Council's Landscape Architect who advised that whilst an Arboricultural Impact Assessment (AIA) was not submitted with the application, there are no trees on the adjoining properties which will be impacted by the proposal.

- *The application does not specify which road the waste collection will take place at. The additional bin store on the Wentworth Road front is not appropriate. Clause 7.4d of the Childcare DCP does not permit waste storage within the front setback.*

Comment: Whilst the application does not specify which street the waste collection would occur from, the most feasible street would be Wentworth Road. It is agreed that the proposed bin storage bay on the Wentworth Road frontage is not appropriate from a streetscape perspective.

- *As per clause 4.8 in the Childcare Planning Guideline, an Emergency and Evacuation Plan should be submitted with the DA. This has not been provided.*

Comment: It is agreed that an Emergency and Evacuation Plan has not been submitted and is required by the Childcare Planning Guideline.

- *The proposal cost has not been supported by a Cost Summary Report completed by a suitable professional. As the estimated cost forms the basis for many statutory fees associated with the application, it is essential to ensure the*

*development cost is accurately estimated to maintain the integrity of the development contribution system.*

Comment: It is confirmed that an Estimated Development Cost Report was submitted with the application which arrives at a total EDC of \$3,481,588.00. The Report was not included with the documents available on Council's Application Tracker as it is not essential for the community's understanding of the proposal.

- *Clause 2.3 of childcare DCP states:*

*a. A site analysis is to be submitted with development applications for new child care centres including developments that involve the conversions of existing dwellings/other buildings or a purpose-built centre. The applicant is to demonstrate that the site analysis has been used in preparing the design for the child care centre (refer "Preparing a Site Analysis" guide below).*

*b. A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD.*

*A site analysis has not been provided with the DA in accordance with the requirements in the DCP.*

Comment: A site analysis plan was submitted with the architectural package (Page 2). Whilst the plan is not overly detailed, it is considered satisfactory for the purposes of the proposal.

- *The Child Care Planning Guideline (CCPG) (2021) includes provisions which recommend that child care centres are located on or adjacent to sites which are compatible with the use, and which are environmentally safe with respect to the effects of pollution and acoustic impact on the development. A child care centre is considered to be a type of development which is sensitive to traffic noise or vehicle emissions and therefore, consent must not be granted to the development unless the centre is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions arising from the adjacent classified road. The application is accompanied by an Acoustic Report (dated 19 August 2024 as prepared by Day Design) and an Air Quality Assessment Report (dated 6 September 2022 as prepared by Environ odour Australia Pty Ltd) both of which have deficiencies in their report in assessing the impact of current and future impact of airborne pollution and noise. Both reports have not provided adequate assessment to evaluate the potential future environmental quality.*

Comment: It is agreed that the submitted air quality and acoustic reports have deficiencies which are discussed in detail elsewhere in the report. The reports do not sufficiently demonstrate that the proposed development is suitable for the site.

## **10. Referrals**

### **Transport for NSW (TfNSW)**

The application was referred to TfNSW under the provisions of Section 2.119 of SEPP (Transport and Infrastructure) 2021 and the following comments were provided:

*TfNSW has reviewed the application and notes that the subject site has frontage to Rutledge Street (classified road) and Wentworth Road (local road) with the driveway proposed on Rutledge Street.*

*The current practice of TfNSW is to minimise the number of driveways on arterial roads on traffic efficiency and road safety grounds and is reflected in clause 2(a) of section 2.119 of the SEPP (Transport and Infrastructure) which states “where practicable and safe, vehicular access to the land is provided by a road other than the classified road”. As such, TfNSW does not support the proposed development in its current form and requests that the application be amended so that all vehicular access is provided from Wentworth Road. TfNSW recommends that the access to and from Wentworth Road be located as close as possible to the southern property boundary to maximise the separation from the intersection of Rutledge Street and Wentworth Road.*

This matter forms one of the recommended reasons for refusal of the application.

## **Ausgrid**

The application was referred to Ausgrid under the provisions of Section 2.48 of SEPP (Transport and Infrastructure) 2021 and no objections were raised subject to recommended conditions.

## **City Infrastructure**

### Traffic

Council's Traffic team do not support the proposal on the basis of Transport for NSW not supporting the proposed access from Rutledge Street.

### Public Domain

No additional information was requested by Council's Public Domain team and no fundamental concerns were raised.

### Drainage

Additional information was requested by Council's Drainage team in relation to flood impact. This request was not conveyed to the applicant given the recommendation of this report.

## **Development Engineer**

Council's Development Engineer has assessed the application and raised the following concerns:



- The proposed on-site detention (OSD) tank is located in the front setback in an area which is intended for deep soil landscaping. This placement conflicts with the objectives of deep soil landscaping as outlined in the Ryde DCP 2014.
- The front of the property is subject to flood affectation and, due to the proposed detention tank levels being nearly equivalent to those of the pit fronting the site, the onsite detention system will suffer a submerged outlet and not function as designed, potentially resulting in backflow / surcharge of the system and flooding the site.

## Environmental Health

The following comments were provided by Council's Environmental Health Officer:

### a) Noise/Acoustics

Acoustic report prepared by Day Design Pty Ltd, report no. 7998-1.1R, dated 19 August 2024.

Long term measurements were taken at Location A and B from 24 May 2024 to 4 June 2024 for ambient noise and road traffic noise. Day Design notes that the background noise level in the area is primarily influenced by local fauna, traffic noise from Rutledge Street, and some neighbourhood social noises.



Figure 1 - Site Plan - 56 Rutledge Street, Eastwood, NSW

Table 3 Ambient Background Levels - 56 Rutledge Street, Eastwood, NSW

| Noise Measurement Location                          | Time Period                     | L <sub>90</sub> Rating Background Level |
|---|---------------------------------|---|
| Location 'A' -<br>1.5 m above Ground<br>Floor Level | Early Morning (6:30 am to 7 am) | 55 dBA                                  |
|   | Day (7 am to 6 pm)              | 54 dBA                                  |
| Location 'B' -<br>1.5 m above Ground<br>Floor Level | Early Morning (6:30 am to 7 am) | 51 dBA                                  |
|   | Day (7 am to 6 pm)              | 49 dBA                                  |

**Project Noise Trigger Levels** summarised below, derived in accordance with relevant guidelines:

| Criteria                 | Noise level             |
|--------------------------|-------------------------|
| <b>Sleep Disturbance</b> | <b>70dBA</b><br>(55+15) |



|   |                    |   |
|---|--------------------|---|
| (6:30 – 7:00am for most affected receivers R1, R2A, R6A)                                      |                    |   |
| <b>Outdoor Play</b><br>(Ground floor receptors R1, R2A, R6A)                                  | All day play       | <b>59dBA</b><br>(54+5)  |
|   | Up to 4 hours      | <b>64dBA</b> (54+10) <u>and</u><br><b>59dBA</b> (54+5) for all other noise sources e.g., indoor play, carpark, mechanical plant |
| <b>Outdoor Play</b><br>(First floor receptors R2B, R2C, R3, R4, R5, R6B)                      | All day play       | <b>54dBA</b><br>(49+5)  |
|   | Up to 4 hours      | <b>59dBA</b> (49+10) <u>and</u><br><b>54dBA</b> (49+5) for all other noise sources e.g., indoor play, carpark, mechanical plant |
| <b>On-Road Traffic</b><br>(7:00am – 6:00pm for most affected receivers R1, R2A, R5, R6A, R6B) |                    | <b>55dBA</b>  |
| <b>Noise Intrusion</b>  | Internal cot room  | <b>&lt; 35 dBA</b>  |
|   | Indoor play areas  | <b>&lt; 40 dBA</b>  |
|   | Outdoor play areas | <b>&lt; 55 dBA</b>  |

Most scenarios are predicted to comply with the established project noise criteria, except for:

1. Outdoor play – minor exceedances (3dB) for all day play for selected receivers
2. Noise intrusion for internal cot room and indoor play rooms

Recommendations to remedy exceedances are detailed in Section 8 of the Acoustic Report, involving a suite of management and construction related controls. Interestingly, the noise control recommendations are predicted to reduce noise level for selected receivers (R2C, R3 and R4) up to 3dB only, under the “all day” outdoor play scenario, just enough to meet the project noise criteria.

Regardless, the applicant has indicated its intention to adopt 4 hours of play per day (2 hours each in the morning and afternoon) in the Plan of Management.

The applicant however needs to provide clarification to the below questions:

1. The acoustic consultant/ applicant must clarify the permissible outdoor play scenarios under Section 8.1.2 of the Acoustic Report.

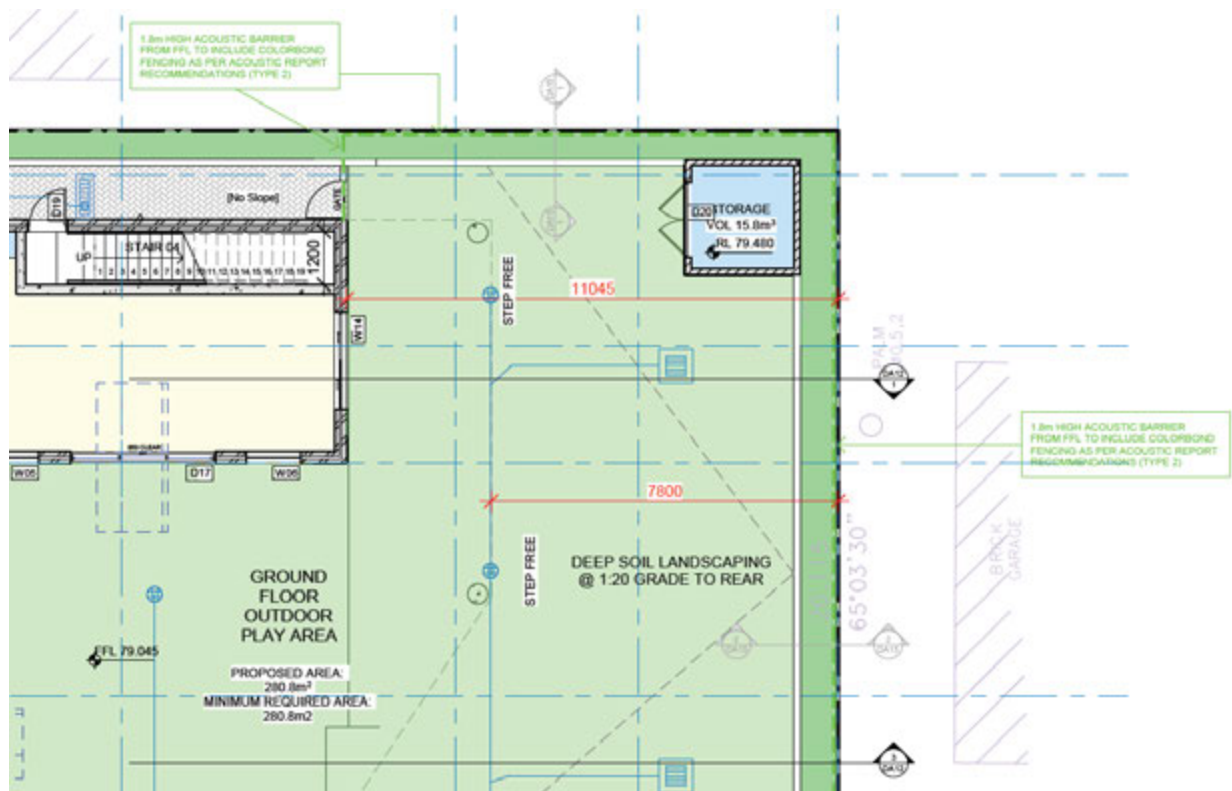
The note under Section 8.1.2 heading of the Acoustic Report suggests that 2-3 year olds are designated to use the **first floor** outdoor play area only, whilst the second

bullet point in the same section states that 2-3 year olds (up to 20 children) will be utilising the **ground floor** outdoor play area.

The Acoustic Report and Plan of Management should be updated to ensure consistency.

2. The acoustic report identifies that the noise intrusion in the cot room will exceed the requirement of 35 dB, with an exceedance of 14 dB with windows closed. The control measures listed in section 8.1 include windows on the eastern facades on the ground floor “cot room” should be closed during operating hours. This is already included in the assessment and is identified that the noise will still exceed the requirement. The acoustic consultant/ applicant must provide clear treatment measures for the cot room and demonstrate that the predicted noise levels for internal cot room can comply with the noise criteria.
3. The applicant shall update the site plan to reflect the correct sound barrier fence materials and/or height recommended in Section 8.2.1 of the Acoustic Report.

The site plan provided in the Acoustic Report and Architectural Plan suggests that there will be a “1.8m high acoustic barrier from FFL to include colorbond fencing as per acoustic report recommendations (type 2)” for the ground floor outdoor play area.



It is noted that the proposed floor level of the development may be lower than the natural ground level on neighbouring property, so the actual fence height will be adjusted based on the FFL. However, the construction material referenced in the site plan being colorbond appears to be inconsistent with the recommendations of the Acoustic Report which requires the following sound barrier walls:

- 2.3m high fence along the western boundary of the GF OPA; and
- 2.4m high fence along the southern boundary of the GF OPA; and
- 1.39m high fence along the southern, eastern and western boundaries of the FF OPA.

The proposed sound barrier walls may be constructed from solid capped and lapped timber, 10mm thick solid polycarbonate, 6.38mm thick laminated glass or masonry.

Colorbond was not included as an option in the Acoustic Report and Environmental Health would not support the use of colorbond fencing as a suitable acoustic treatment due to its low surface density. The AAAC Guidelines recommend that surface density of boundary fence to be no less than 15 kg/m<sup>2</sup>, which the applicant will be required to comply with.

a) Mechanical Ventilation/Kitchen Exhaust/Air Conditioning

Details of mechanical ventilation has not been provided. It should be noted that to comply with the internal noise criteria, windows to indoor activity areas and eastern facades of the ground floor cot room must be kept closed, meaning that there will be no natural ventilation and mechanical ventilation must be provided.

b) Air Quality

A Roadside Air Quality Assessment was prepared by EnvironOdour Australia Pty Ltd, dated 6 September 2024, as the proposed site adjoins a “classified road” (Rutledge St) under the Roads Act 1993.

The assessment has failed to adequately demonstrate that the site is suitable for the proposed use. Specifically, Environmental Health holds the following concerns:

1. Lack of reference to appropriate air quality standards

There was no reference to the National Environment Protection (Ambient Air Quality) Measures (AAQ NEPM) or any other air quality standards in the assessment to demonstrate that these standards have been adequately assessed for compliance.

2. Suitability of the air quality dataset (location)

The assessment was conducted based on air quality data from the Parramatta North roadside monitoring station, approximately 8km away from the proposed site.

The Clean Air and Urban Landscapes Hub (funded by the Australian Government’s National Environmental Science Program) found that:

The concentration of air pollutants from vehicles can vary significantly over a small area, usually decreasing with distance from traffic. CAUL researchers conducted a roadside study in Randwick in Sydney’s east to investigate this.

*We found levels of PM2.5 at the roadside were sometimes twice those measured at nearby air-quality monitoring stations. PM2.5 concentrations were also found to be about 50% higher in the morning peak hour compared to the evening traffic peak. This is consistent with a well-recognised pattern of morning traffic being busier and more congested.*

It is also noted that Parramatta North roadside monitoring station does not adjoin or is in close proximity to any classified road carrying similar level of traffic as the proposed site on Rutledge St. The report did not provide any justification for using air quality data from Parramatta North and why this would be a suitable comparison for this proposal.

### 3. Suitability of the air quality dataset (year)

The assessment was conducted based on air quality data gathered in 2021. It should be noted that 2021 was during the COVID pandemic lockdowns in Sydney, with potentially less traffic on the roads which may have potentially improved air quality during this period.

### 4. Methodology

The assessment employed the RAQST for the first-pass screening of air quality impact in connection with road projects. It is noted that the inputs displayed in Figure 7 of the Report do not match the details provided in the report. Specifically, in accordance with the RAQST guidance road type should be Arterial, with traffic composition at Level 3. It is also noted that “user defined values have been input, but there is no clarification as to where these values came from. Furthermore the results from the testing indicate a moderate impact and further assessment should be undertaken.

## Discussion

The Department of Planning, Industry and Environment Childcare Planning Guideline dated September 2021 emphasises the importance of ensuring air quality for childcare facilities located near external sources of air pollution, such as major roads and industrial areas. Given the well-established links between high traffic volumes and adverse health effects, particularly lung development in children, it is crucial to thoroughly assess air quality for any proposed childcare site.

If a site is adjacent to a classified road with heavy vehicle traffic (over 18,200 vehicles), conducting comprehensive site-specific air quality assessments and modelling is essential and upholds the precautionary principle. This process helps to confirm that the proposed location is safe and suitable for use, considering the potential health impacts on a vulnerable population.

## **Landscape Architect**

No objections were raised subject to recommended conditions of consent.

## **Tree Management Officer**

The application was referred to Council's Tree Management Officer (TMO) given the proximity of the development to the street trees on the Wentworth Road frontage of the site. The TMO provided recommended conditions of consent for the retention and protection of two of the street trees on the frontage but failed to consider the third street tree on this frontage. Given the recommendation of this report, this oversight was not sought to be corrected.

## **11. Conclusion**

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, it is recommended that the application be refused for the following reasons:

- a) The proposal has been calculated as not complying with the floor space ratio development standard of the Ryde Local Environmental Plan 2014 and a Clause 4.6 request has not been submitted.
- b) The proposal does not satisfy Section 2.119(2)(a) of SEPP (Transport and Infrastructure) 2021 in that vehicular access is not provided by a road other than the classified road when access is available from Wentworth Road.
- c) The application does not satisfactorily demonstrate that the site is suitable for a child care centre given its proximity to a classified road, and the adverse health impacts upon attending children as a result of vehicle generated airborne pollution and acoustic impact.
- d) A heritage impact statement has not been submitted to address the impact of the proposal on the adjacent heritage item (No.31 Campbell Street).
- e) Submissions received in response to the public exhibition of the application include reasons which warrant the refusal the application.
- f) The development is not in the public interest.

## **12. Recommendation**

- 1) That the Ryde Local Planning Panel refuse to grant consent to development application LDA2024/0195 for the construction of a two storey child care facility with basement parking at 56 Rutledge Street, Ryde subject to the reasons for refusal included in **Attachment 1** of this report.
- 2) That Transport for NSW and Ausgrid be advised of the decision via the NSW Planning Portal.
- 3) That those persons who provided a submission be notified of the decision.

## **ATTACHMENTS**

- 1** Reasons for refusal



- 2 Submitted plans (architectural and landscaping)
- 3 Compliance tables

Report prepared by:

**Shannon Butler**  
**Senior Town Planner**

Report approved by:

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

**Sohail Faridy**  
**Acting Manager Development Assessment**

## Attachment 1

### Reasons for Refusal for LDA2024/0195

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP (T&I)). In particular, the development does not satisfy:
  - a) Section 2.119(2)(a) of SEPP (T&I) because the proposal does not provide vehicular access to the land by a road other than a classified road. The proposal is not supported by Transport for NSW on this basis.
  - b) Section 2.119(2)(c) of SEPP (T&I) because the application does not satisfactorily demonstrate that the development is of a type that is not sensitive to vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential vehicle emissions within the site of the development arising from the adjacent classified road.
  - c) The following Design Quality Principles in Part 2 of the Child Care Planning Guideline (September 2021):
    - i. Principle 1 – Context.
    - ii. Principle 2 – Built Form.
    - iii. Principle 6 – Amenity.
  - d) The following Matters for Consideration in Part 3 of the Child Care Planning Guideline (September 2021):
    - i. Clause 3.1 – Site Selection and Location:
      - a. Sub-clause C2.
      - b. Sub-clause C4.
    - ii. Clause 3.6 – Noise and Air Pollution:
      - a. Sub-clause C26.
      - b. Sub-clause C27.
    - iii. Clause 3.8 – Traffic, Parking and Pedestrian Circulation
      - a. Sub-clause C33.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development has been assessed as not complying with the floor space ratio development standard of the Ryde Local Environmental Plan 2014. The standard permits a maximum floor space ratio of 0.5:1 and the proposal has a floor space ratio of 0.522:1. No Clause 4.6 request has been submitted with the application. Where a variation to a development standard is proposed, a Clause 4.6 is a jurisdictional prerequisite to consent being granted.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application is not accompanied by a Heritage Impact Statement addressing the impact of the development on the adjacent heritage item (No. 31 Campbell Street) and does not adequately address Clause 5.10 of

the Ryde Local Environmental Plan 2014. The development is considered to result in adverse likely impacts and is not supported in its current form.

4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is considered unsatisfactory in relation to Clause 6.4 of the Ryde Local Environmental Plan 2014 as the proposed on-site detention tank is located in the front setback in an area which is intended for deep soil landscaping. This placement conflicts with the objectives of deep soil landscaping in the front setback area. Further, the front of the property is subject to flood affectation and, due to the proposed detention tank levels being nearly equivalent to those of the pit fronting the site, the on-site detention system will suffer a submerged outlet and not function as designed, potentially resulting in backflow / surcharge of the system and flooding the site.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the *Ryde Development Control Plan 2014*. In particular, the development does not satisfy:
  - a) The following controls under Part 3.2 – Child Care Centres:
    - i. Clause 2.1 – Suitability of Location and Site for Child Care
    - ii. Clause 3.2 – Detached Centres in Residential Areas
    - iii. Clause 4.2 – Acoustic Privacy – for Adjoining Residents
    - iv. Clause 5.1 – Car Parking
    - v. Clause 6.1 – General Landscape Design Requirements
    - vi. Clause 7.1 – Miscellaneous Controls – Centre Facilities
    - vii. Clause 7.4 – Waste Storage and Management
  - b) The following control under Part 3.3 – Dwelling Houses and Dual Occupancy:
    - i. Clause 2.9.1 – Front Setbacks

(whilst the proposal is for a child care centre, the above control is fundamental in ensuring that any non-residential development is compatible with the existing and desired future character of the area)
6. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the development does not provide sufficient information to appropriately consider the likely impacts. The submitted air quality assessment does not rely on relevant site-based data and results in a questionable conclusion.
7. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development.

8. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the public exhibition of the application has resulted in submissions which raise issues that warrant the refusal of the application.
9. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest.



# 56 RUTLEDGE STREET, EASTWOOD

## PROPOSED CHILDCARE CENTRE



| Sheet List |  |
|------------|--|
| SHEET      | SHEET NAME                                 |
| DA01       | COVER PAGE                                 |
| DA02       | CALCULATIONS & LEP CONTROLS                |
| DA03       | SEDIMENT CONTROL AND WASTE MANAGEMENT PLAN |
| DA04       | SITE CONTEXT PLAN                          |
| DA05       | SITE ANALYSIS PLAN                         |
| DA06       | SITE PLAN                                  |
| DA07       | BASEMENT PLAN                              |
| DA08       | GROUND FLOOR PLAN                          |
| DA09       | FIRST FLOOR PLAN                           |
| DA10       | ROOF PLAN                                  |
| DA11       | ELEVATIONS                                 |
| DA12       | SECTIONS                                   |
| DA13       | SHADOWS                                    |
| DA14       | PERSPECTIVES                               |
| DA15       | ACOUSTIC FENCING DETAILS                   |
| DA16       | CONCEPT LANDSCAPE PLAN                     |
| DA17       | CUT & FILL PLAN                            |
| DA18       | EMERGENCY EVACUATION PLAN - GF             |
| DA19       | EMERGENCY EVACUATION PLAN - FF             |
| DA20       | SOLAR ACCESS DIAGRAMS 8AM-10AM             |
| DA21       | SOLAR ACCESS DIAGRAMS 11AM-1PM             |
| DA22       | SOLAR ACCESS DIAGRAMS 2PM-4PM              |
| DA23       | NOTIFICATION PLAN - A                      |
| DA24       | NOTIFICATION PLAN - B                      |
| DA25       | MATERIALS & FINISHES                       |
| DA26       | MATERIALS & FINISHES SCHEDULE              |
| DA27       | STAIR DETAILS                              |
| DA28       | CONSTRUCTION DETAILS                       |

FOR DEVELOPMENT  
APPLICATION

### 23243 GENERAL BCA 2022 ACCESS SPECIFICATIONS

Applies to all areas of the building  
All works are to comply with Access related requirements of Part D2, D3, D4, E3D7 and F2D5 under the NCC 2022. Refer to Access Report for details for the requirements to ensure compliance.

#### BCA Clause D3D15

Slip resistance requirements:

- Slip resistance to be as per BCA Table D3D15 when tested in accordance with AS4586 (applies to flooring, ramps, stairways, etc)
- Refer to guide HB 197/198 for details in regard to slip resistance requirements.
- Obtain Certificate stating that the Slip resistance complies with BCA requirements when tested as per AS4586.

#### BCA Clause D4D3

Floor or ground surfaces

- The texture of the surface is to be traversable by people who use a wheelchair and those with an ambulant or sensory disability.
- Abutment of surfaces is to have a smooth transition (this includes door thresholds of accessible sanitary facilities).
- Construction tolerances to be +/- 3mm vertical or +/-5mm (provided the edges have a bevelled or rounded edge).
- Grates (if used in the accessible path of travel) are required to comply with AS1428.1. Circular openings maximum of 13 mm in diameter. Slotted openings maximum of 13 mm wide and be oriented so that the long dimension is transverse to the dominant direction of travel
- Carpet if used in areas required to be accessible are to be provided with pile height or thickness not more than 11mm and carpet backing not more than 4mm bringing the total height to a maximum of 15mm.

#### All Common use Doors:

- Except for non-accessible sanitary facilities, all single hinged doors and in case of multiple leaf doorways, at least 1 operable leaf is required to provide a clear opening of 850mm with the door circulations spaces as per AS1428.1
- When using sliding doors / bifold doors, flush transition is required so provide fully recessed floor tracks. Also, all sliding doors to have 530mm minimum available to latch side of the sliding door to enable access to door handle.
- All glazed doors and other glazed areas to have glazing strips. The marking should be for the full width with a solid and non-transparent / non-translucent min 75mm wide, contrasting line located 900-1000mm above FFL and provide a minimum luminance contrast of 30% when viewed against the floor surface within 2M of the glazing on the opposite end. Graphical representation or cut-outs are not permitted.
- All doorways to have a minimum luminance contrast of 30% provided between, Door leaf and door jamb or Door leaf and adjacent wall or Architrave and wall or Door leaf and architrave or Door jamb and adjacent wall. The minimum width of the luminance contrast to be 50mm.
- All external doorways can either have flush door thresholds or can have a max drop of 35mm at threshold when used in combination with a doorway threshold ramp of 1:8 grade within 20mm of the door leaf and max depth of 280mm.
- Distance between successive doorways in airlocks to be 1450mm which is measured when the door is in open position in case of swinging doors.

#### Door hardware requirements:

- D shaped door handles to be used, located at 900-1100mm above FFL
- Clearance between the handle and the back plate or the door face at the center grip section of the handle to be between 35-45mm with a minimum of 20mm turn at the end of the handle
- Doors to accessible and ambulant sanitary facilities shall be provided with an in-use indicator and a bolt or catch. Where a snib catch is used, the snib handle shall have a minimum length of 45 mm from the centre of the spindle. In an emergency, the latch mechanism shall be operable from the outside.
- Manual control to power operated door to be push button type control with a minimum diameter of 25mm, proud of the surface and located a min of 500mm from an internal corner and between 1M- 2M if hinged door is used and within 2M if sliding door is used. Power-operated door controls, push-button controls shall have a minimum dimension of 25 mm diameter and be proud of the surface and shall activate the door before the button becomes level with the surrounding surface.

#### Common use areas

- As a minimum 1550mm clear space is required in front of any common use kitchen benchtops / laundry benchtops or appliances/ BBQ areas provided in the development. Provide long lever tap to sink with handle and water source being within 300mm from the front edge of the benchtop (for laundry and kitchen sinks). Provide 1 (30x30mm switch side) double GPO fully within 300mm from the front edge of the benchtop.

#### BCA Clause D4D4

All common use stairways require the following:

- All stairways to be compliant with: AS1428.1, including but not limited to opaque risers, with 1M clear space (handrail to handrail /wall)
- Stair nosings shall not project beyond the face of the riser and the riser may be vertical or have a splay backwards up to a maximum 25 mm, have a sharp intersection; be rounded up to 5 mm radius; or be chamfered up to 5 mm x 5 mm.
- Each tread to have a nosing strip between 50mm-75mm for the full width of the stair, which can be setback for a maximum of 15mm from the front of the nosing. This strip is to have a minimum luminance contrast of 30% to the background and to comply with any change in level requirements if attached on the treads.
- Handrails to be located between 865mm-1000mm above FFL, with no vertical sections. Diameter of handrails to be between 30mm-50mm and located not less than 50mm from adjacent walls with no obstructions to top 270° arc.

In addition to the above all non-fire-isolated stairways require the following:

- Handrails to be provided to both sides and to extend a minimum of 300mm horizontally past the nosing on the top riser. At the bottom of the stairs the handrail is to extend at least one tread depth parallel to the line of the nosing, plus a minimum of 300mm horizontally from the last riser.

All common use 1:20 walkways and any passageways require the following

- Min 1 M clear widths with vertical clearance of min 2M
- For 1:20 grade walkways, 1.2M length (in direction of travel) landings at max grade of 1:40 are required every 15M.
- The floor surface abutting the sides of the walkway to be provided with a firm and level surface (of a different material) at the same level and grade of the walkway and extend horizontally for a minimum of 600mm unless one of the following is provided: 150mm high kerb, kerb-rail and handrail or wall of minimum 450mm height.
- Curved walkways to be min 1500mm width with crossfall towards the centre of curvature.
- At bends in pathways provide a 1500mmx1500mm space with maximum 500mm splay permitted at internal corner.

#### Primary schools and Early childhood centres

In addition to the standard handrail provide a handrail (measured above nosing and landings)

(A) fixed at a height between 665mm and 750mm in a primary school; and  
(B) with a cross-sectional dimension between 16mm- 45mm as measured in any direction across its centre, fixed at a height between 450-700mm in a Class 9b early childhood centre.

Turning space of 1540mm x 2070mm at maximum of 1:40 grade is to be provided

- In front of all passenger lift doors
- at or within 2M of the end of the passageway and at max 20M intervals of walkways

#### BCA Clause D4D6

Accessible Car parking to fully comply with AS2890.6, including the following:

- Dedicated space 2.4Mx5.4M. Shared space 2.4Mx5.4M to be at the same level
- Slip resistant flooring surface with maximum fall 1:40 in any direction or maximum 1:33 if bituminous and outdoors
- Central Bollard in shared space at 800+/-50mm from entry point
- Pavement marking in dedicated space by means of access symbol between 800mm-1000mm high placed on a blue rectangle of maximum 1200mm and between 500mm-600mm from its entry point (Access Symbol is not to be provided where allocated to an Adaptable unit or any particular residential unit)
- Minimum headroom of 2.2M at entrances and 2.5M is required over shared zones as well as dedicated spaces
- Non-trafficked area of the shared space to have yellow marking strips at 45, 150-200mm wide at 200mm-300mm spaces
- The pavement marking shall have the appropriate slip resistance for the location.

Applies to all areas of the building

All works are to comply with Access related requirements of Part D2, D3, D4, E3D7 and F2D5 under the NCC 2022. Refer to Access Report for details for the requirements to ensure compliance.

#### BCA Clause D3D15

Slip resistance requirements:

- Slip resistance to be as per BCA Table D3D15 when tested in accordance with AS4586 (applies to flooring, ramps, stairways, etc)
- Refer to guide HB 197/198 for details in regard to slip resistance requirements.
- Obtain Certificate stating that the Slip resistance complies with BCA requirements when tested as per AS4586.

#### BCA Clause D4D3

Floor or ground surfaces

- The texture of the surface is to be traversable by people who use a wheelchair and those with an ambulant or sensory disability.
- Abutment of surfaces is to have a smooth transition (this includes door thresholds of accessible sanitary facilities).
- Construction tolerances to be +/- 3mm vertical or +/-5mm (provided the edges have a bevelled or rounded edge).
- Grates (if used in the accessible path of travel) are required to comply with AS1428.1. Circular openings maximum of 13 mm in diameter. Slotted openings maximum of 13 mm wide and be oriented so that the long dimension is transverse to the dominant direction of travel
- Carpet if used in areas required to be accessible are to be provided with pile height or thickness not more than 11mm and carpet backing not more than 4mm bringing the total height to a maximum of 15mm.

#### All Common use Doors:

- Except for non-accessible sanitary facilities, all single hinged doors and in case of multiple leaf doorways, at least 1 operable leaf is required to provide a clear opening of 850mm with the door circulations spaces as per AS1428.1
- When using sliding doors / bifold doors, flush transition is required so provide fully recessed floor tracks. Also, all sliding doors to have 530mm minimum available to latch side of the sliding door to enable access to door handle.
- All glazed doors and other glazed areas to have glazing strips. The marking should be for the full width with a solid and non-transparent / non-translucent min 75mm wide, contrasting line located 900-1000mm above FFL and provide a minimum luminance contrast of 30% when viewed against the floor surface within 2M of the glazing on the opposite end. Graphical representation or cut-outs are not permitted.
- All doorways to have a minimum luminance contrast of 30% provided between, Door leaf and door jamb or Door leaf and adjacent wall or Architrave and wall or Door leaf and architrave or Door jamb and adjacent wall. The minimum width of the luminance contrast to be 50mm.
- All external doorways can either have flush door thresholds or can have a max drop of 35mm at threshold when used in combination with a doorway threshold ramp of 1:8 grade within 20mm of the door leaf and max depth of 280mm.
- Distance between successive doorways in airlocks to be 1450mm which is measured when the door is in open position in case of swinging doors.

#### Door hardware requirements:

- D shaped door handles to be used, located at 900-1100mm above FFL
- Clearance between the handle and the back plate or the door face at the center grip section of the handle to be between 35-45mm with a minimum of 20mm turn at the end of the handle
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- The pavement marking shall have the appropriate slip resistance for the location.

| AMENDMENTS                            |             | PROJECT: CHILDCARE DEVELOPMENT |  | DRAWING TITLE: |  | COVER PAGE       |  |
|---------------------------------------|-------------|--------------------------------|--|----------------|--|------------------|--|
| No.                                   | DESCRIPTION | DATE                           |  | SCALE @ A1:    |  | DRAWING No: DA01 |  |
| A                                     | DA Issue    | 25.06.24                       |  | 1 : 50         |  |                  |  |
| CLIENT: LANDCORP DEVELOPMENT PTY LTD  |             | DATE: 20.04.2023               |  | DRAWN BY: PE   |  |                  |  |
| ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |             | ISSUE FOR:                     |  | JOB No: 10297  |  | REVISION: A      |  |



COMPLIANCE TABLE

|   |   |
|---|---|
| SITE AREA   | 896.2m2                                   |
| GROSS FLOOR AREA  |   |
| MAX BUILDING HEIGHT   | 9.50M                                     |
| PROPOSED BUILDING HEIGHT  | 9.11M                                     |
| MIN. REQUIRED LANDSCAPED AREA                                   | 30%                                       |
| PROPOSED LANDSCAPED AREA  | 276.65m2   30.87%                         |
| FLOOR SPACE RATIO   | 0.5:1   448.1m2 (CHILD CARE DESIGN GUIDE) |
| PROPOSED FLOOR SPACE RATIO<br>(Excludes external walls & voids) | 0.47:6   426.8m2                          |

CHILDCARE CENTRE PORTION

NUMBER OF CHILDREN:

0-2 YEARS - 20 PLACES  
2-3 YEARS - 20 PLACES  
3-5 YEARS - 30 PLACES

TOTAL 70 PLACES

NUMBER OF TEACHERS:

0-2 YEARS - 5 TEACHERS @ 1:4 RATIO - COMPLIES  
2-3 YEARS - 4 TEACHERS @ 1:5 RATIO - COMPLIES  
3-5 YEARS - 3 TEACHERS @ 1:10 RATIO - COMPLIES

INDOOR PLAY AREA:

0-2 YEARS - 65.1m2 @ 3.255m2 / KID - COMPLIES  
MINIMUM AREA - 65m2

2-3 YEARS - 65.2m2 @ 3.260m2 / KID - COMPLIES

3-5 YEARS - 98m2 @ 3.26m2 / KID - COMPLIES

OUTDOOR PLAY AREA:

TOTAL AREA - 491.4 @7.02m2 / KID - COMPLIES

INTERNAL STORAGE REQUIREMENTS  
PROPOSED TOTAL INTERNAL STORAGE 0.2m3 PER CHILD 14m3  
22.82m3 @ 0.326m3 / KID - COMPLIES

EXTERNAL STORAGE REQUIREMENTS  
PROPOSED TOTAL EXTERNAL STORAGE 0.3m3 PER CHILD 21m3  
27.65m3 @ 0.395m3 / KID - COMPLIES

CHILDCARE CENTRE - PARKING

TEACHERS 6 CARSPACES @ 0.5 PER TEACHER RATE  
VISITORS 9 CARSPACES @ 1 SPACE PER 8 PLACES  
TOTAL PARKING SPACES PROPOSED 15 CARSPACES  
INC. 1 ACCESSIBLE PARKING SPACE

ZONING - R2 LOW DENSITY RESIDENTIAL



HERITAGE - N/A



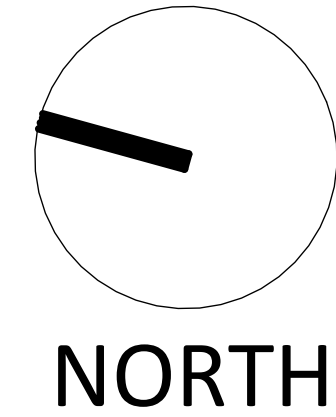
FLOOR SPACE RATIO - 0.5:1



MAXIMUM BUILDING HEIGHT - 9.5M

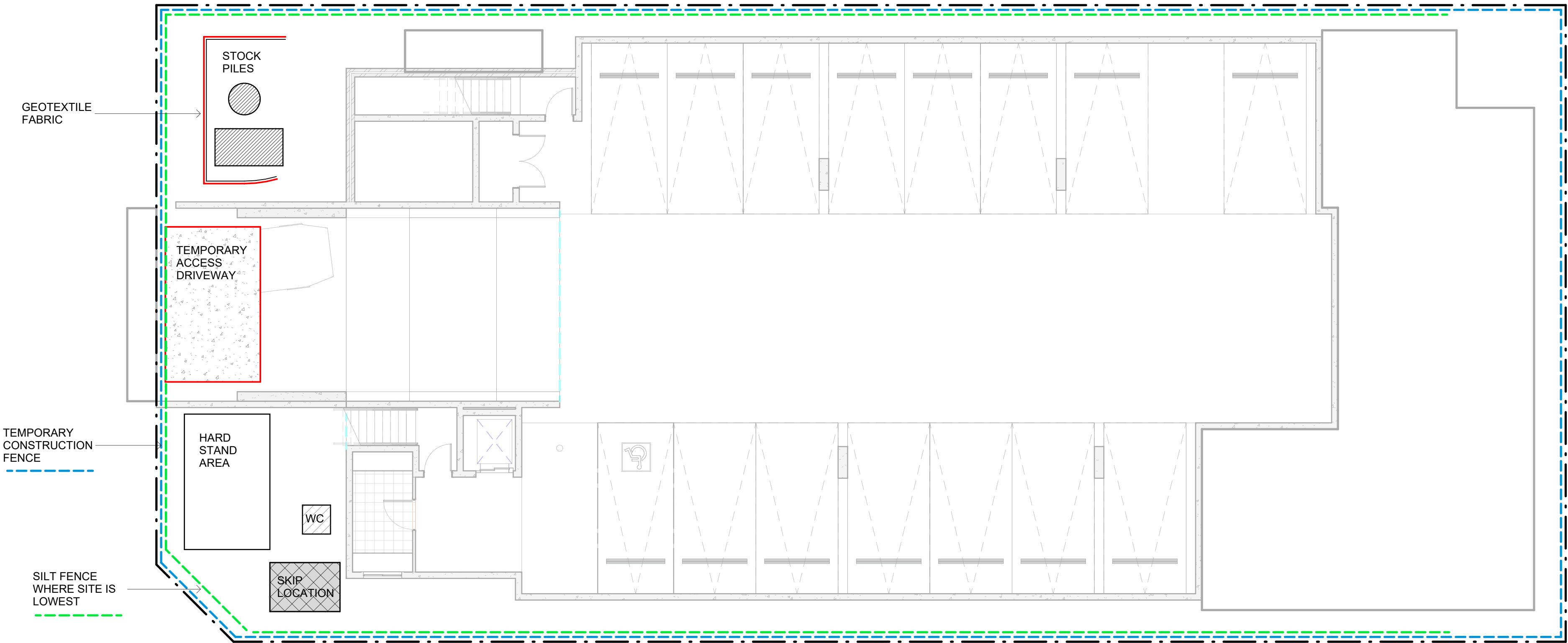


FOR DEVELOPMENT  
APPLICATION



| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT |                              |             | DRAWING TITLE: CALCULATIONS & LEP CONTROLS |             |           |
|------------|-------------|----------|--------------------------------|------------------------------|-------------|--|-------------|-----------|
| No.        | DESCRIPTION | DATE     | COUNCIL:                       | RYDE COUNCIL                 | SCALE @ A1: | 1 : 5                                      | DRAWING No: | DA02      |
| A          | DA Issue    | 25.06.24 | CLIENT:                        | LANDCORP DEVELOPMENT PTY LTD | DATE:       | 20.04.2023                                 | DRAWN BY:   | PE        |
|            |             |          | ADDRESS:                       | 56 RUTLEDGE STREET, EASTWOOD | ISSUE FOR:  |  | JOB No:     | REVISION: |
|            |             |          |                                |                              |             | 10297                                      | A           |           |





LEGEND:

|                                      |  |
|--------------------------------------|--|
| SILT FENCE                           |  |
| STOCK PILES                          |  |
| GEOTEXTILE FABRIC FILLED WITH GRAVEL |  |
| STORMWATER PIT                       |  |

EROSION CONTROL NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE AND TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.
2. STRIPPING OF GRASS AND VEGETATION ETC. FROM SITE SHALL BE KEPT TO A MINIMUM.
3. TOPSOIL FROM ALL AREAS THAT WILL BE DISTURBED TO BE STRIPPED AND STOCKPILED AND TO BE KEPT CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
5. ROADS AND FOOTPATH TO BE SWEEPED DAILY.
6. ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO A NOMINATED SOIL STOCKPILE.

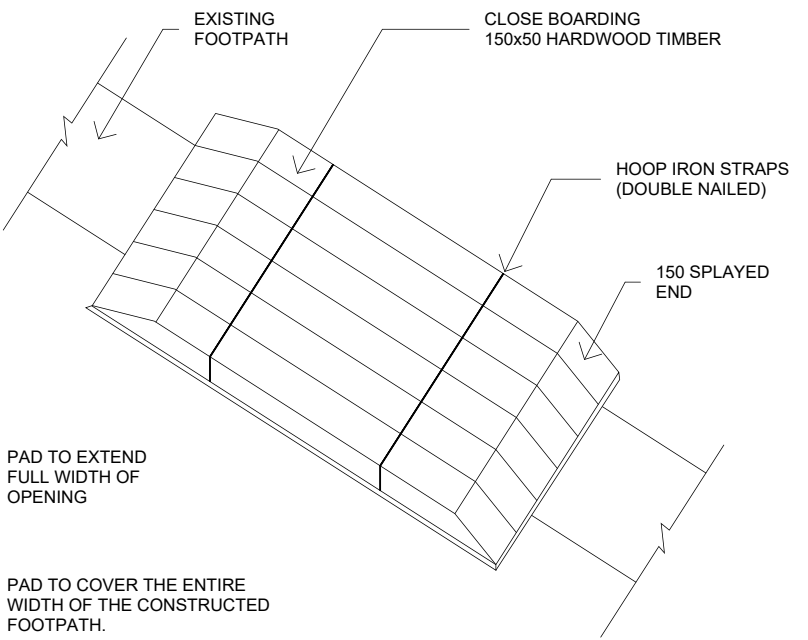
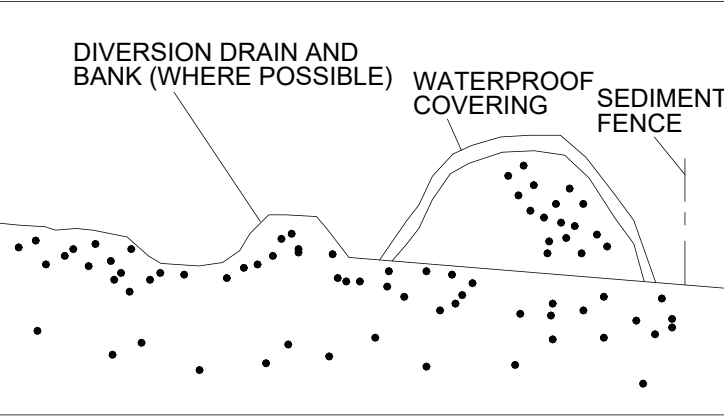
SILTATION MANAGEMENT PROCEDURE:

1. ERECT SILT FENCE & GRAVEL DRAIN
2. DEMOLISH EXISTING BUILDING
3. EXCAVATE BASEMENT AND PLACE TEMPORARY PUMPOUT SEDIMENT PIT
4. FINISH CONSTRUCTION
5. SILT FENCE AND GRAVEL DRAIN ARE NOT TO BE REMOVED UNTIL CONSTRUCTION IS COMPLETE AND GARDEN HAS BEEN FULLY RE-VEGETATED.

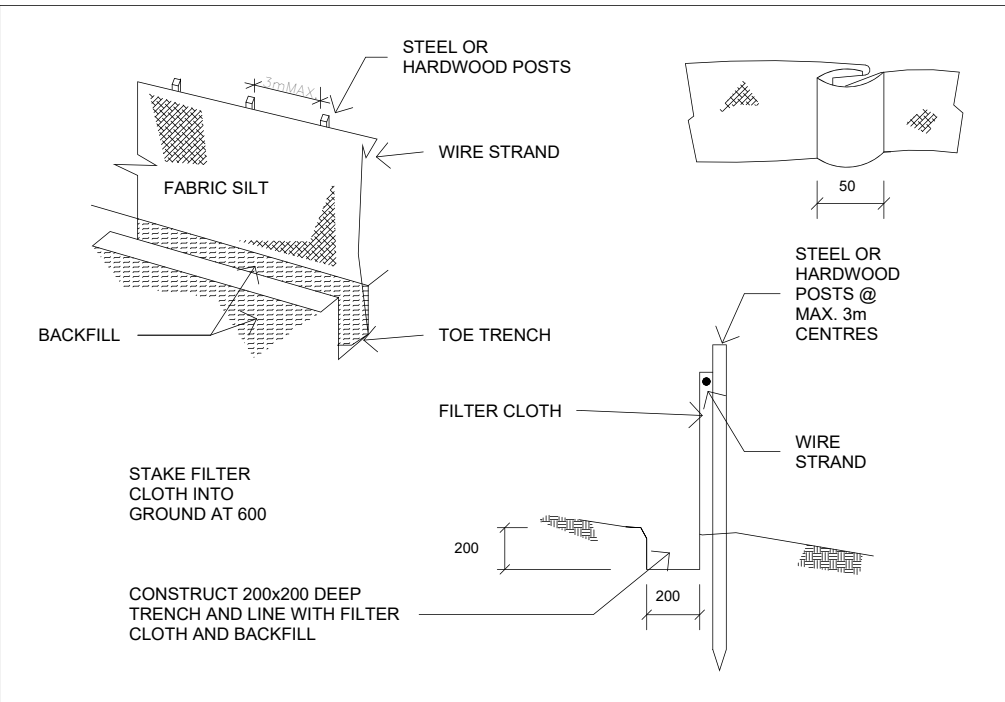
SILT FENCES:

1. FILTERS SILT FROM LOW TO MEDIUM FLOWS OF SURFACE WATER ON GENTLY SLOPING OR STEEP UNEVEN TERRAIN.
2. CONSIST OF A FILTER FABRIC (GEOTEXTILE FILLER), ATTACHED TO A STEEL WIRE OR CABLE, WHICH IS SUPPORTED ON 900mm LONG STEEL OR WOODEN POSTS AT 2.5-3.0m CENTRES.
3. THE LOWER END OF THE FABRIC IS EMBEDDED INTO THE GROUND, AS SHOWN IN FIGURE 1.
4. GENERALLY FOLLOW THE CONTOURS OF THE LAND.

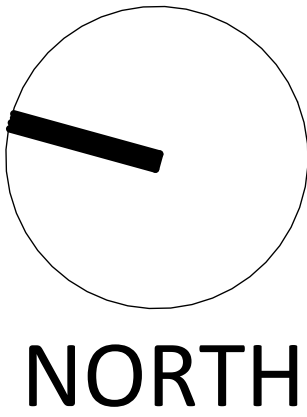
SILT FENCE DETAILS  
BUILDING MATERIAL STOCKPILES



TEMPORARY CONSTRUCTION EXIT

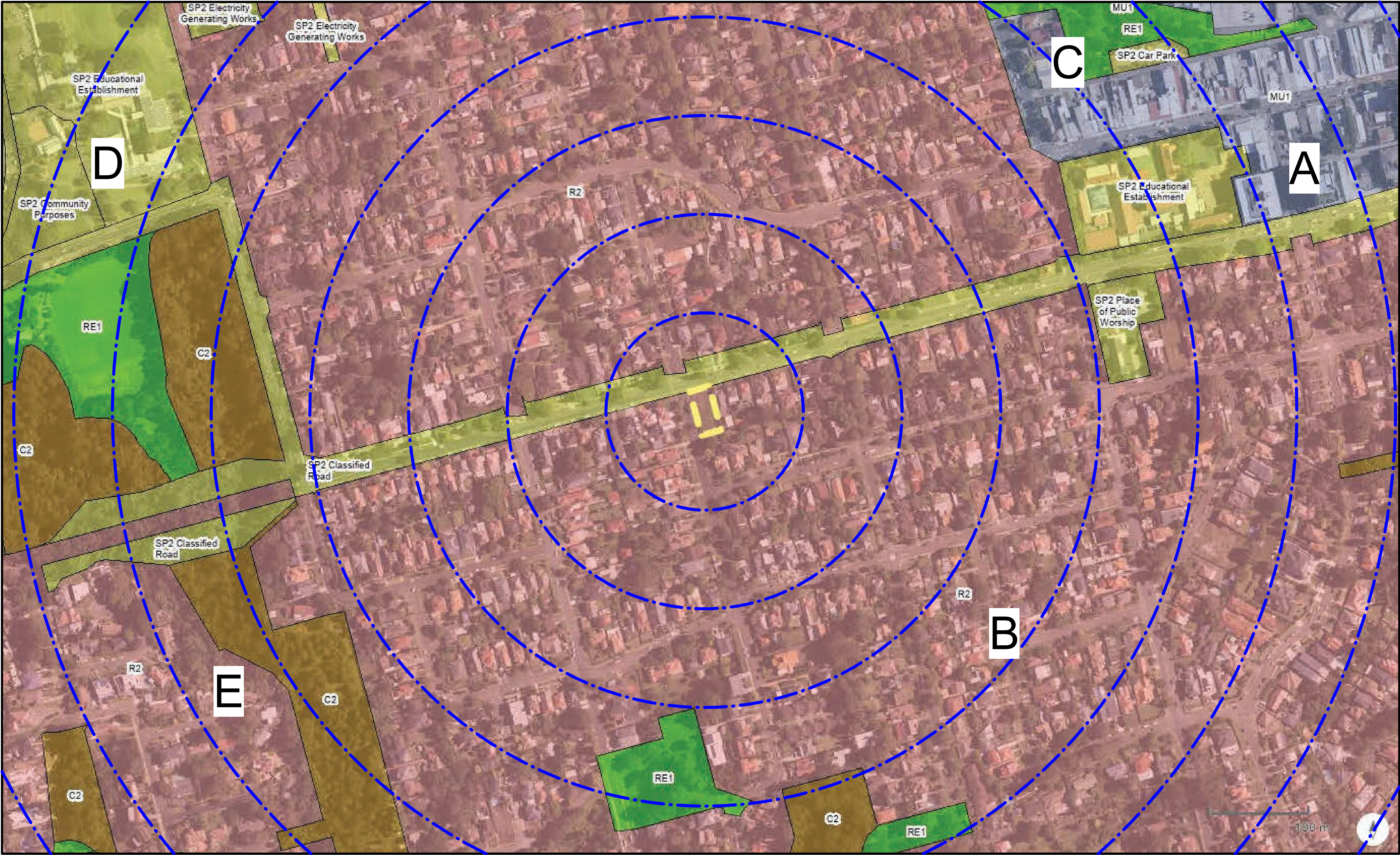


FOR DEVELOPMENT  
APPLICATION



| AMENDMENTS                            |             |          | PROJECT: CHILDCARE DEVELOPMENT       |  | DRAWING TITLE: SEDIMENT CONTROL AND WASTE MANAGEMENT PLAN |  |
|---------------------------------------|-------------|----------|--------------------------------------|--|---|--|
| No.                                   | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                |  | DRAWING No: DA03  |  |
| A                                     | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD |  | DRAWN BY: PE  |  |
| ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |             |          | ISSUE FOR:                           |  | JOB No: 10297   |  |
|                                       |             |          |                                      |  | REVISION: A   |  |

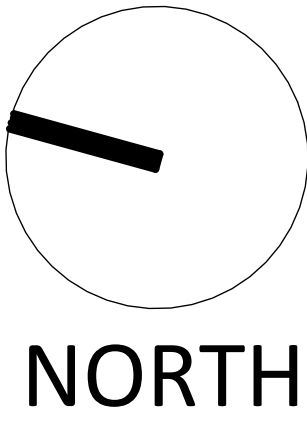




LANDMARKS

- A - EASTWOOD SHOPPOING CENTRE
- B - KANCHANA'S DAYCARE
- C - EASTWOOD CHILDCARE CENTRE
- D - CORRECTIVE SERVICES ACADEMY
- E - BRUSH FARM PARK

FOR DEVELOPMENT  
APPLICATION

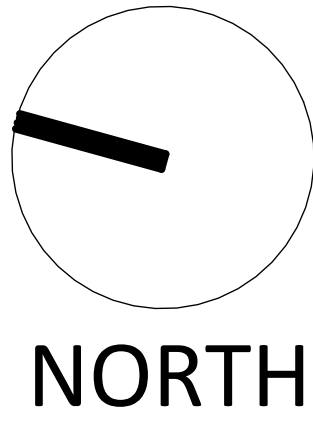


| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: SITE CONTEXT PLAN |  |
|------------|-------------|----------|---------------------------------------|--|----------------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA04                 |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE                     |  |
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|            |             |          | ISSUE FOR:                            |  | REVISION: A                      |  |

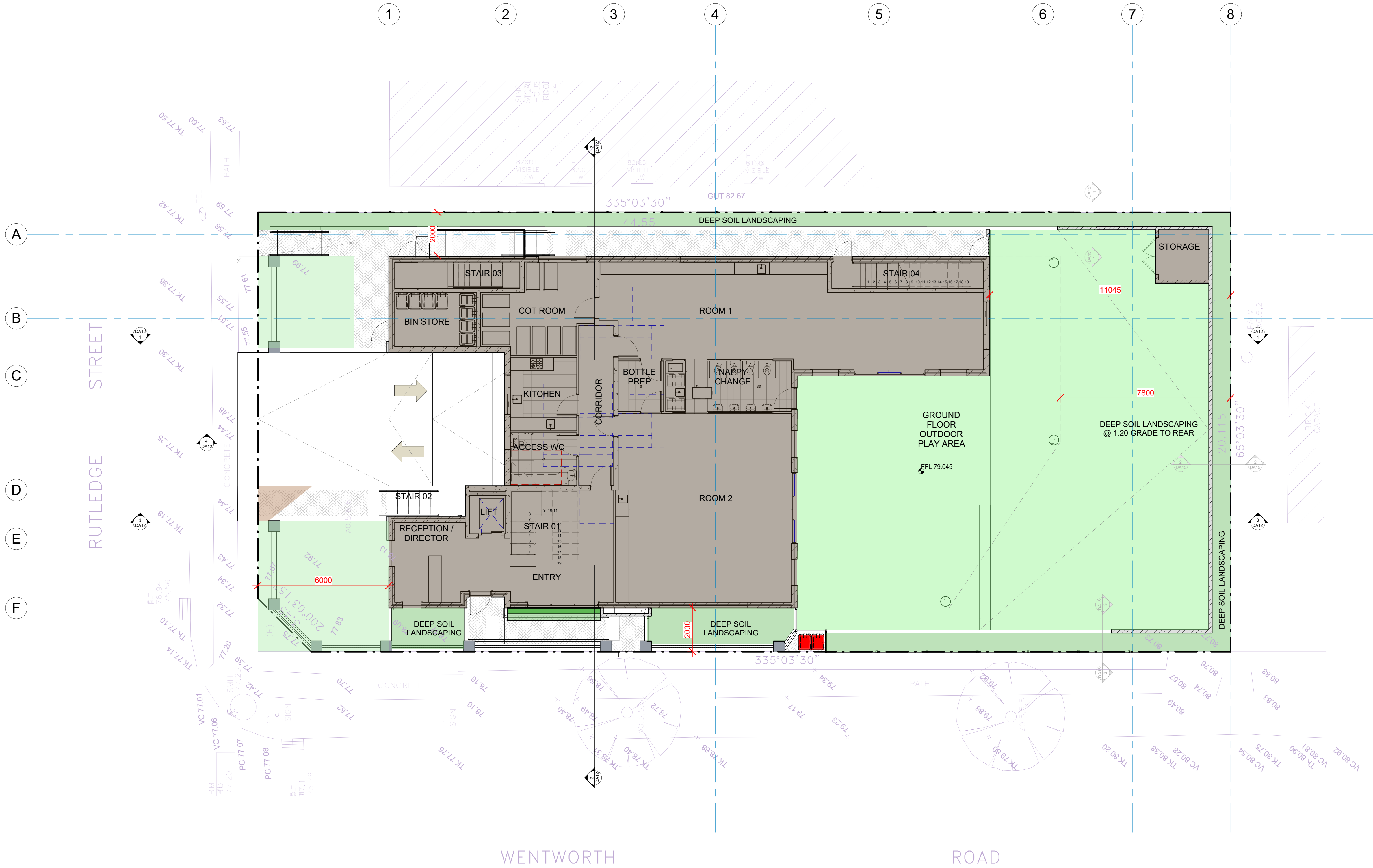


2 Site Analysis Plan  
1 : 100

FOR DEVELOPMENT  
APPLICATION



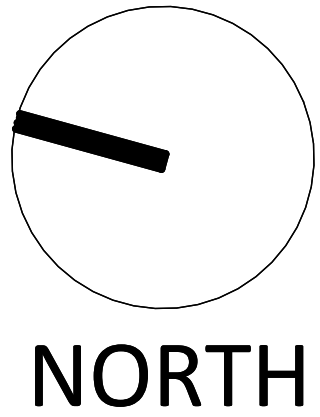
| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: SITE ANALYSIS PLAN |  |
|------------|-------------|----------|---------------------------------------|--|-----------------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA05                  |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE                      |  |
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|            |             |          | ISSUE FOR:                            |  | REVISION: A                       |  |



1 SITE PLAN  
1 : 100

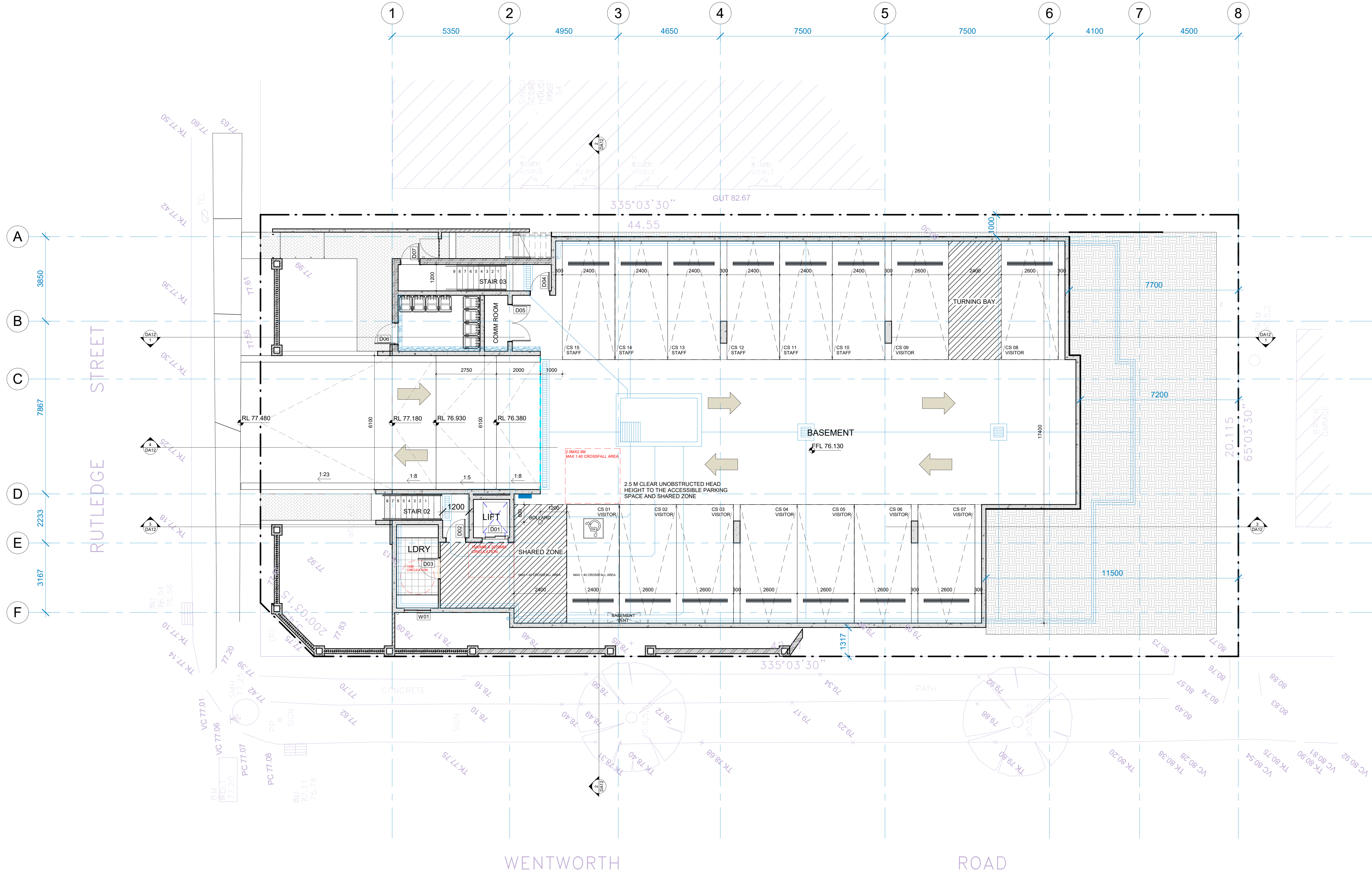
- Legend:
- Proposed Building
  - Soft Fall Area
  - Deep Soil Area

FOR DEVELOPMENT  
APPLICATION



| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: SITE PLAN |  |
|------------|-------------|----------|---------------------------------------|--|--------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA06         |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE             |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | JOB No: 10297            |  |
|            |             |          | ISSUE FOR:                            |  | REVISION: A              |  |
|            |             |          | SCALE @ A1: 1 : 100                   |  | DATE: 20.04.2023         |  |



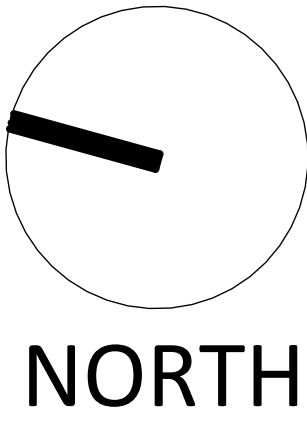


1 Basement Level  
1 : 100

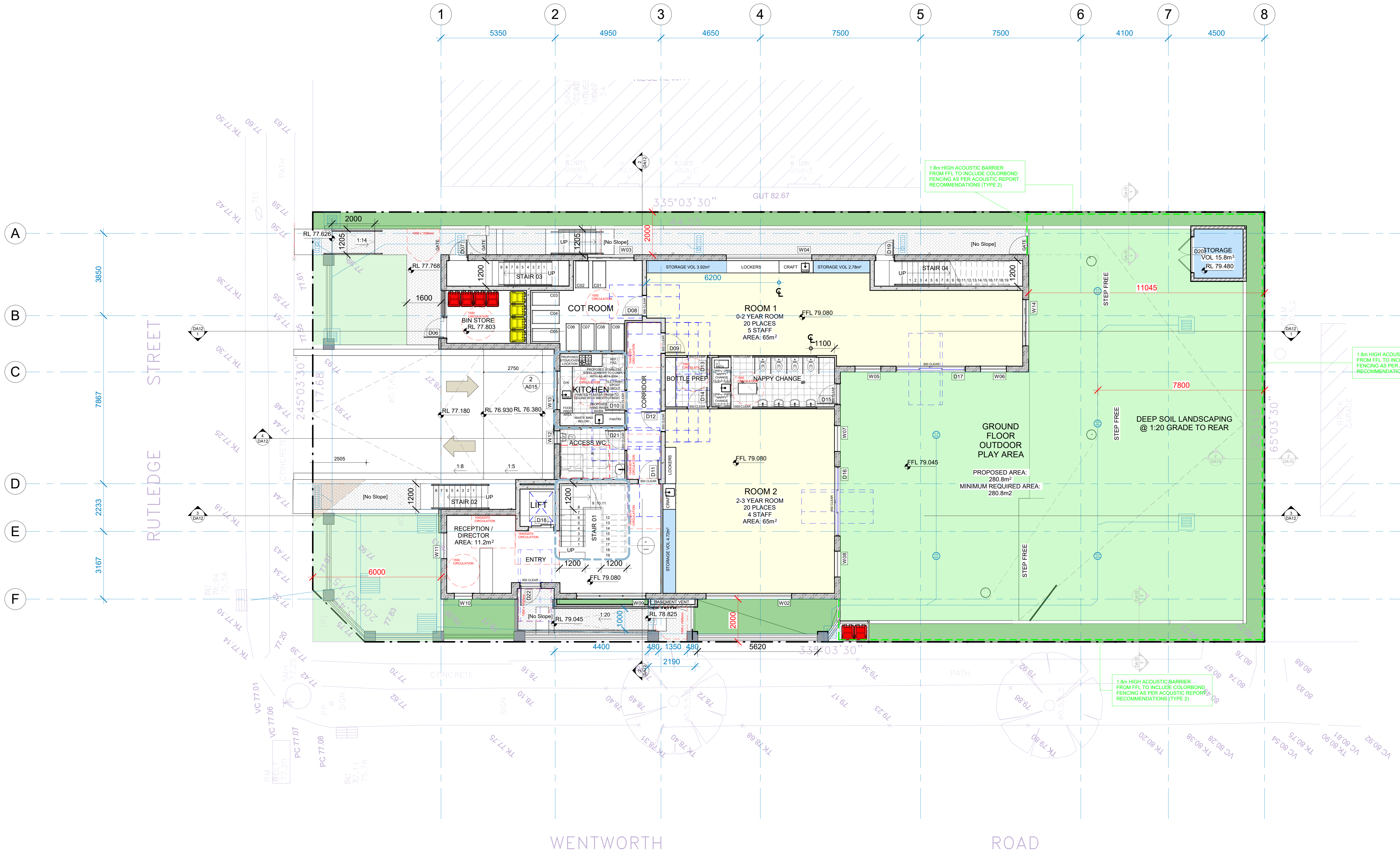
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| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: BASEMENT PLAN |  |
|------------|-------------|----------|---------------------------------------|--|------------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA07             |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE                 |  |
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|            |             |          | ISSUE FOR:                            |  | REVISION: A                  |  |

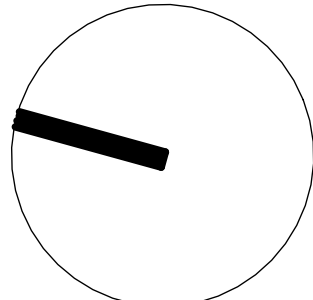


1 Ground Floor Plan  
1 : 100

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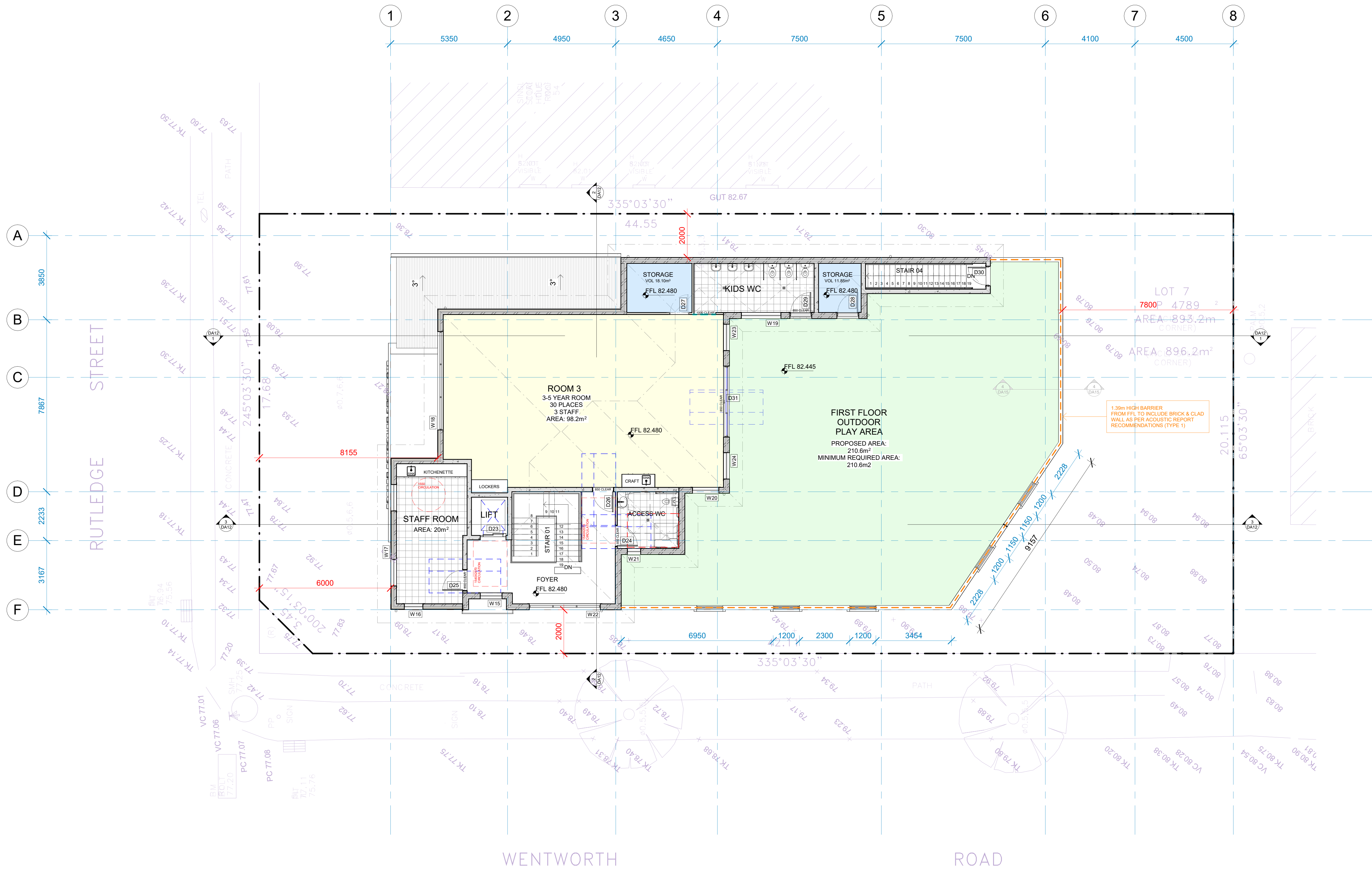
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FOR DEVELOPMENT  
APPLICATION



| AMENDMENTS                            |             |          | PROJECT: CHILDCARE DEVELOPMENT       |                     | DRAWING TITLE: GROUND FLOOR PLAN |  |
|---------------------------------------|-------------|----------|--------------------------------------|---------------------|----------------------------------|--|
| No.                                   | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                | SCALE @ A1: 1 : 100 | DRAWING No: DA08                 |  |
| A                                     | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD | DATE: 20.04.2023    | DRAWN BY: PE                     |  |
| ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |             |          | ISSUE FOR:                           |                     | JOB No: 10297                    |  |
|                                       |             |          |                                      |                     | REVISION: A                      |  |



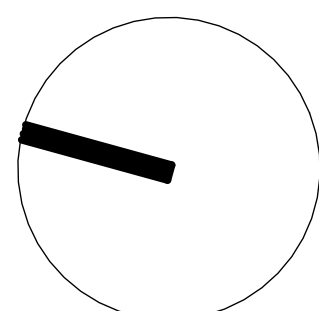


1 First Floor Level  
1 : 100

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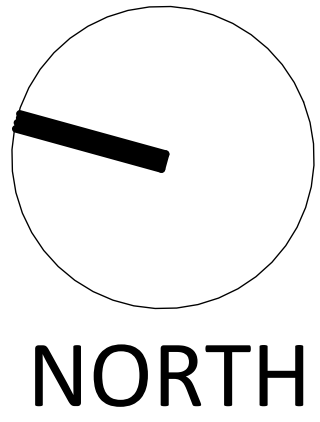
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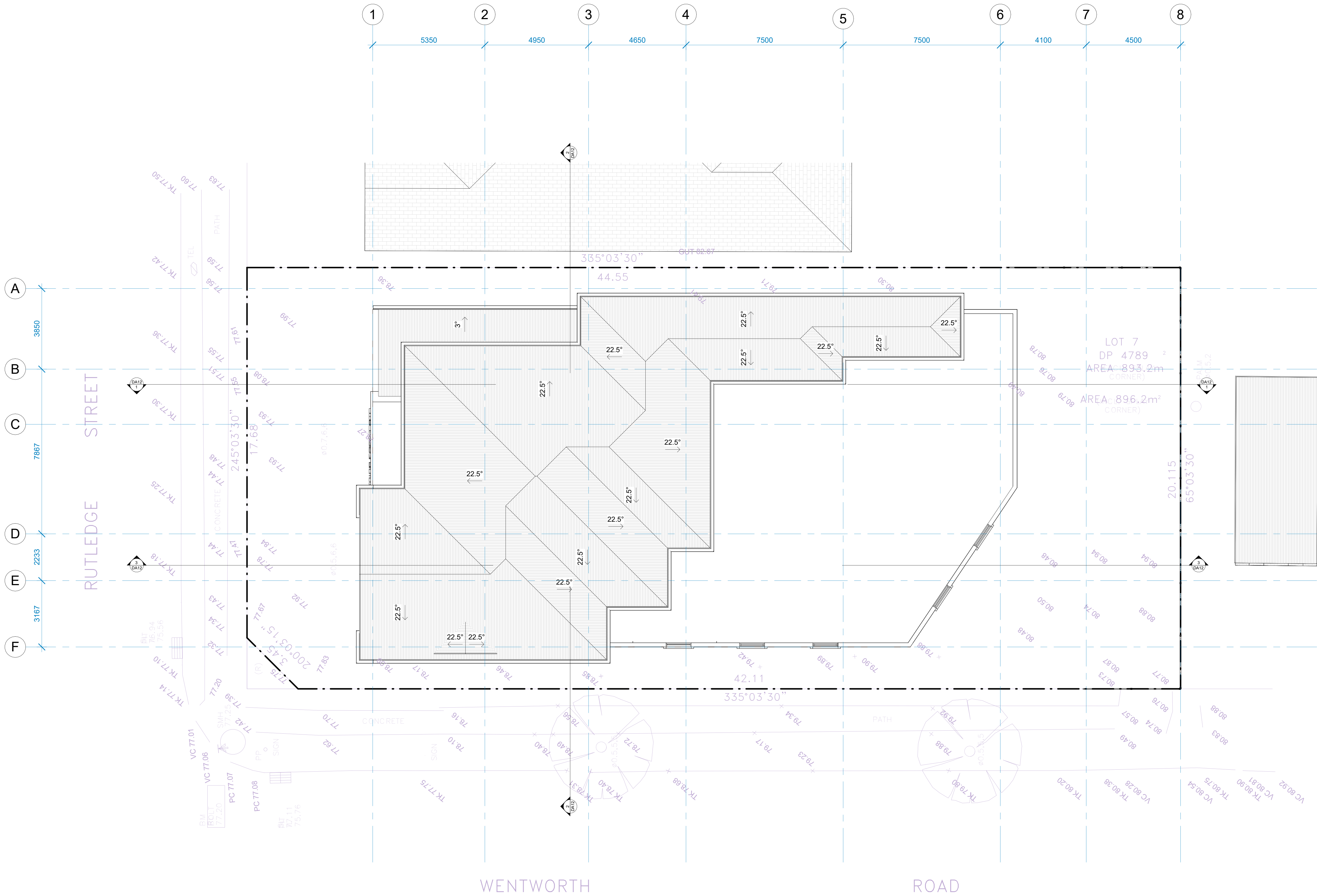


| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: FIRST FLOOR PLAN |  |
|------------|-------------|----------|---------------------------------------|--|---------------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA09                |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE                    |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | JOB No: 10297                   |  |
|            |             |          | ISSUE FOR:                            |  | REVISION: A                     |  |

FOR DEVELOPMENT  
APPLICATION

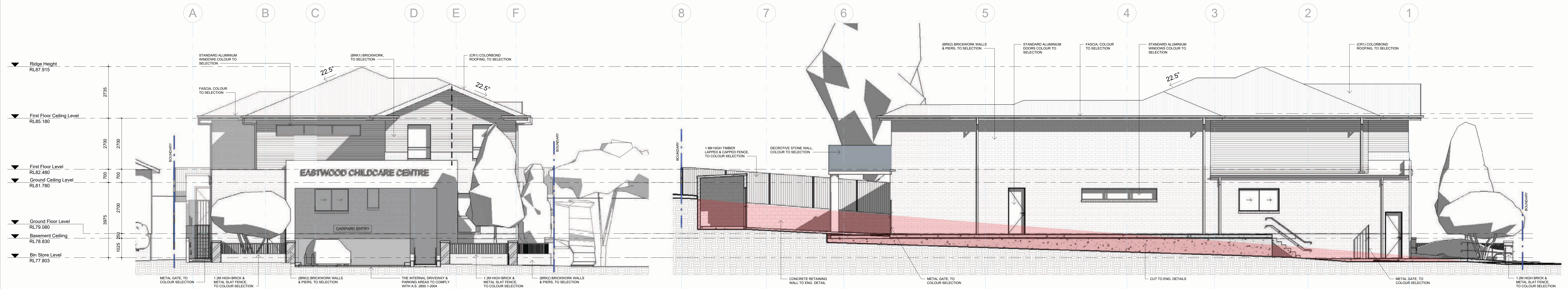


| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: ROOF PLAN |  |
|------------|-------------|----------|---------------------------------------|--|--------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA10         |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE             |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | REVISION: A              |  |
|            |             |          | SCALE @ A1: 1 : 100                   |  | DATE: 20.04.2023         |  |
|            |             |          | ISSUE FOR:                            |  | JOB No: 10297            |  |



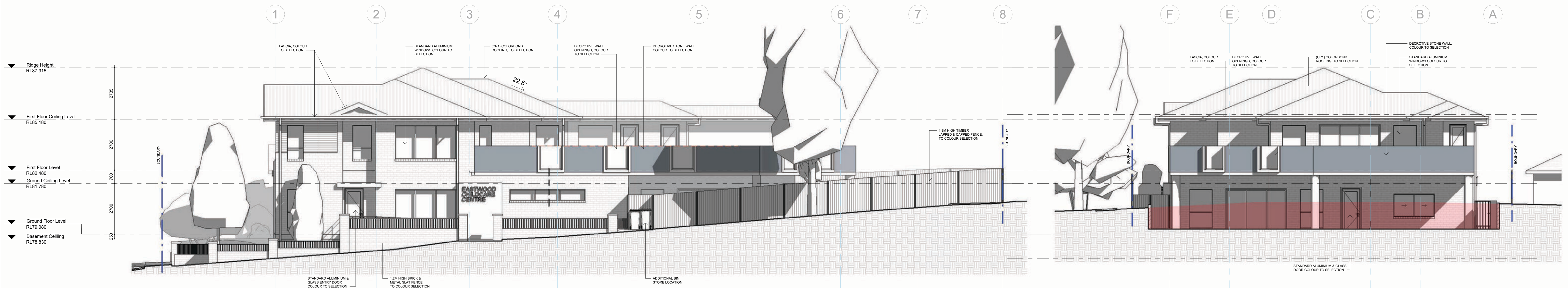
1 Roof Plan  
1 : 100





1 NORTH ELEVATION  
1 : 100

2 EAST ELEVATION  
1 : 100



3 WEST ELEVATION  
1 : 100

4 SOUTH ELEVATION  
1 : 100

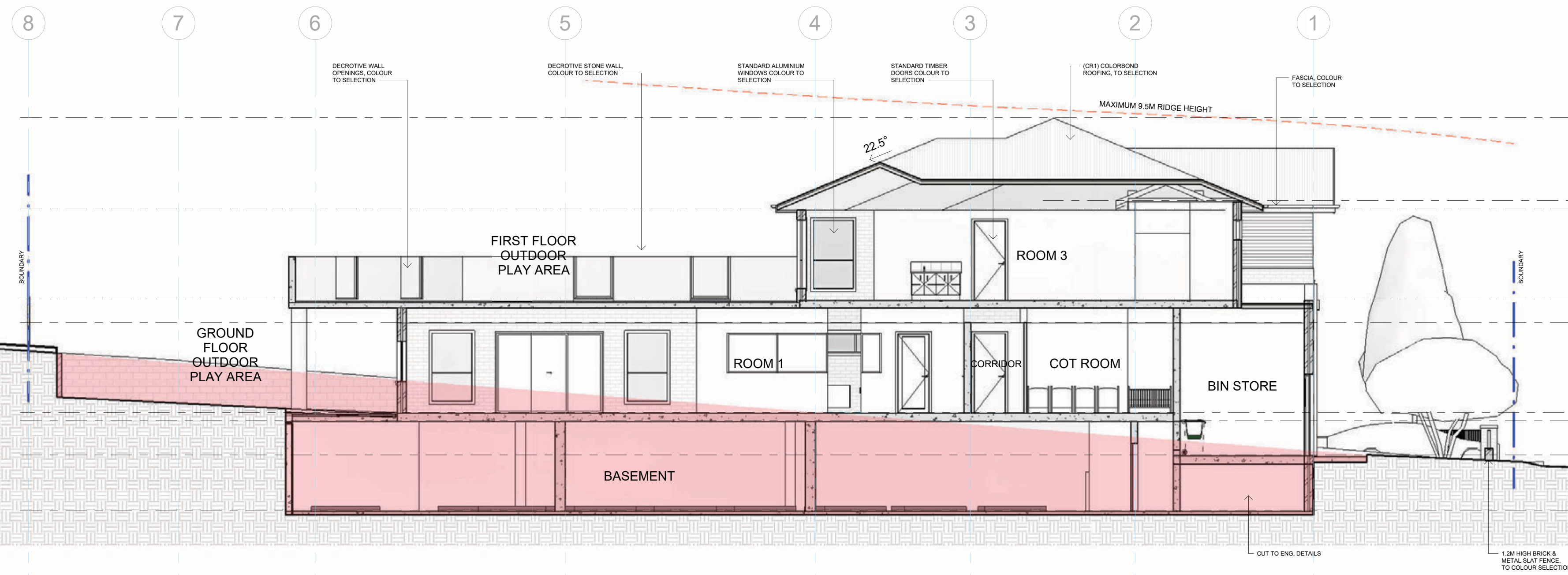
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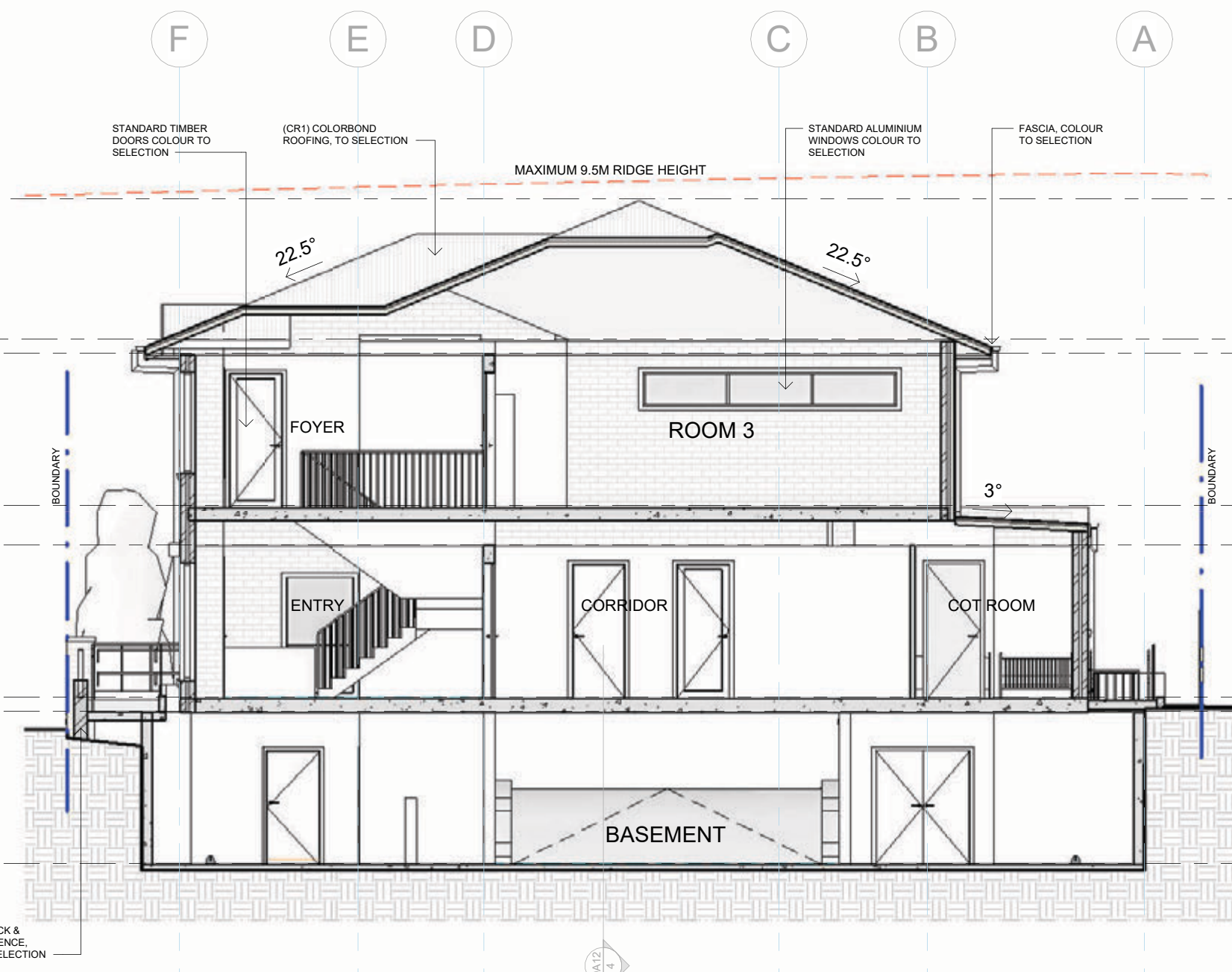
FOR DEVELOPMENT  
APPLICATION

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |                     | DRAWING TITLE: ELEVATIONS |             |
|------------|-------------|----------|---------------------------------------|---------------------|---------------------------|-------------|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 | SCALE @ A1: 1 : 100 | DRAWING No: DA11          |             |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  | DATE: 20.04.2023    | DRAWN BY: PE              |             |
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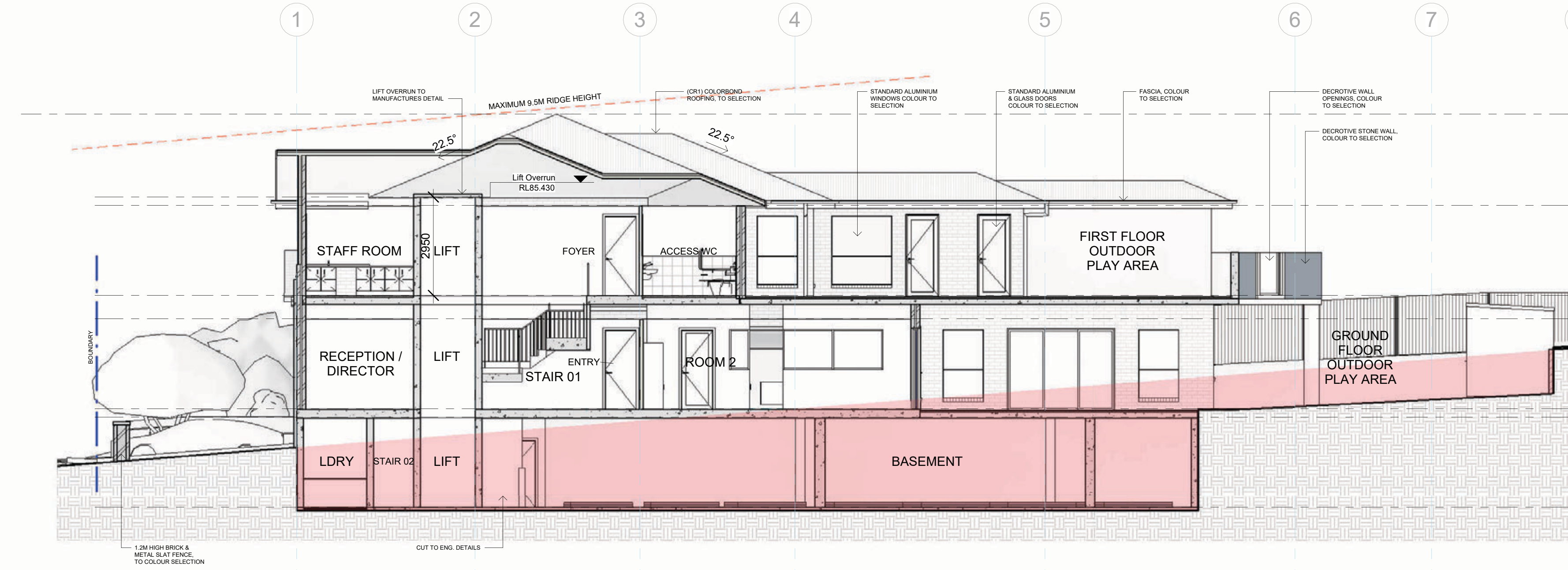




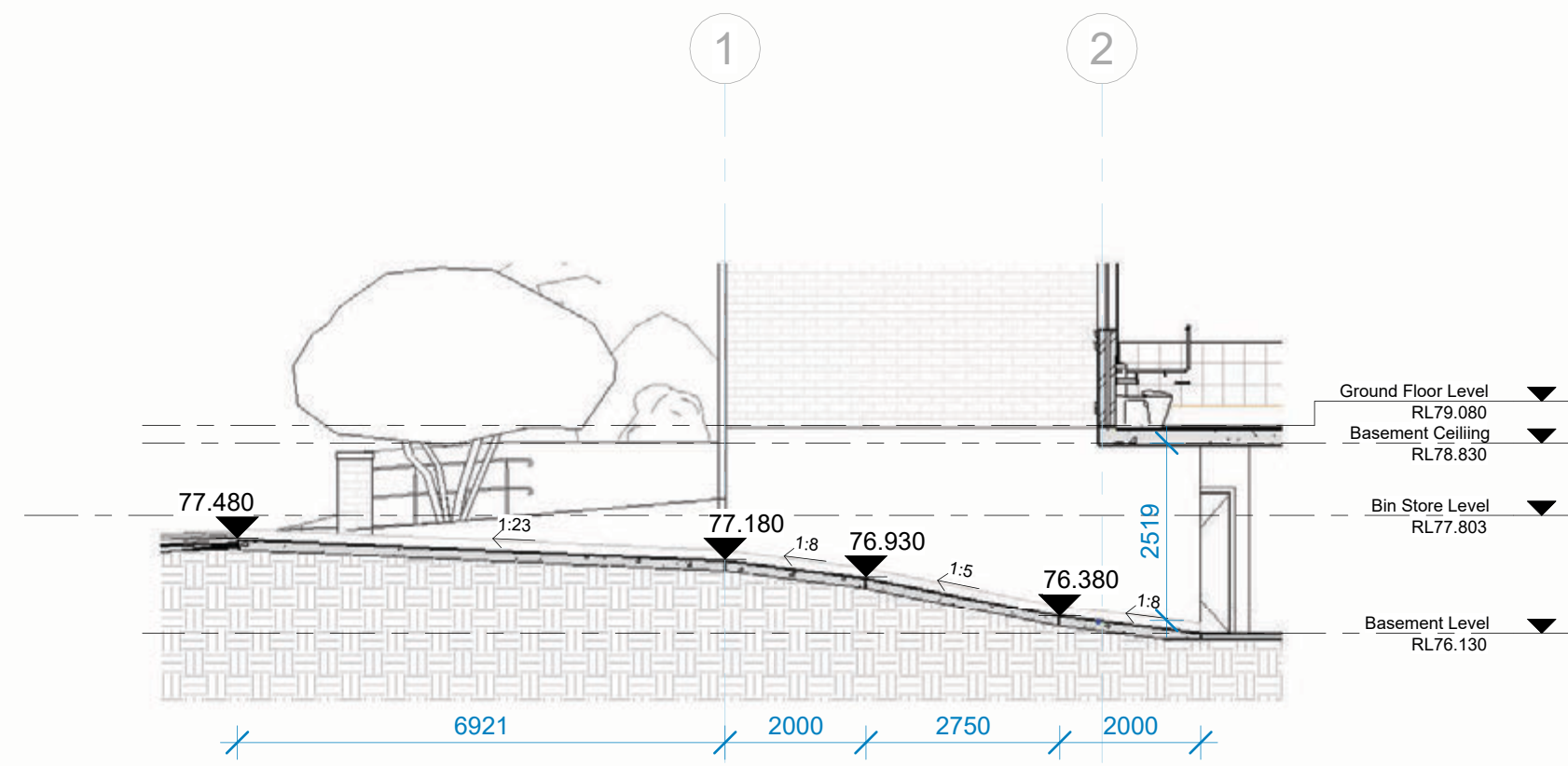
1 SECTION  
1 : 100



2 SECTION  
1 : 100



3 SECTION  
1 : 100

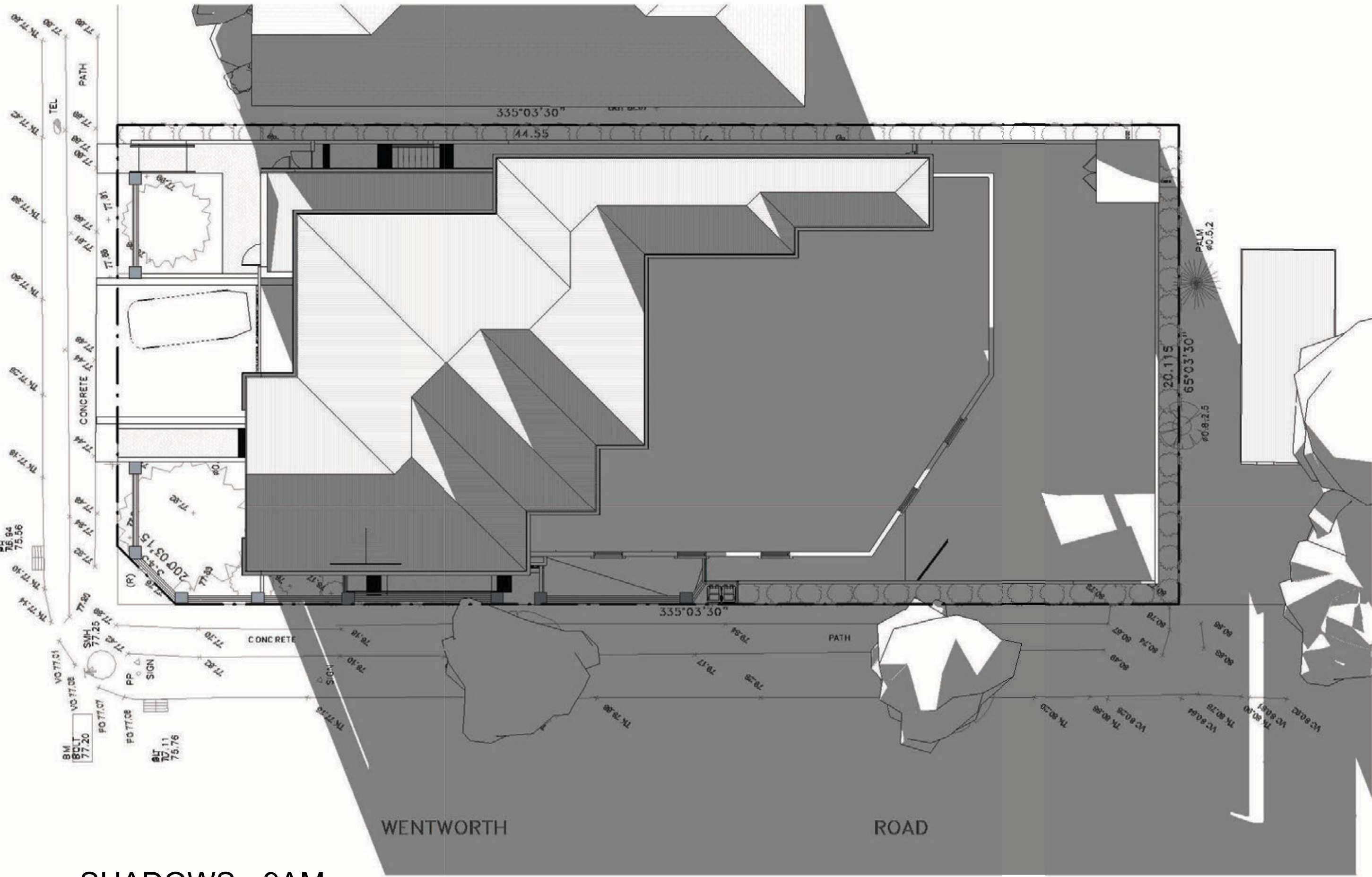


4 DRIVEWAY PROFILE  
1 : 100

FOR DEVELOPMENT  
APPLICATION

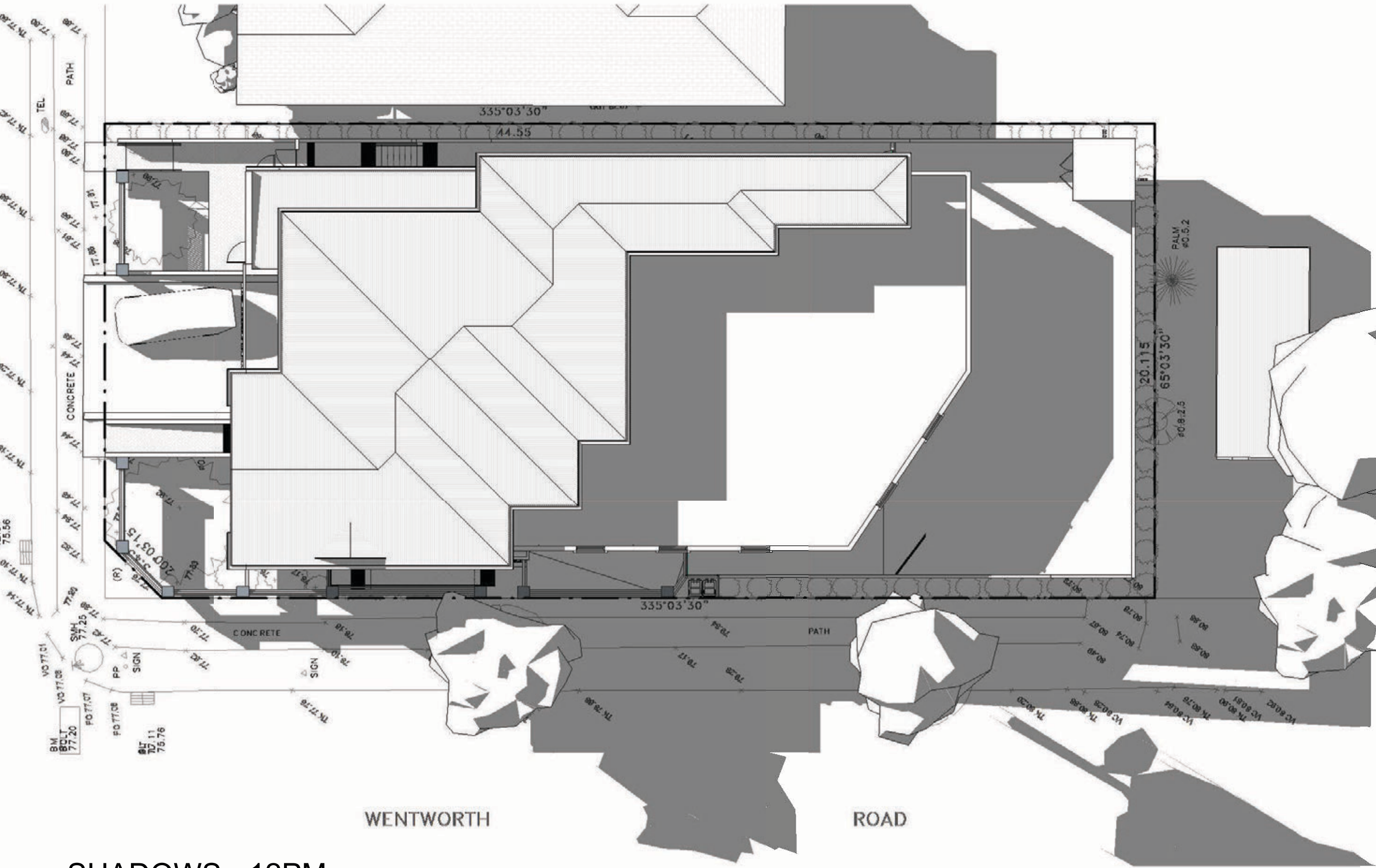


RUTLEDGE STREET



SHADOWS - 9AM

1 : 150



SHADOWS - 12PM

1 : 150

RUTLEDGE STREET



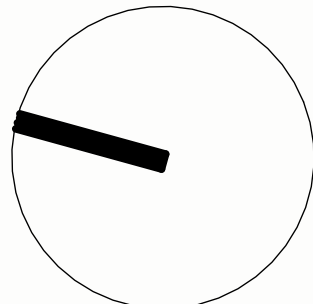
SHADOWS - 3PM

1 : 150

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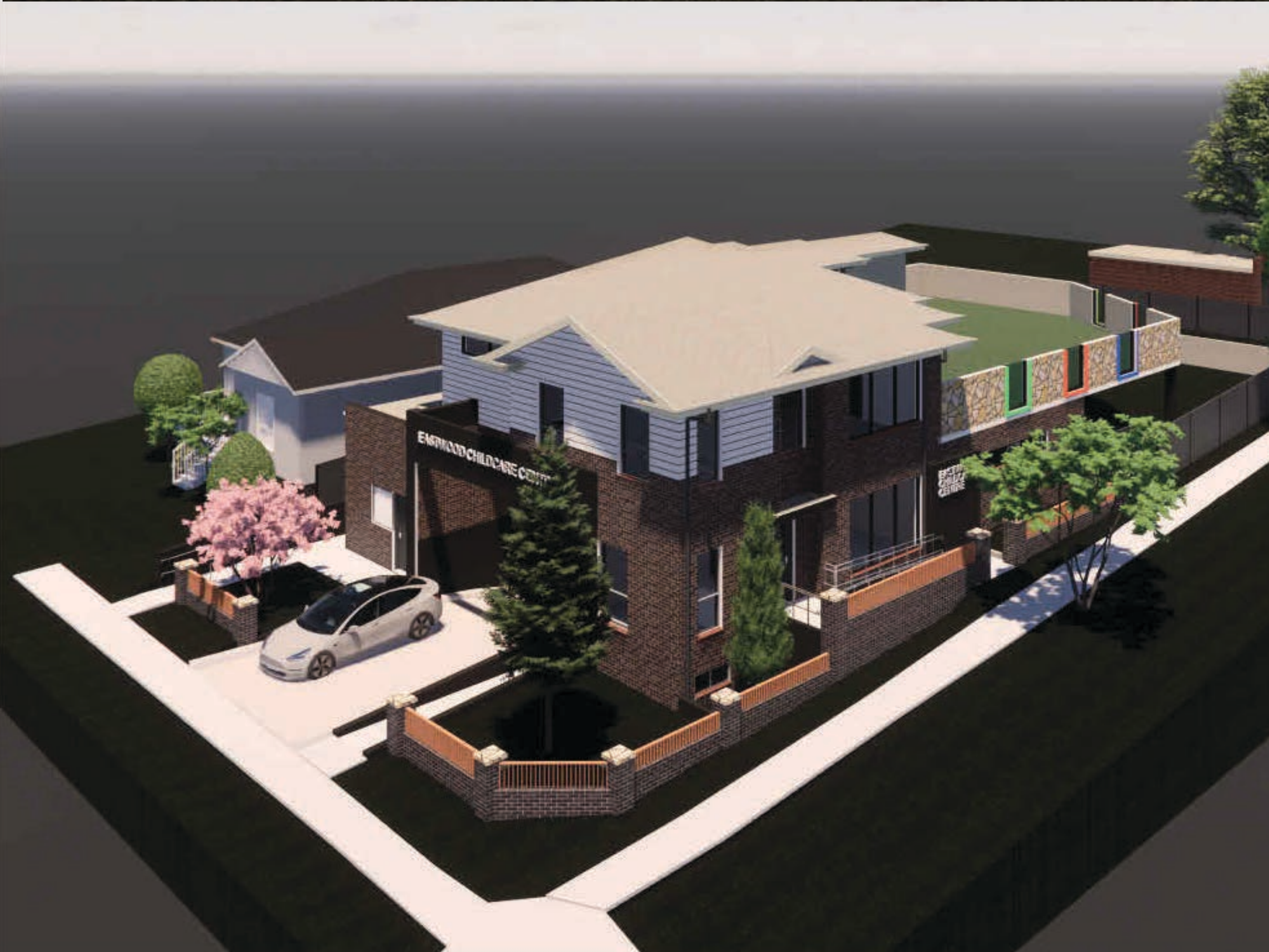
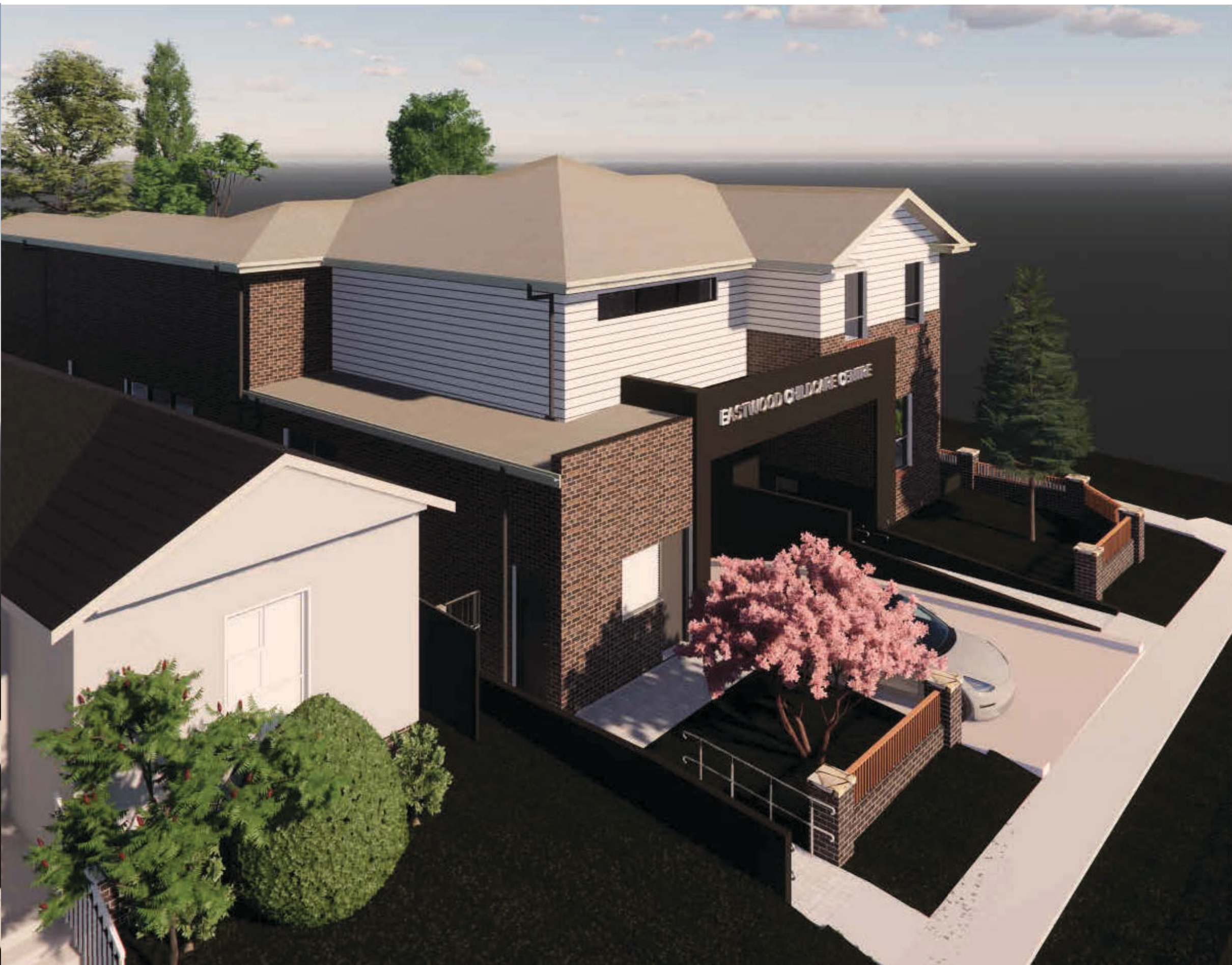
FOR DEVELOPMENT  
APPLICATION



NORTH

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |                     | DRAWING TITLE: SHADOWS |             |
|------------|-------------|----------|---------------------------------------|---------------------|------------------------|-------------|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 | SCALE @ A1: 1 : 150 | DRAWING No: DA13       |             |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  | DATE: 20.04.2023    | DRAWN BY: PE           |             |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD | ISSUE FOR:          | JOB No: 10297          | REVISION: A |

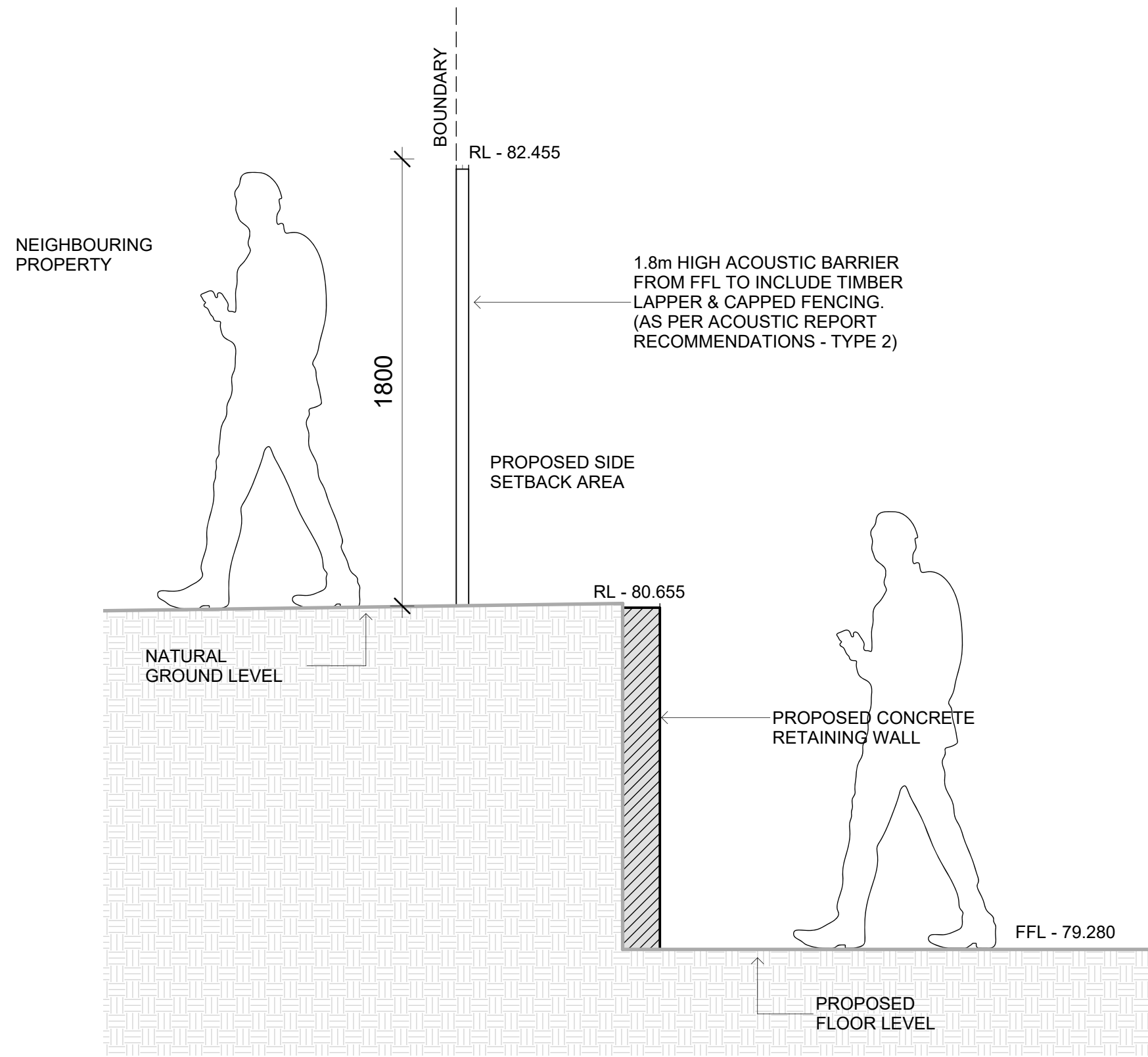




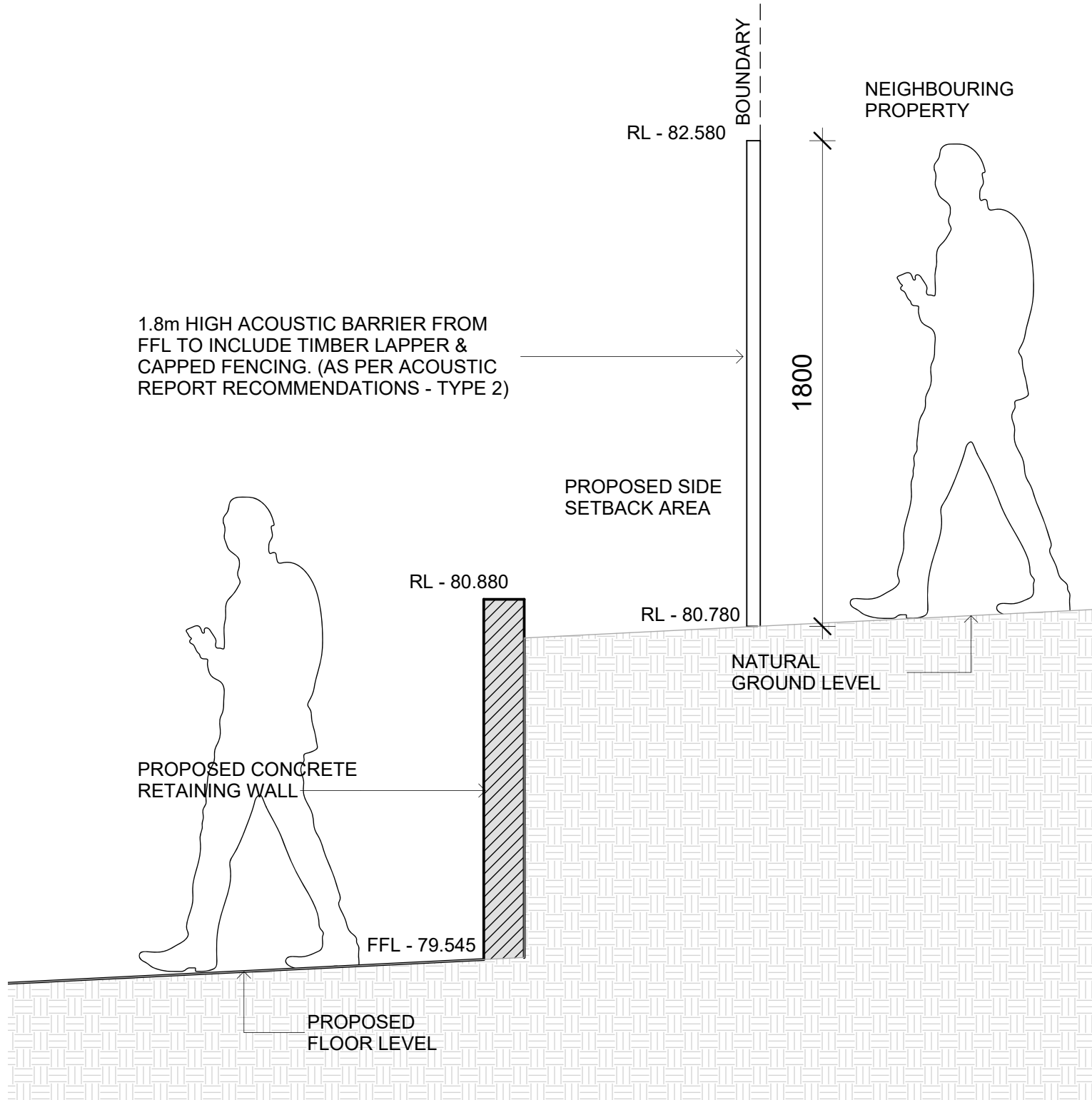
FOR DEVELOPMENT  
APPLICATION

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT |                              | DRAWING TITLE:   | PERSPECTIVES                 |
|------------|-------------|----------|--------------------------------|------------------------------|------------------|------------------------------|
| No.        | DESCRIPTION | DATE     | COUNCIL:                       | RYDE COUNCIL                 | SCALE @ A1:      | DRAWING No: DA14             |
| A          | DA Issue    | 25.06.24 | CLIENT:                        | LANDCORP DEVELOPMENT PTY LTD | DATE: 20.04.2023 | DRAWN BY: PE                 |
|            |             |          | ADDRESS:                       | 56 RUTLEDGE STREET, EASTWOOD | ISSUE FOR:       | JOB No: 10297<br>REVISION: A |

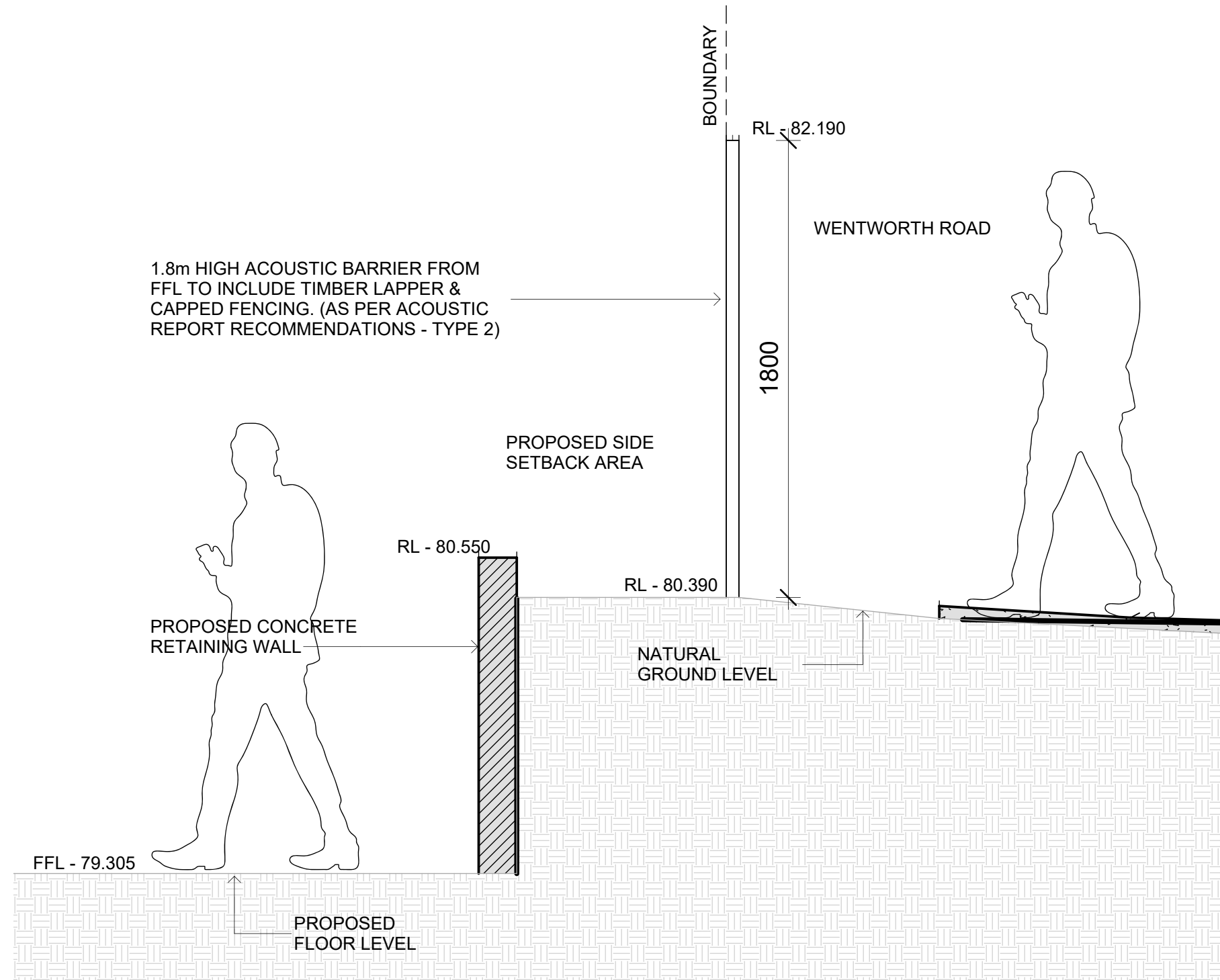




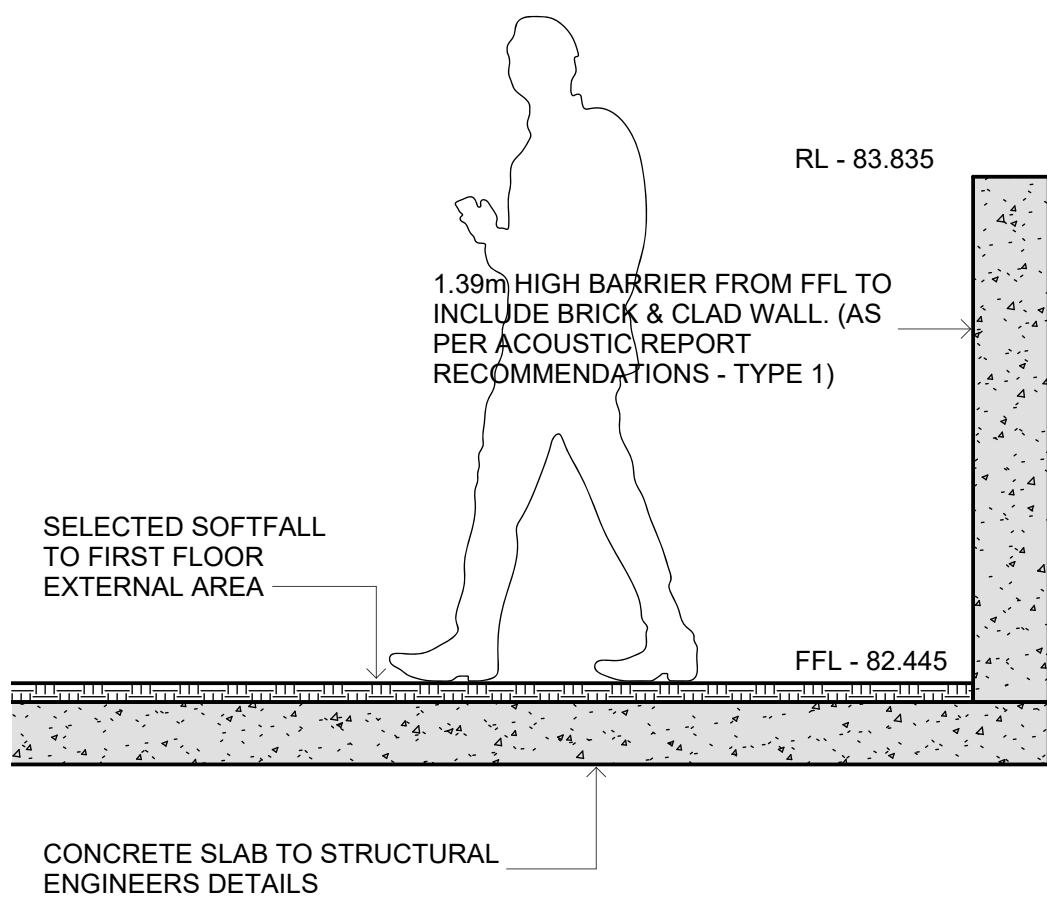
1 ACOUSTIC BARRIER TYPE 2 - EASTERN BDRY  
1 : 20



2 ACOUSTIC BARRIER TYPE 2 - SOUTHERN BDY  
1 : 20



3 ACOUSTIC BARRIER TYPE 2 - WESTERN BDY  
1 : 20



4 ACOUSTIC BARRIER TYPE 1 - FIRST FLOOR  
1 : 20

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|------------|-------------|----------|---------------------------------------|-------------|------------|---|-----------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 | SCALE @ A1: | 1 : 20     | DRAWING No:                             | DA15      |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  | DATE:       | 20.04.2023 | DRAWN BY:                               | PE        |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD | ISSUE FOR:  |            | JOB No:                                 | REVISION: |  |

10297 A



1 CONCEPT LANDSCAPE PLAN  
1 : 100

LEGEND

DEEP SOIL LANDSCAPE AREA

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|------------|-------------|----------|----------|------------------------------|---------------------------------------|
| No.        | DESCRIPTION | DATE     | PROJECT: | CHILDCARE DEVELOPMENT        | DRAWING TITLE: CONCEPT LANDSCAPE PLAN |
| A          | DA Issue    | 25.06.24 | COUNCIL: | RYDE COUNCIL                 | SCALE @ A1: 1 : 100 DRAWING No: DA16  |
|            |             |          | CLIENT:  | LANDCORP DEVELOPMENT PTY LTD | DATE: 20.04.2023 DRAWN BY: PE         |
|            |             |          | ADDRESS: | 56 RUTLEDGE STREET, EASTWOOD | ISSUE FOR: JOB No: REVISION:          |
|            |             |          |          |                              | 10297 A                               |



FOR DEVELOPMENT  
APPLICATION

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: CUT & FILL PLAN |  |
|------------|-------------|----------|---------------------------------------|--|--------------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | DRAWING No: DA17               |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWN BY: PE                   |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | JOB No: 10297                  |  |
|            |             |          | REVISION: A                           |  |                                |  |

RUTLEDGE STREET

WENTWORTH ROAD

ROAD

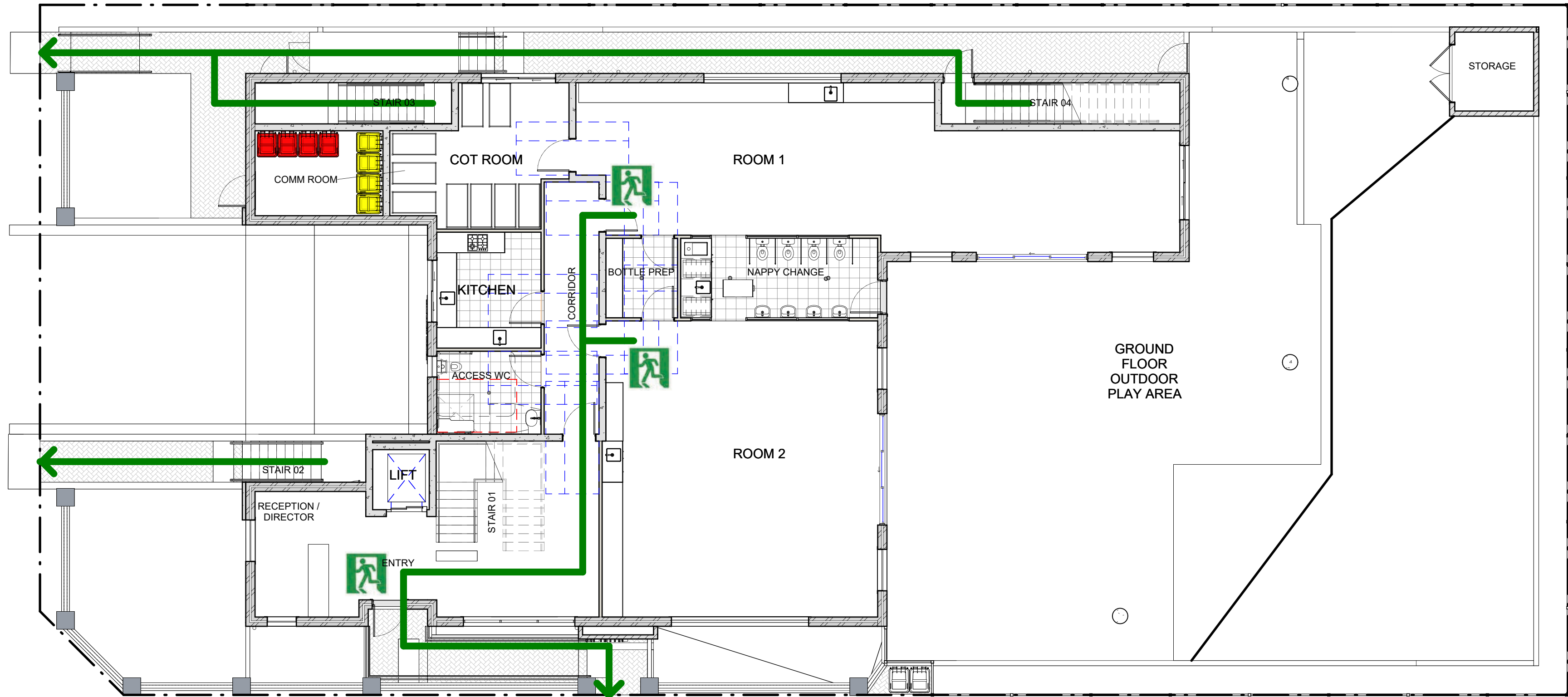
CUT & FILL  
LEGEND

CUT

- 0.5m
- 0.5 - 1.0m
- 1.0 - 1.5m
- 1.5 - 2.0m

FILL

- 0.5m
- 0.5 - 1.0m
- 1.0 - 1.5m



EMERGENCY PROCEDURES

R

Remove

Anyone in immediate danger

A

Alert others & raise the alarm

Advise all occupants, Contact Emergency Services,  
Contact Chief Warden

C

Contain

The emergency to an area

E

Evacuate

To a safer place

IN AN EMERGENCY

P

POLICE

FIRE

AMBULANCE

DIAL

000

LEGEND

Exit

Evacuation route

Alternate route

1

EMERGENCY EVACUATION PLAN - GF

1 : 100

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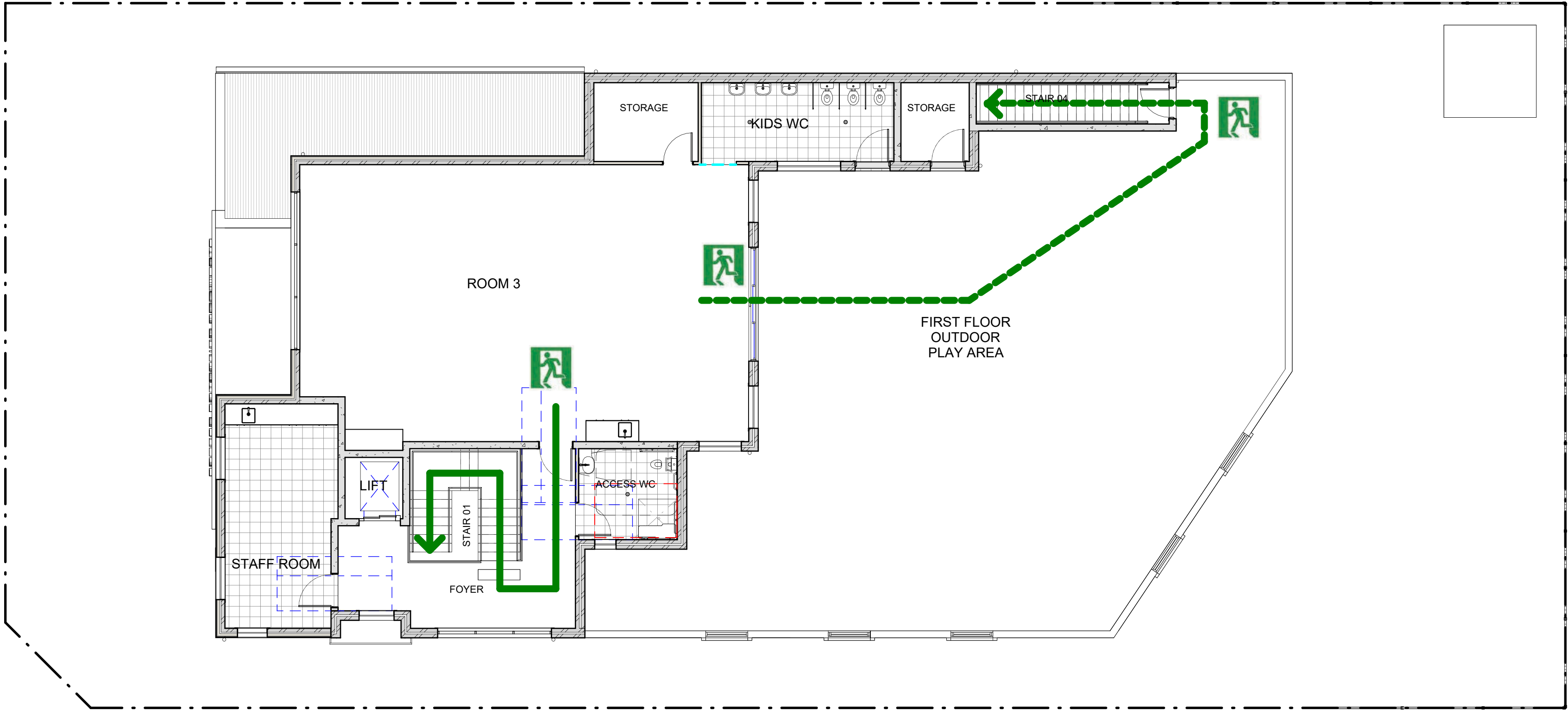
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|------------|-------------|----------|--------------------------------|------------------------------|-------------|---|-------------|-----------|
| No.        | DESCRIPTION | DATE     | COUNCIL:                       | RYDE COUNCIL                 | SCALE @ A1: | 1 : 100                                       | DRAWING No: | DA18      |
| A          | DA Issue    | 25.06.24 | CLIENT:                        | LANDCORP DEVELOPMENT PTY LTD | DATE:       | 20.04.2023                                    | DRAWN BY:   | PE        |
|            |             |          | ADDRESS:                       | 56 RUTLEDGE STREET, EASTWOOD | ISSUE FOR:  |   | JOB No:     | REVISION: |
|            |             |          |                                |                              |             | 10297   | A           |           |



FOR DEVELOPMENT  
APPLICATION



1 EMERGENCY EVACUATION PLAN - FF  
1 : 100

EMERGENCY PROCEDURES

R

Remove  
Anyone in immediate danger

A

Alert others & raise the alarm  
Advise all occupants, Contact Emergency Services,  
Contact Chief Warden

C

Contain  
The emergency to an area

E

Evacuate  
To a safer place

IN AN EMERGENCY

P

POLICE

FIRE

+

AMBULANCE

DIAL

000

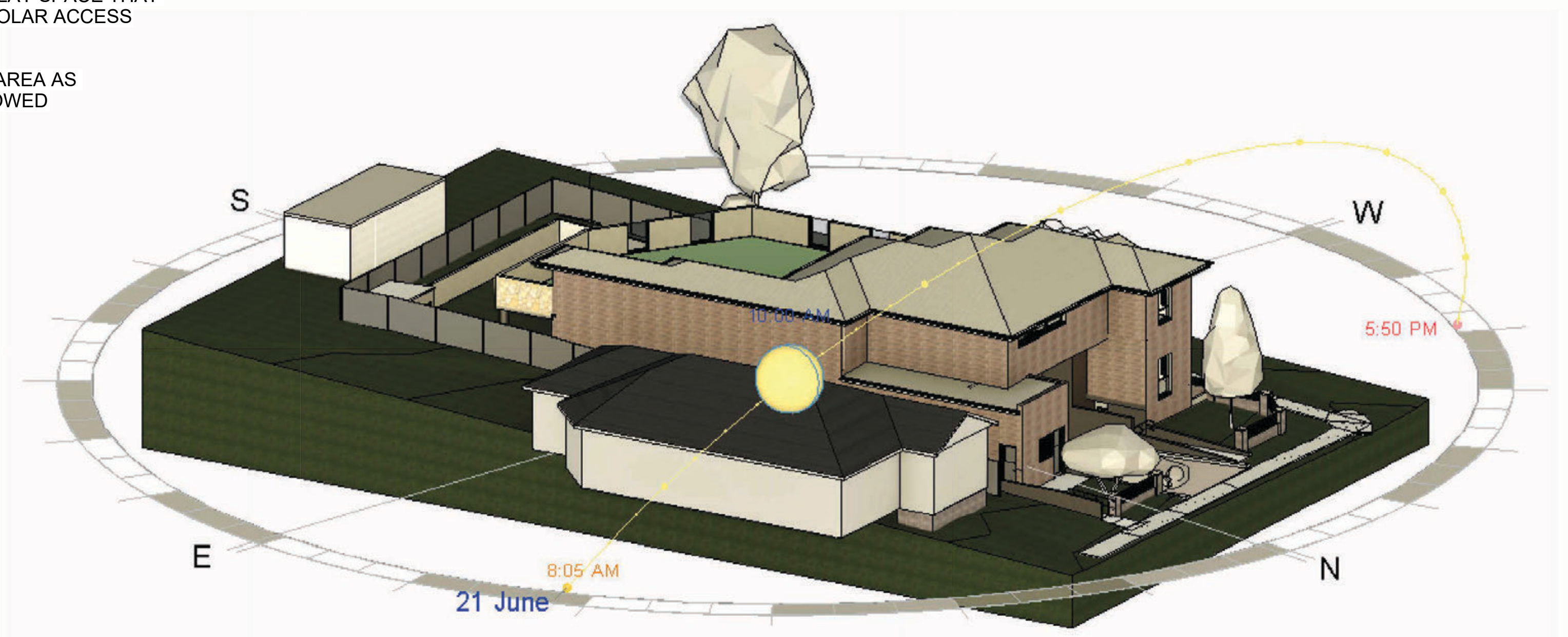
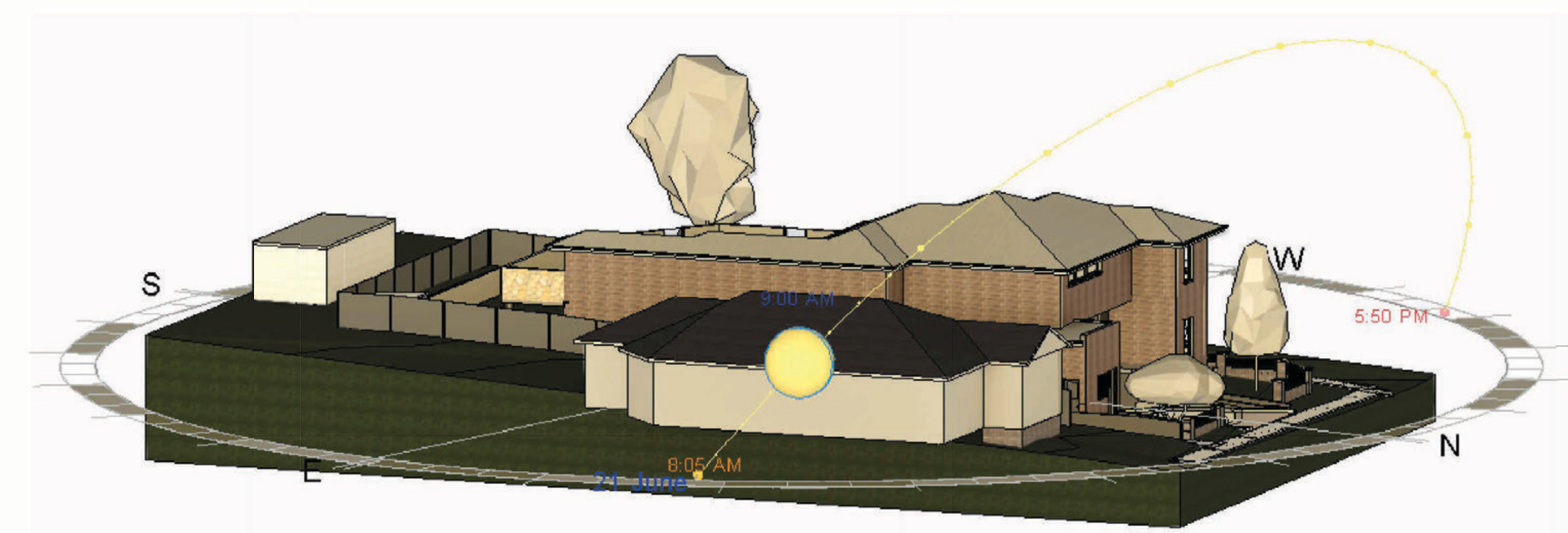
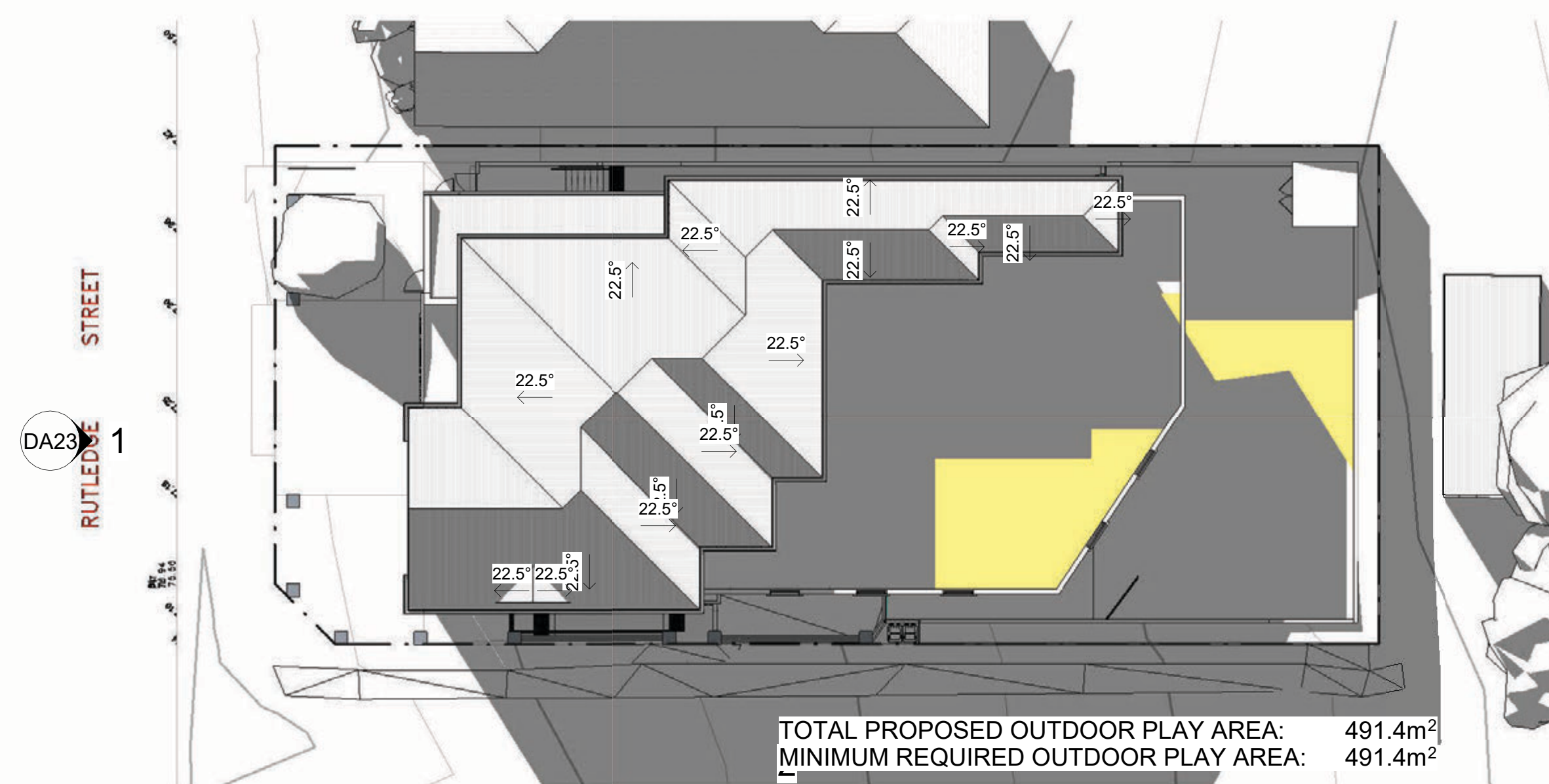
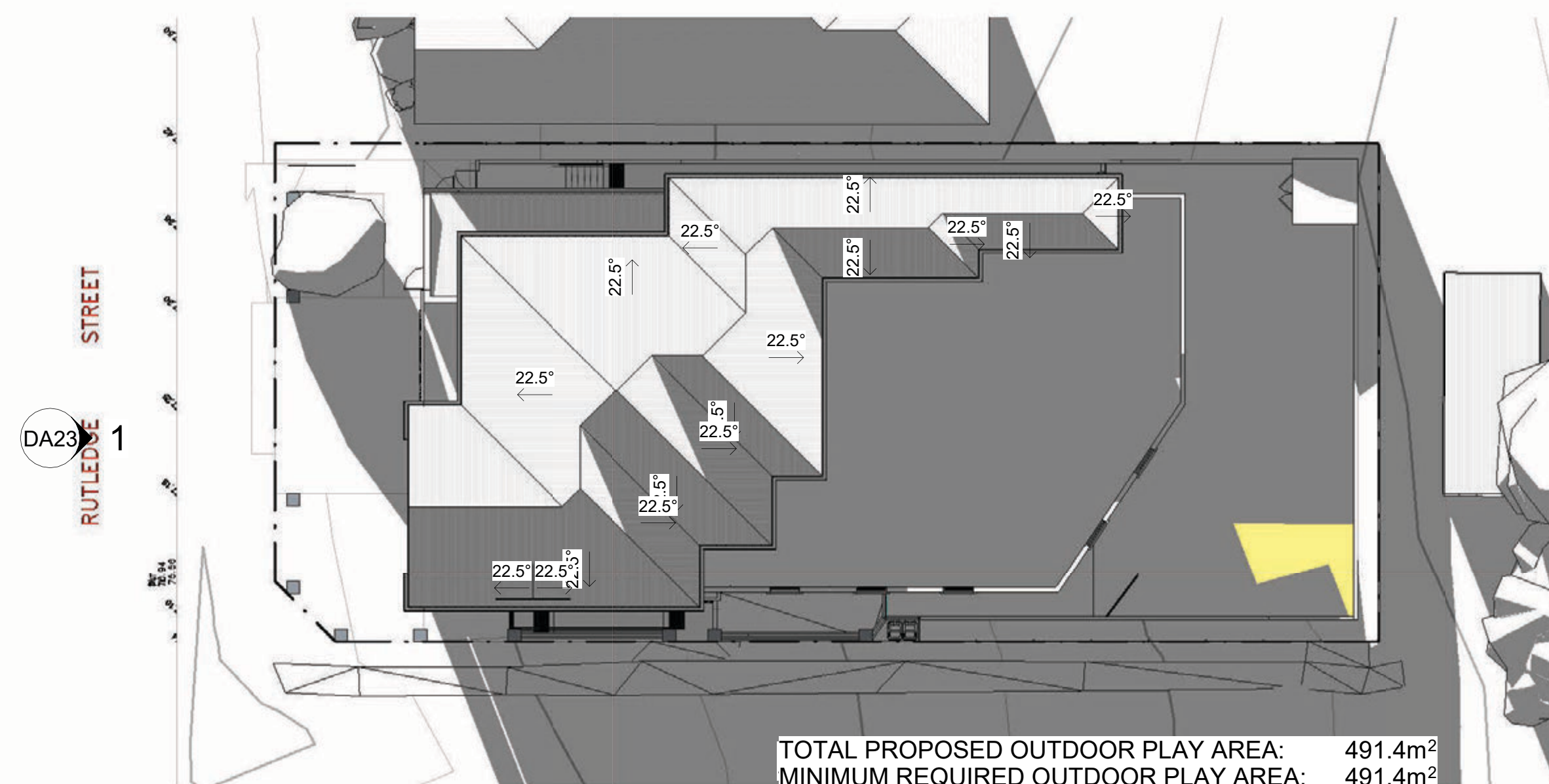
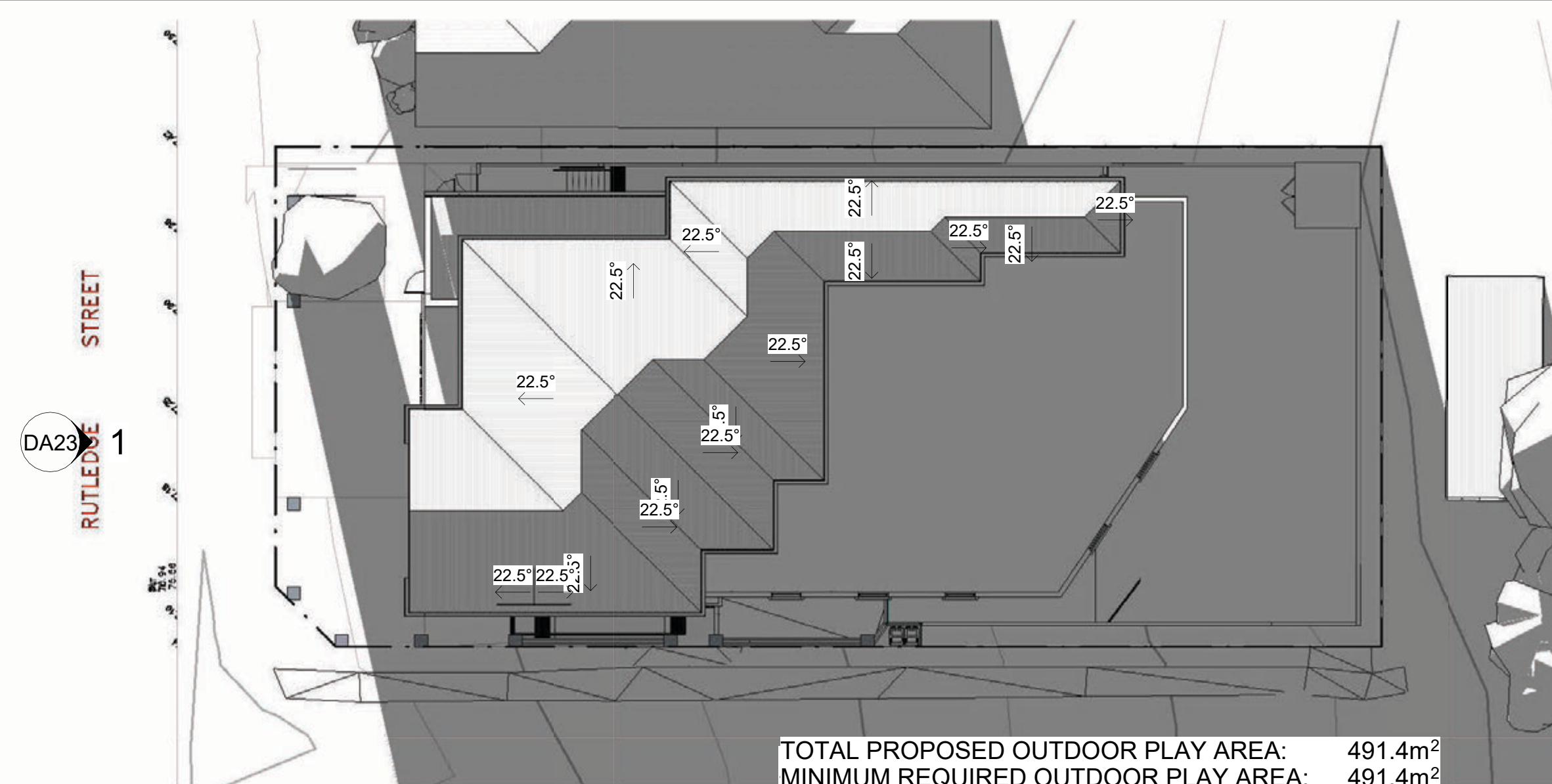
LEGEND

Exit


Evacuation route

Alternate route





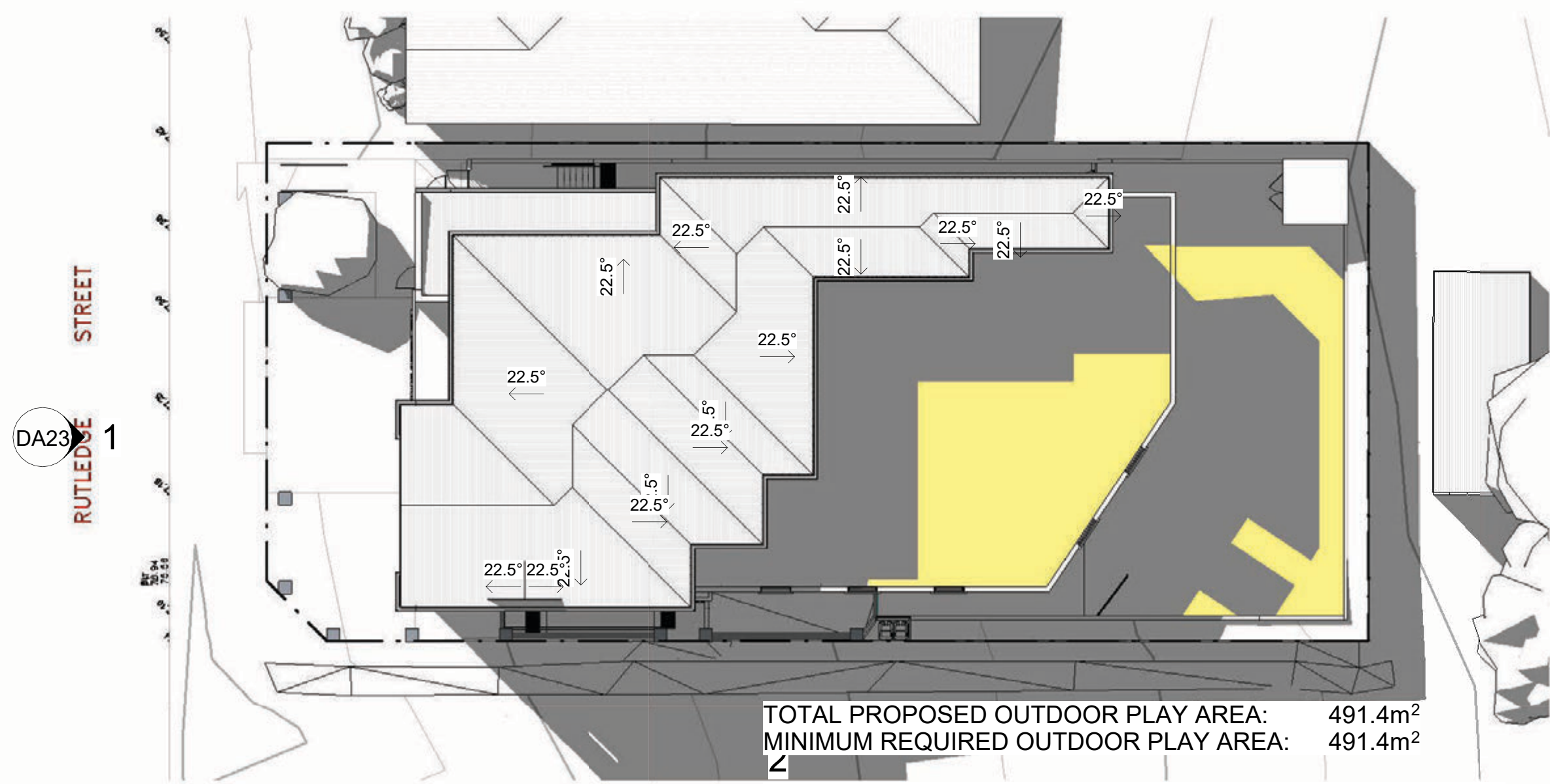
## SOLAR ACCESS

 HATCHED AREA IDENTIFIES  
OUTDOOR PLAY SPACE THAT  
ACHIEVES SOLAR ACCESS

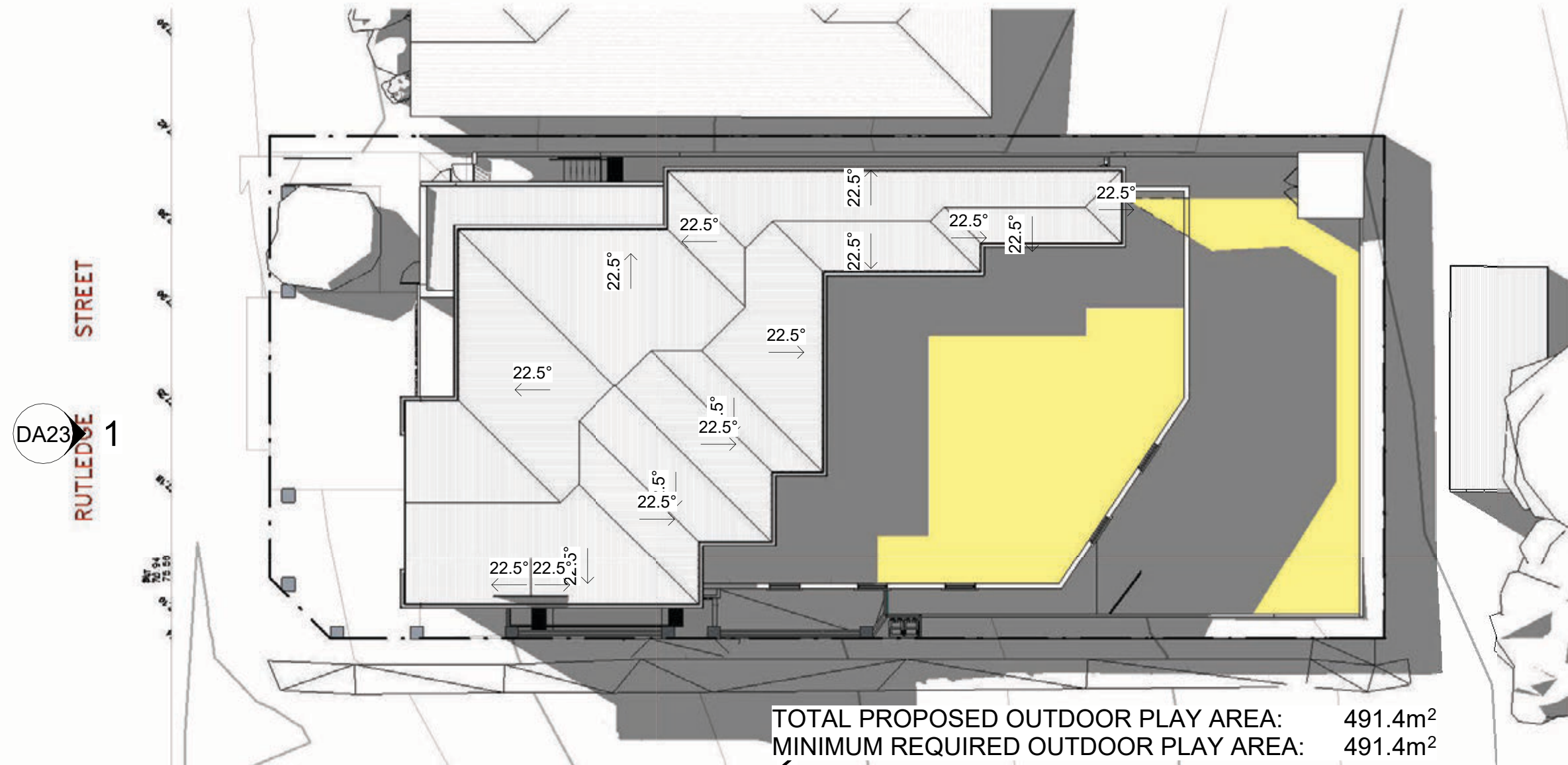
EXTENT OF AREA AS  
OVERSHADOWED

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  |  | DRAWING TITLE: SOLAR ACCESS DIAGRAMS |  |  |
|------------|-------------|----------|---------------------------------------|--|--|--------------------------------------|--|--|
| No.        | DESCRIPTION | DATE     | 8AM-10AM                              |  |  | DRAWING No: DA20                     |  |  |
| A          | DA Issue    | 25.06.24 | COUNCIL: RYDE COUNCIL                 |  |  | SCALE @ A1: As indicated             |  |  |
|            |             |          | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  |  | DATE: 20.04.2023                     |  |  |
|            |             |          | DRAWN BY: PE                          |  |  |                                      |  |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  |  | ISSUE FOR: JOB No: REVISION:         |  |  |
|            |             |          |                                       |  |  | 10297 A                              |  |  |

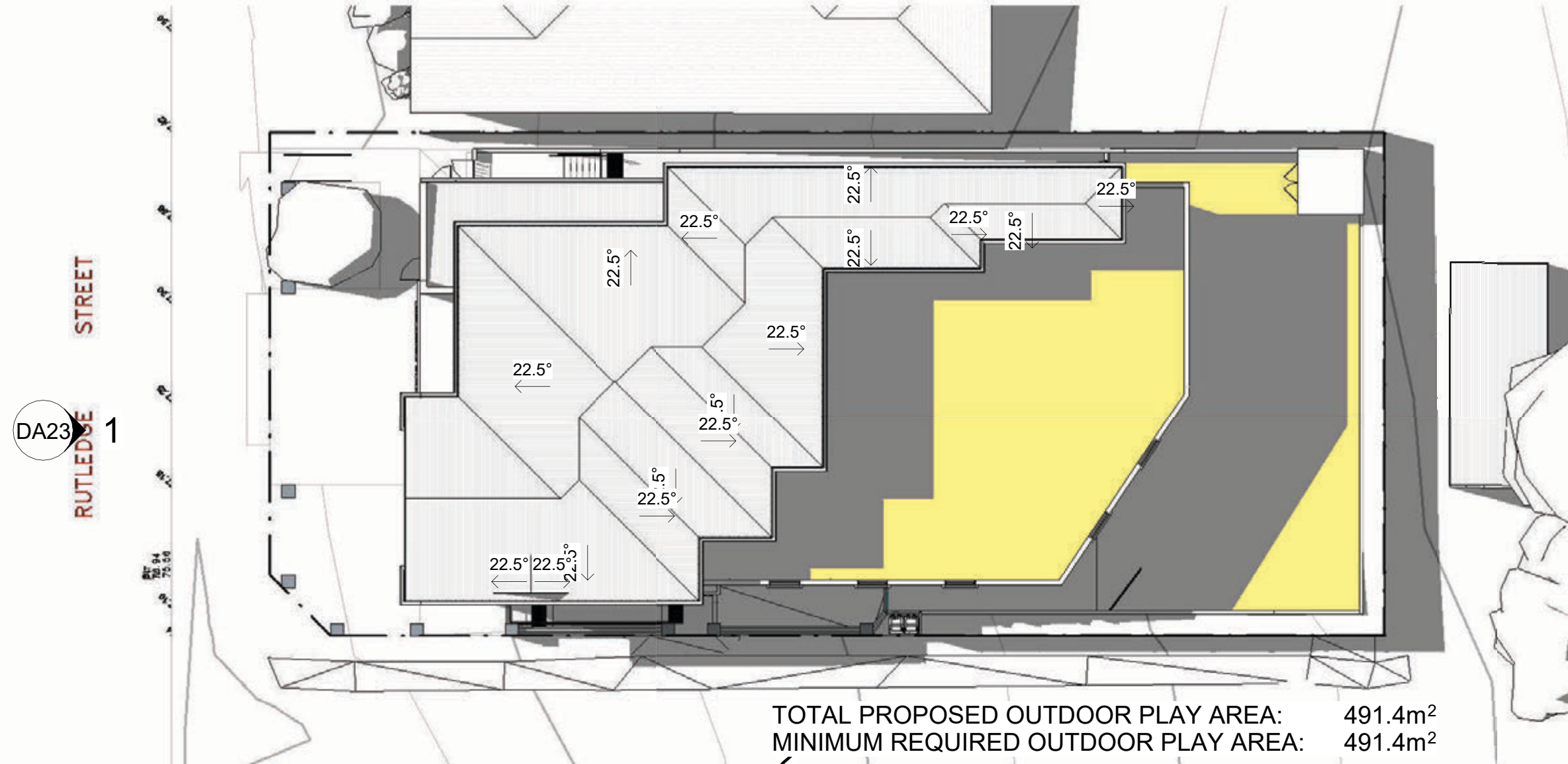




1 SOLAR ACCESS 11AM  
1 : 200



2 SOLAR ACCESS 12PM  
1 : 200



3 SOLAR ACCESS 1PM  
1 : 200

TOTAL PROPOSED OUTDOOR PLAY AREA: 491.4m<sup>2</sup>  
MINIMUM REQUIRED OUTDOOR PLAY AREA: 491.4m<sup>2</sup>  
MINIMUM REQUIRED SOLAR ACCESS: 30% - 147.42m<sup>2</sup>  
TOTAL PROPOSED SOLAR ACCESS: 21.67% - 106.5m<sup>2</sup>

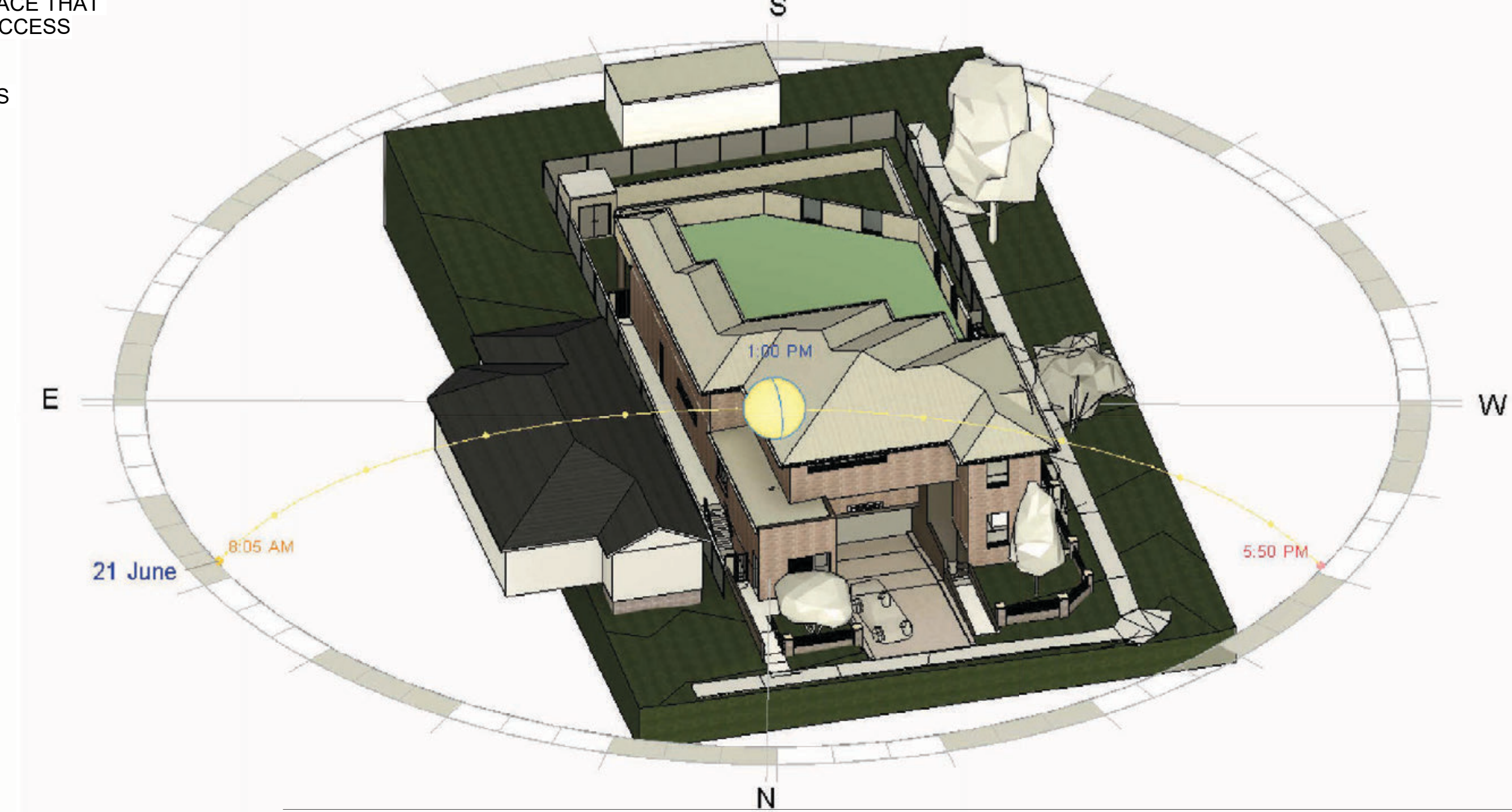
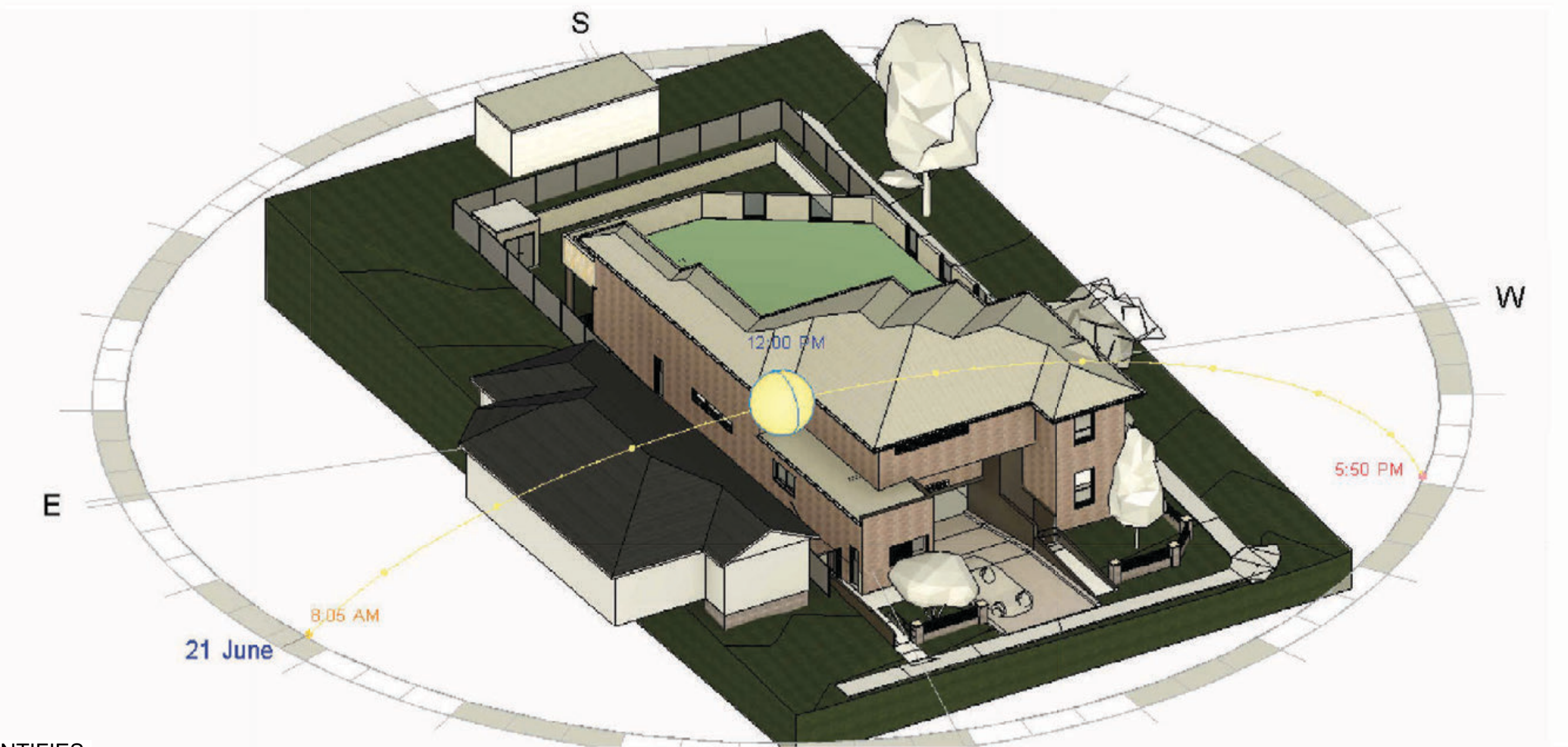
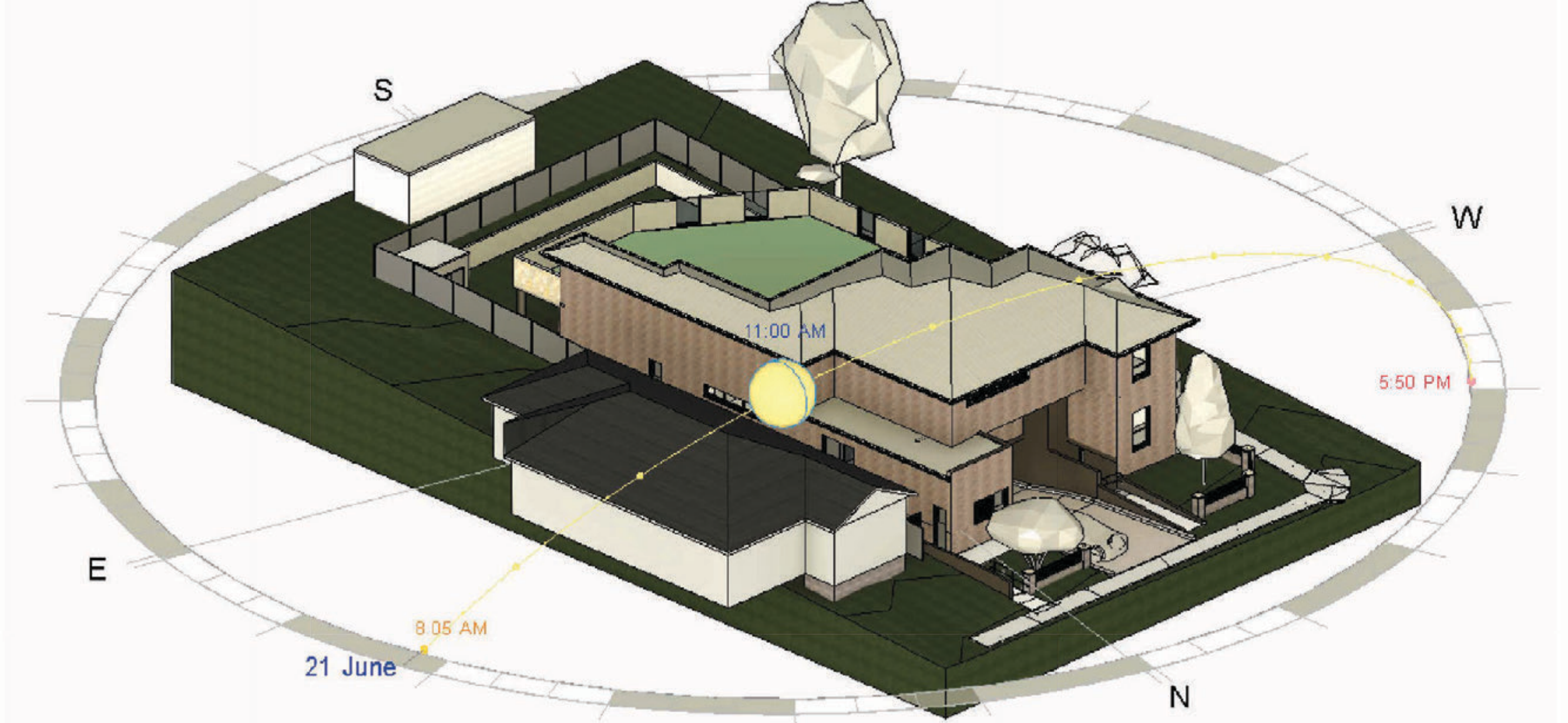
TOTAL PROPOSED OUTDOOR PLAY AREA: 491.4m<sup>2</sup>  
MINIMUM REQUIRED OUTDOOR PLAY AREA: 491.4m<sup>2</sup>  
MINIMUM REQUIRED SOLAR ACCESS: 30% - 147.42m<sup>2</sup>  
TOTAL PROPOSED SOLAR ACCESS: 25.67% - 126.15m<sup>2</sup>

TOTAL PROPOSED OUTDOOR PLAY AREA: 491.4m<sup>2</sup>  
MINIMUM REQUIRED OUTDOOR PLAY AREA: 491.4m<sup>2</sup>  
MINIMUM REQUIRED SOLAR ACCESS: 30% - 147.42m<sup>2</sup>  
TOTAL PROPOSED SOLAR ACCESS: 28.7% - 141.00m<sup>2</sup>

#### SOLAR ACCESS

HATCHED AREA IDENTIFIES OUTDOOR PLAY SPACE THAT ACHIEVES SOLAR ACCESS

EXTENT OF AREA AS OVERSHADOWED



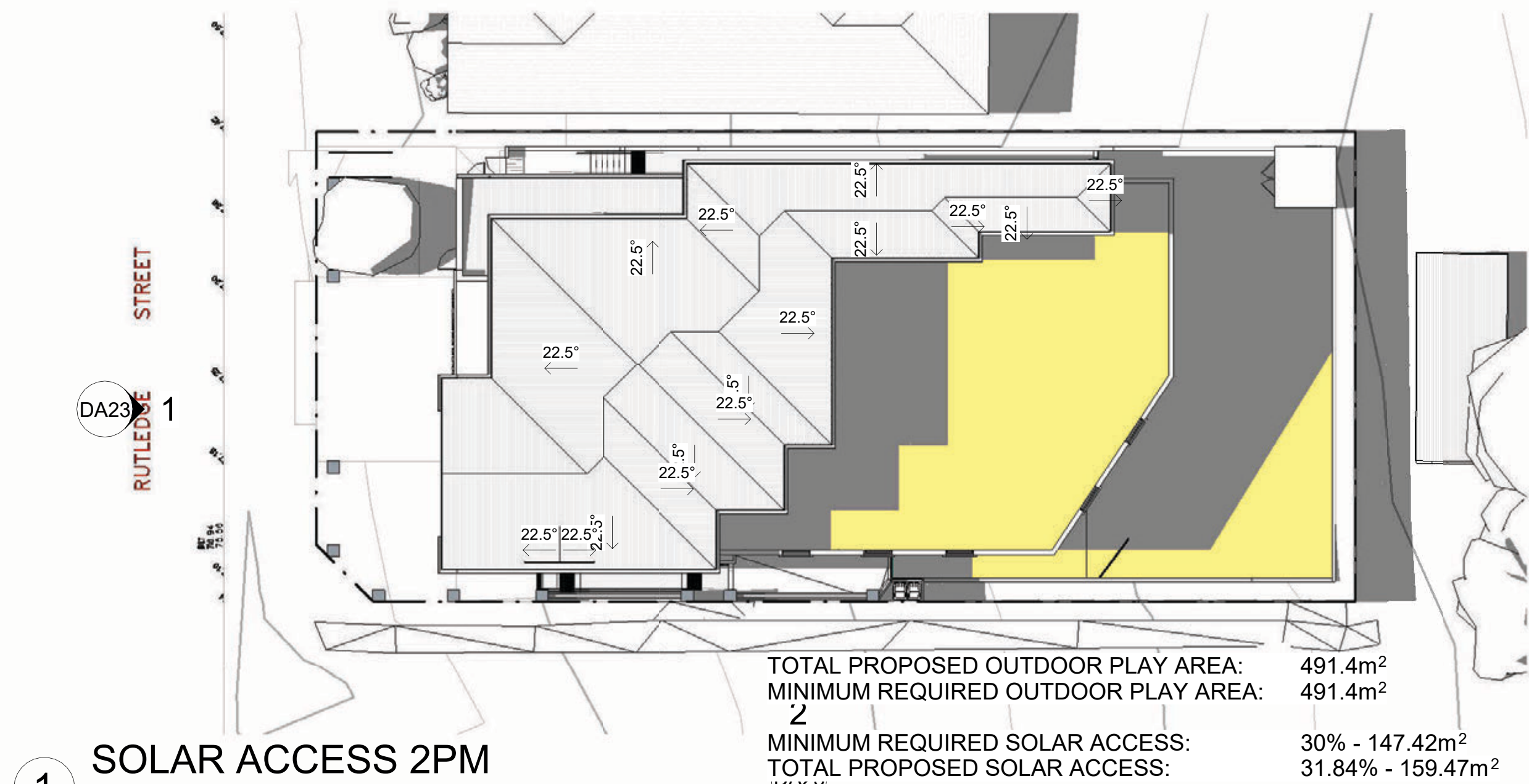
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|------------|-------------|----------|---------------------------------------|--|--|--------------------------------------|--|--|
| No.        | DESCRIPTION | DATE     | 11AM-1PM                              |  |  | DRAWING No: DA21                     |  |  |
| A          | DA Issue    | 25.06.24 | COUNCIL: RYDE COUNCIL                 |  |  | SCALE @ A1: As indicated             |  |  |
|            |             |          | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  |  | DRAWN BY: PE                         |  |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  |  | ISSUE FOR: 10297                     |  |  |
|            |             |          |                                       |  |  | JOB No: 10297                        |  |  |
|            |             |          |                                       |  |  | REVISION: A                          |  |  |

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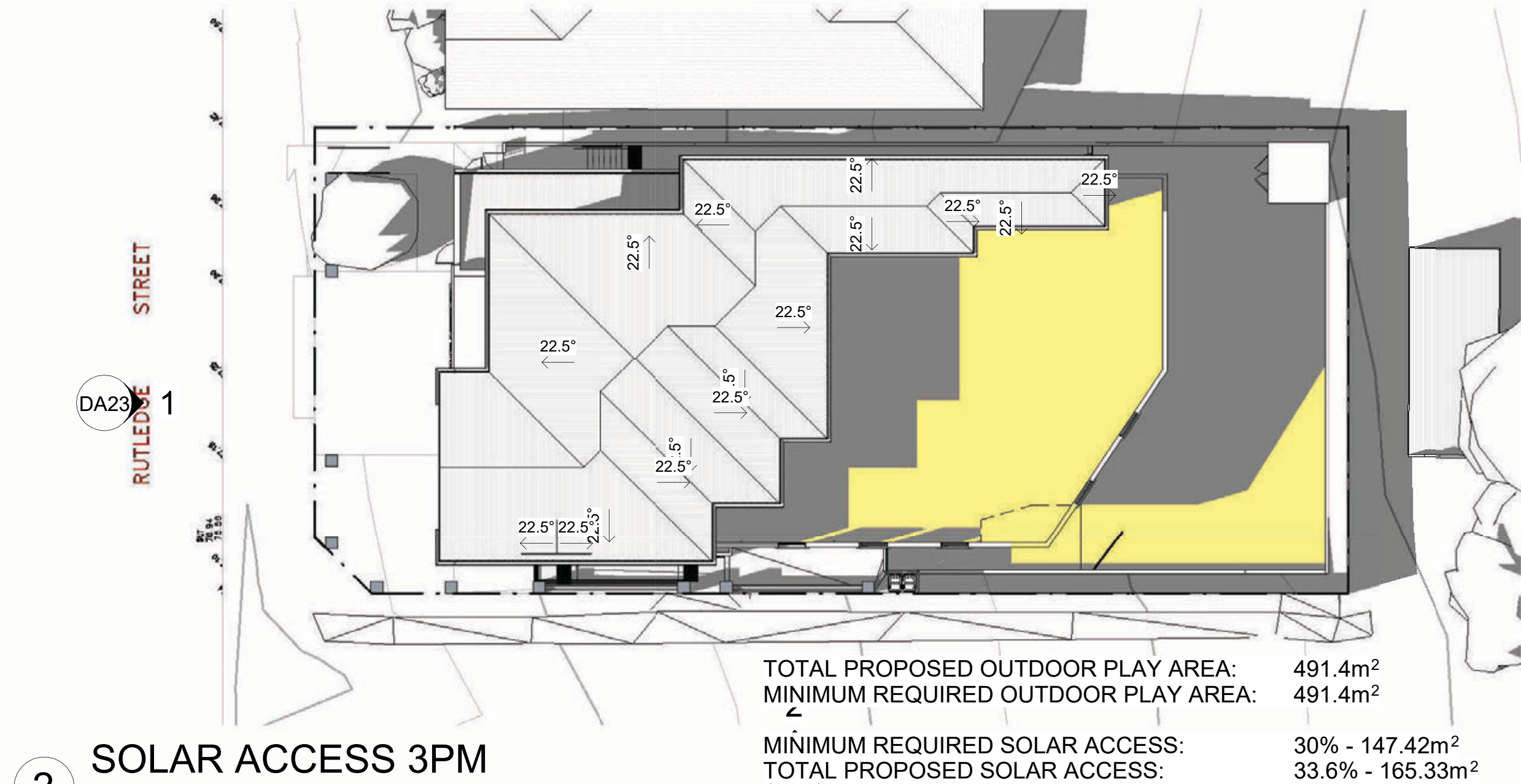
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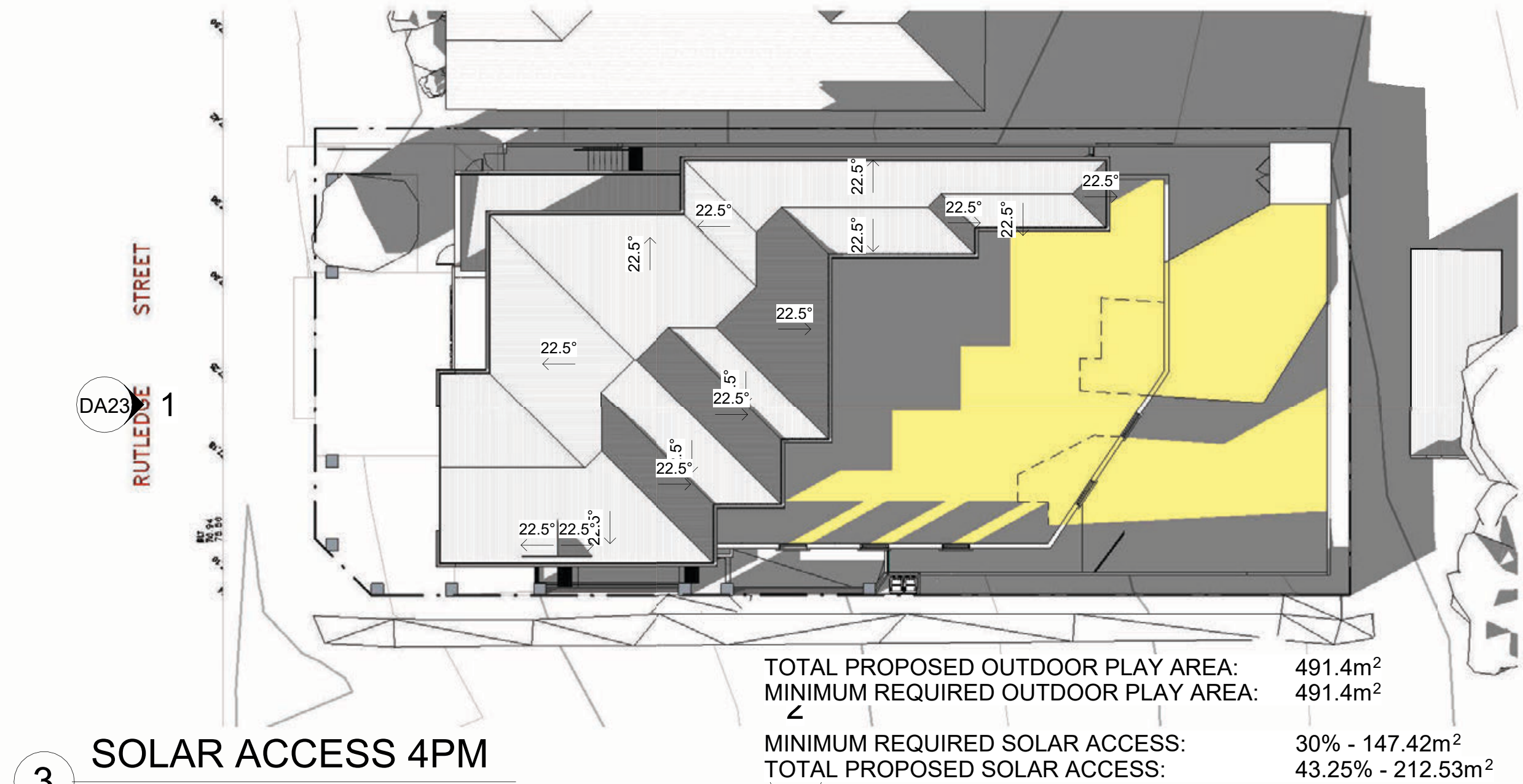




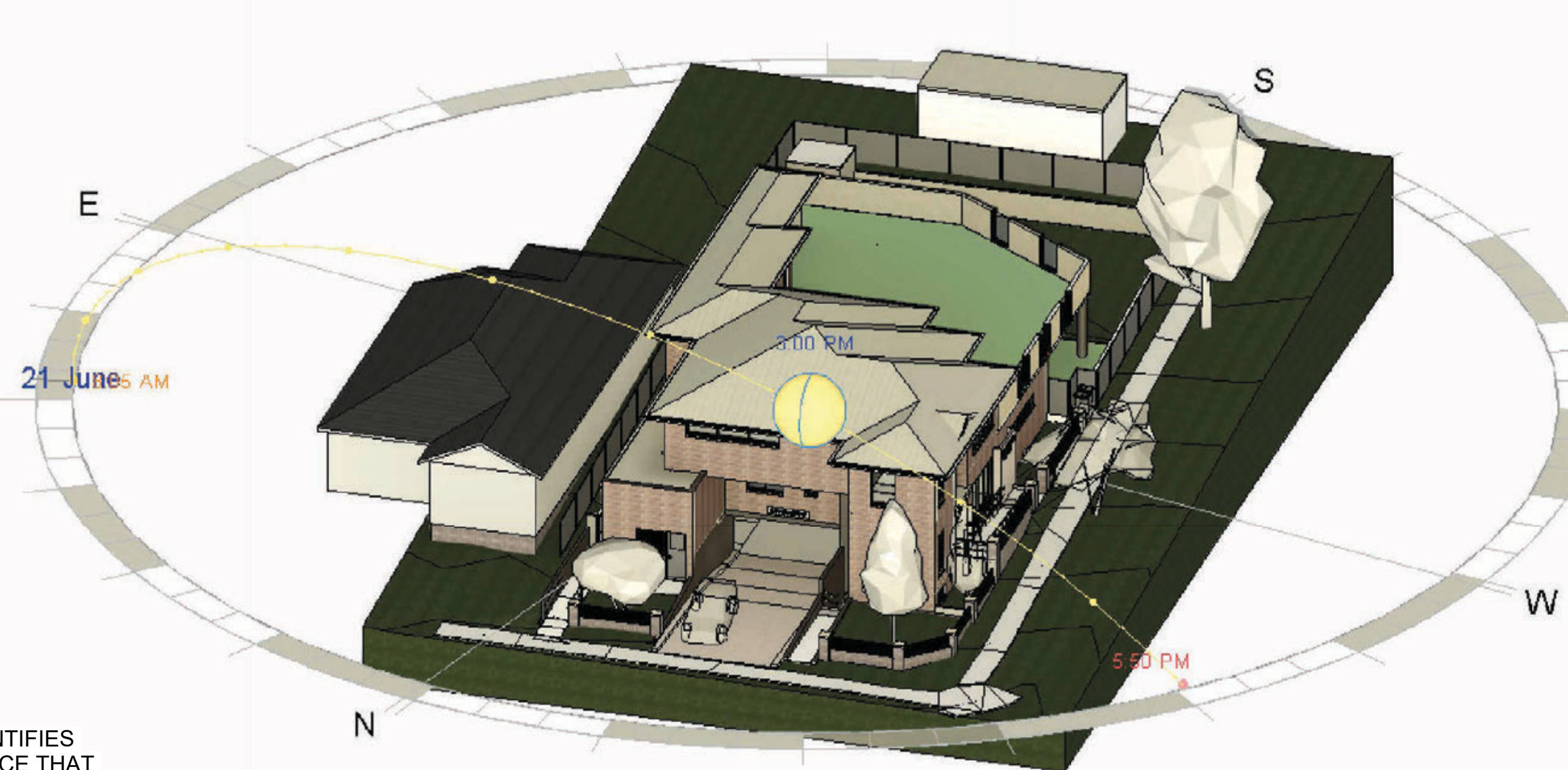
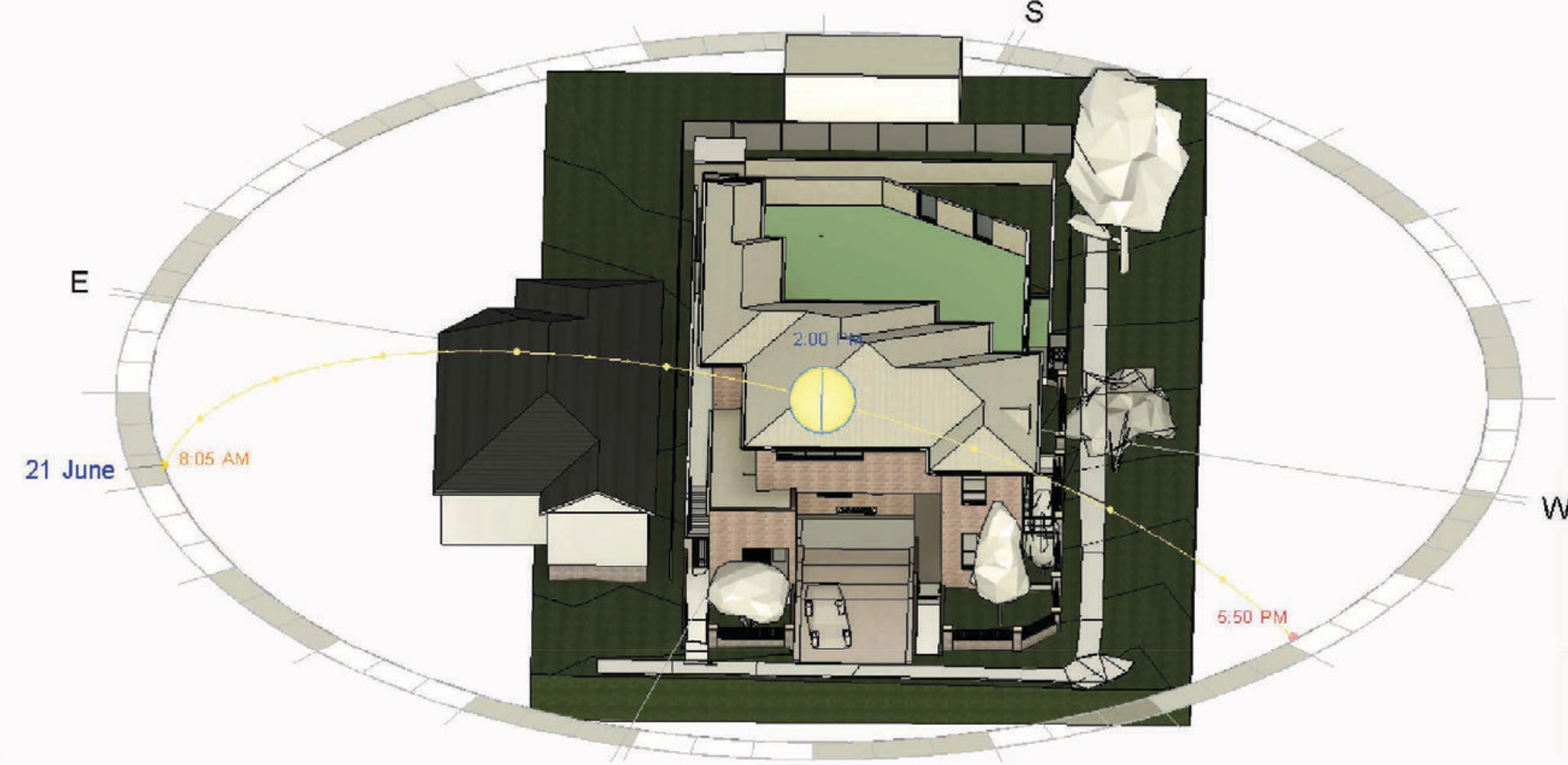
1 SOLAR ACCESS 2PM  
1 : 200



2 SOLAR ACCESS 3PM  
1 : 200



3 SOLAR ACCESS 4PM  
1 : 200



#### SOLAR ACCESS

HATCHED AREA IDENTIFIES  
OUTDOOR PLAY SPACE THAT  
ACHIEVES SOLAR ACCESS

EXTENT OF AREA AS  
OVERSHADOWED

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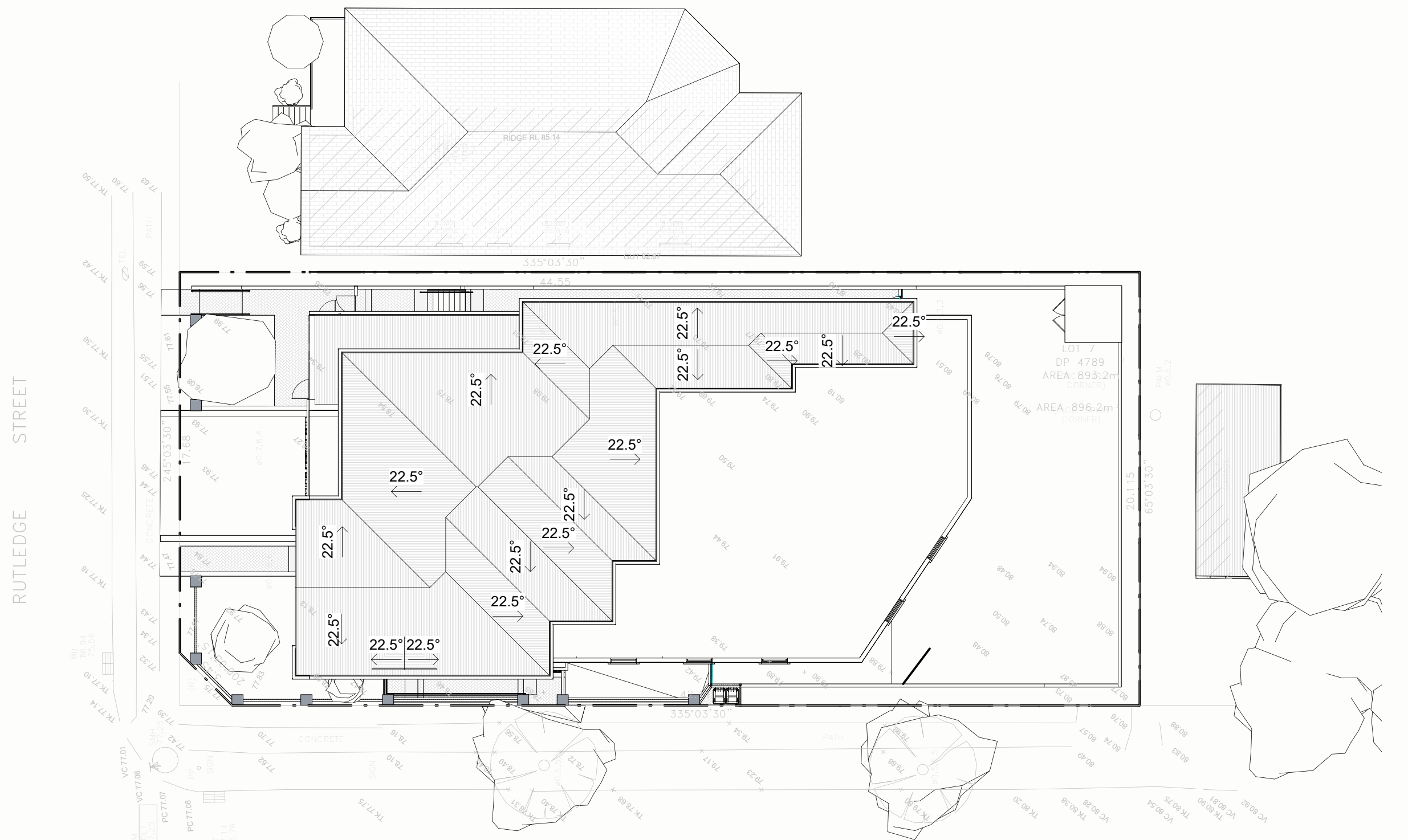
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APPLICATION

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: SOLAR ACCESS DIAGRAMS 2PM-4PM |                  |
|------------|-------------|----------|---------------------------------------|--|--|------------------|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | SCALE @ A1: As indicated                     | DRAWING No: DA22 |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DATE: 20.04.2023                             | DRAWN BY: PE     |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | ISSUE FOR:                                   | JOB No: 10297    |
|            |             |          |                                       |  | REVISION:                                    | A                |





1 NORTH ELEVATION - NP  
1 : 100



3 SITE PLAN - NP  
1 : 200



2 WEST ELEVATION - NP  
1 : 100

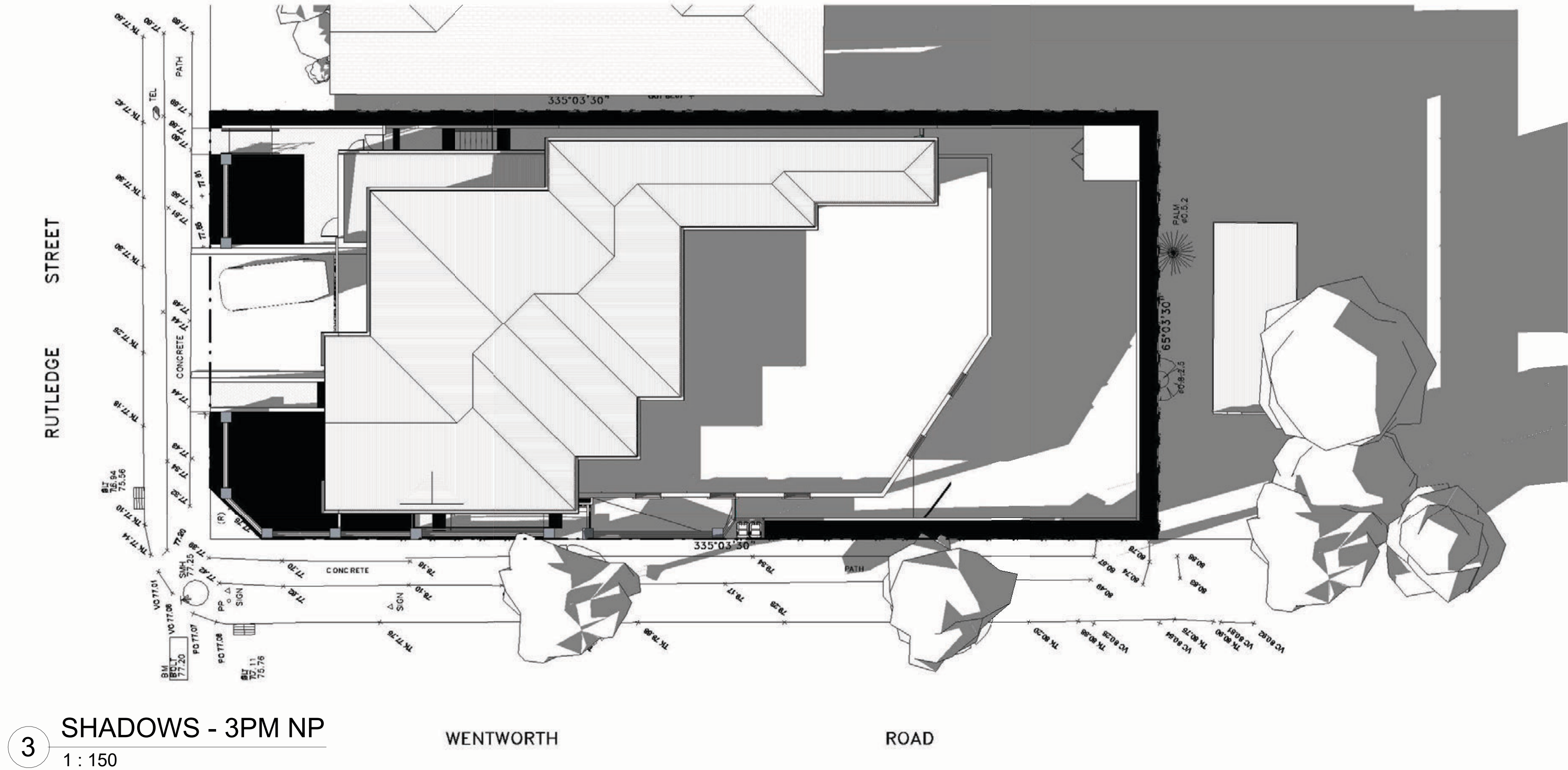
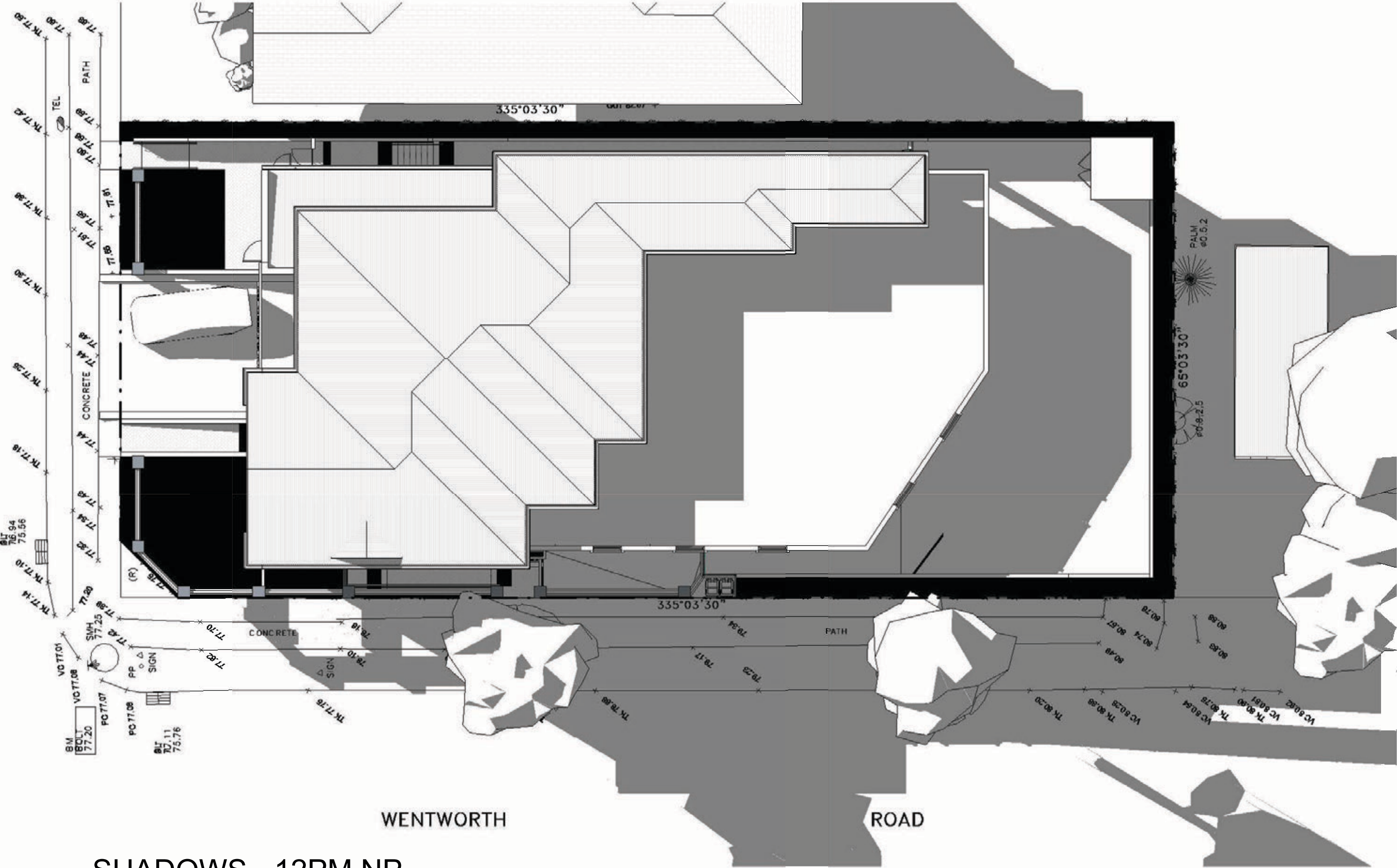
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|------------|-------------|----------|---------------------------------------|--|--------------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | SCALE @ A1: As indicated |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DATE: 20.04.2023         |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | ISSUE FOR:               |  |
|            |             |          |                                       |  | JOB No: 10297            |  |
|            |             |          |                                       |  | DRAWN BY: PE             |  |
|            |             |          |                                       |  | REVISION: A              |  |





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APPLICATION

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE:      |  | NOTIFICATION PLAN - B |  |
|------------|-------------|----------|---------------------------------------|--|---------------------|--|-----------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | SCALE @ A1: 1 : 150 |  | DRAWING No: DA24      |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DATE: 20.04.2023    |  | DRAWN BY: PE          |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | ISSUE FOR:          |  | JOB No: 10297         |  |
|            |             |          |                                       |  |                     |  | REVISION: A           |  |






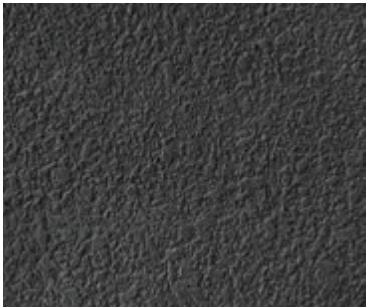

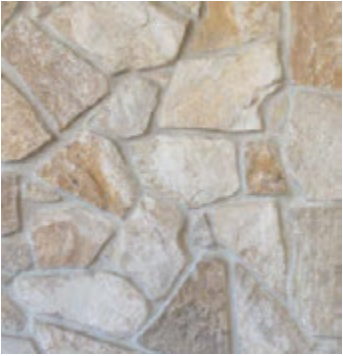







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APPLICATION

| AMENDMENTS |             |          | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE:   |  | MATERIALS & FINISHES |  |
|------------|-------------|----------|---------------------------------------|--|------------------|--|----------------------|--|
| No.        | DESCRIPTION | DATE     | COUNCIL: RYDE COUNCIL                 |  | SCALE @ A1:      |  | DRAWING No: DA25     |  |
| A          | DA Issue    | 25.06.24 | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DATE: 20.04.2023 |  | DRAWN BY: PE         |  |
|            |             |          | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | ISSUE FOR:       |  | JOB No: REVISION:    |  |
|            |             |          |                                       |  |                  |  | 10297 A              |  |



FINISHES SCHEDULE

| ABB | DESCRIPTION  | LOCATION       | SAMPLE IMAGE  | ABB   | DESCRIPTION  | LOCATION                        | SAMPLE IMAGE  |
|-----|--|----------------|---|---|--|---------------------------------|---|
| RCS | ROOF SHEETING<br>COLORBOND (SURFMIST)                | ROOF           |    | CLD   | WALL CLADDING<br>JAMES HARDIE "LINEA"<br>(DOVER WHITE) | EXTERNAL WALLS                  |    |
| GDS | GUTTERS, DOWNPIPES & FASCIA<br>COLORBOND (SOUTHERLY) | ROOF           |    | REN   | TEXTURED CEMENT RENDER<br>(WOODLAND GREY)              | PARAPET WALLS                   |    |
| ADW | ALUMINIUM DOORS & WINDOWS<br>COLORBOND (MONUMENT)    | EXTERNAL WALLS |    | SWC   | STONE-LOOK CLADDING<br>(BEDROCK CREAM)                 | FIRST FLOOR<br>BALUSTRADE WALLS |    |
| BR1 | FACE BRICK<br>AUSTRAL (COACHHOUSE)                   | EXTERNAL WALLS |   | VAF   | TIMBER-LOOK ALUMINIUM<br>FENCING SLATS                 | BOUNDARY WALL                   |   |
| BR2 | FACE BRICK<br>AUSTRAL (MONSOON)                      | BOUNDARY WALL  |  | TLC   | TIMBER LAPPED & CAPPED<br>FENCING W/- STEEL POSTS      | BOUNDARY FENCE                  |  |
| SSC | SANDSTONE CAPPING<br>W/- BEVEL EDGE                  | BOUNDARY WALL  |  | NOTE:<br>ALL COLOURS LISTED ARE TO BE AS OR SIMILAR |  |                                 |   |

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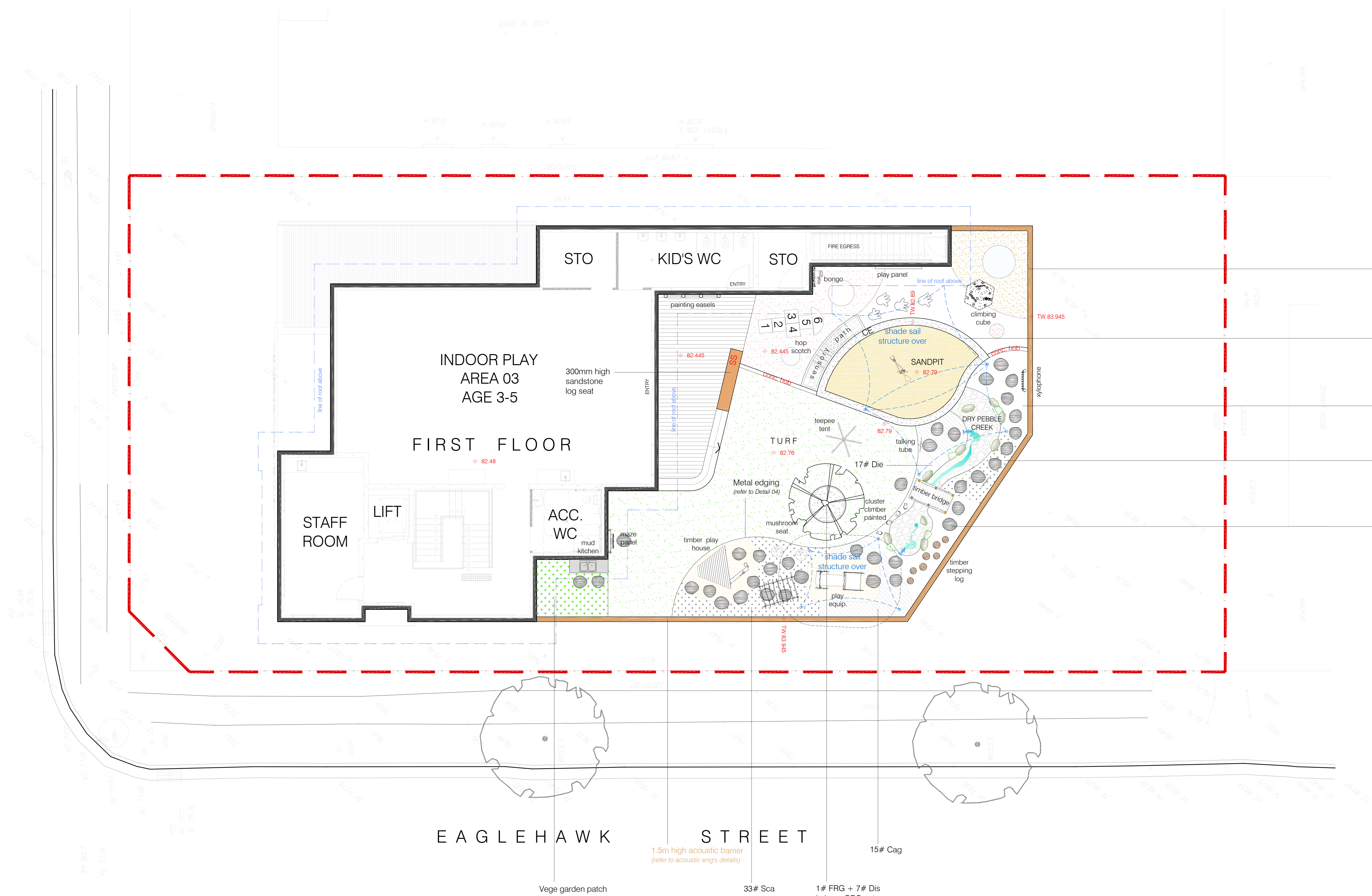
| AMENDMENTS |             |  | PROJECT: CHILDCARE DEVELOPMENT        |  | DRAWING TITLE: MATERIALS & FINISHES SCHEDULE |  |
|------------|-------------|--|---------------------------------------|--|--|--|
| No.        | DESCRIPTION |  | DATE                                  |  |  |  |
| A          | DA Issue    |  | 25.06.24                              |  |  |  |
|            |             |  | COUNCIL: RYDE COUNCIL                 |  | SCALE @ A1: 1 : 100                          |  |
|            |             |  | CLIENT: LANDCORP DEVELOPMENT PTY LTD  |  | DRAWING No: DA26                             |  |
|            |             |  | DATE: 20.04.2023                      |  | DRAWN BY: PE                                 |  |
|            |             |  | ADDRESS: 56 RUTLEDGE STREET, EASTWOOD |  | ISSUE FOR:                                   |  |
|            |             |  |                                       |  | JOB No: REVISION:                            |  |
|            |             |  |                                       |  | 10297 A                                      |  |







RUTLEDGE STREET



1.5m high acoustic barrier  
(refer to acoustic eng's details)

450mm high conc.  
edgging

21# Vin

13# Dis

Stone stepping pavers  
laid in 25# Sen  
(refer to Detail 03)

EAGLEHAWK STREET

1.5m high acoustic barrier  
(refer to acoustic eng's details)

15# Cag

Vege garden patch

scale: 1:100

LANDSCAPE+PLAY ITEM LAYOUT PLAN:first floor

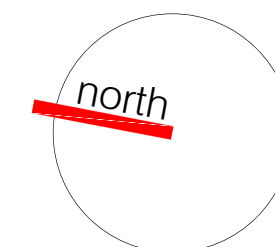
## LEGEND

|  |   |  |  |  |   |  |                             |  |                               |  |  |  |  |  |                 |
|--|---|--|--|--|---|--|-----------------------------|--|-------------------------------|--|--|--|--|--|-----------------|
|  | Existing trees to be protected & retained<br>(refer to proposed plant schedule) |  | Proposed accent planting<br>(refer to proposed plant schedule) |  | Proposed sandpit                        |  | Proposed conc. paving       |  | Proposed stone stepping paver |  | Proposed metal edging  |  | Proposed 1.8m high acoustic barrier<br>(refer to Acoustic eng's details) |  | Design levels   |
|  | Proposed small tree planting<br>(refer to proposed plant schedule)              |  | Proposed turf area<br>(refer to proposed plant schedule)       |  | Proposed dinosaur footprints in soffall |  | Proposed timber decking     |  | Proposed large GRC pot        |  | Proposed retaining wall  |  | Proposed shade structure over outdoor play area                          |  | Existing levels |
|  | Proposed shrub planting<br>(refer to proposed plant schedule)                   |  | Proposed external tile paving to Architect's detail            |  | Proposed bark mulched area              |  | Proposed sandstone log seat |  | Proposed dry pebble creek bed |  | Proposed on-structure planter  |  | Proposed underground OSD<br>(refer to Hydraulic eng's detail)            |  | Site boundary   |
|  | Proposed groundcover planting<br>(refer to proposed plant schedule)             |  | Proposed synthetic soffall on outdoor play area                |  | Proposed vege garden patch at grade     |  | Proposed pebble seats       |  | Proposed 250mm high conc. hob |  | Proposed 1.5m high acoustic barrier<br>(refer to Acoustic eng's details) |  | Proposed grated drains<br>(refer to Hydraulic eng's detail)              |  |                 |



56 Rutledge Street, EASTWOOD NSW

0 1 2 5 10 scale @1:100A1  
@1:200A3

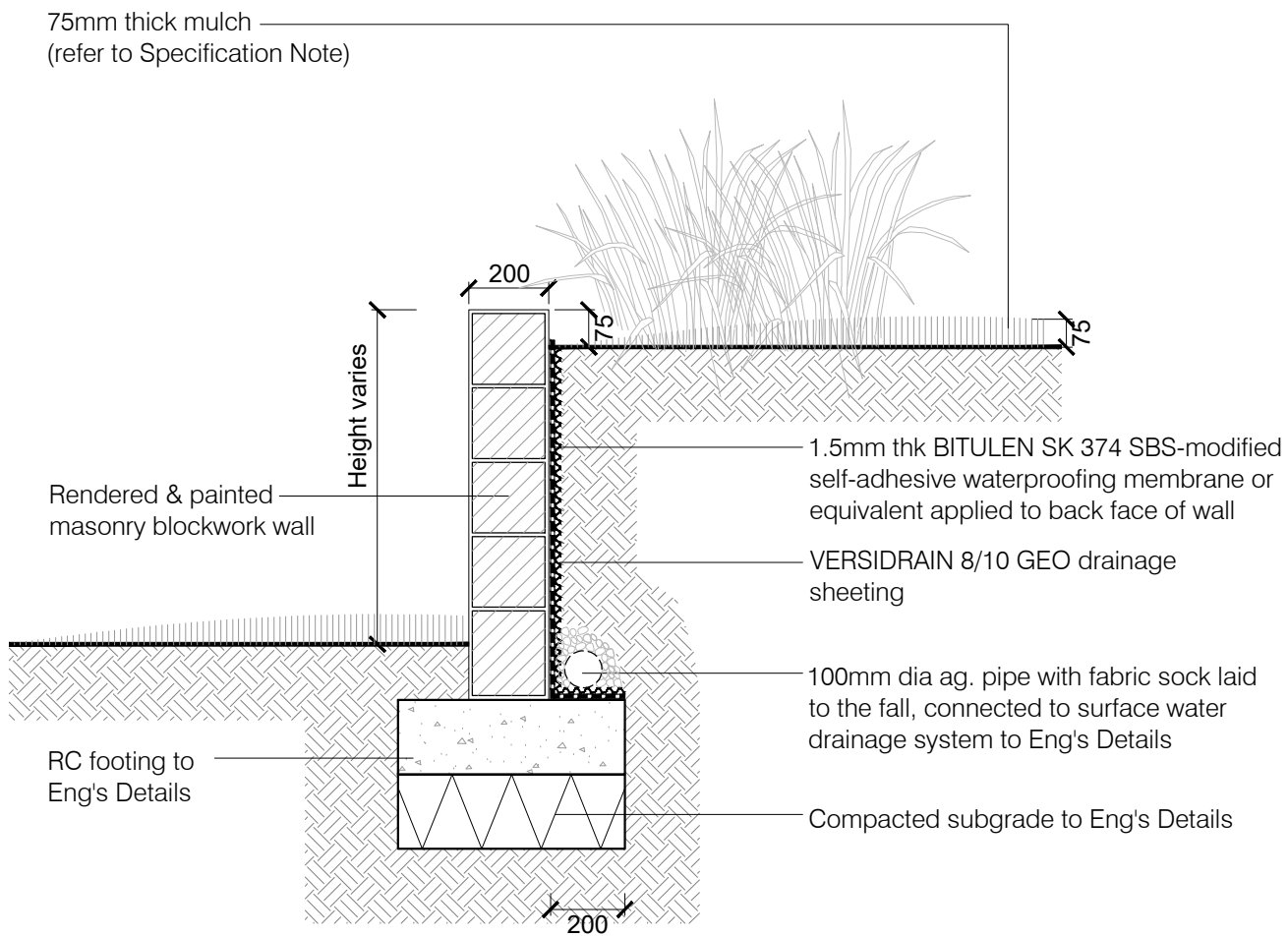


|  |                                      |                  |          |
|--|--------------------------------------|------------------|----------|
| dwg title                                      | scale: 1:100 @a1 / 1:200@a3          | revision         | date     |
| landscape + play item layout plan: first floor | dwg no.: DA-L102                     | P1 client review | 14/08/24 |
|  | Client: LANDCORP DEVELOPMENT PTY LTD | A da submission  | 15/08/24 |
|  |                                      |                  |          |
|  |                                      |                  |          |
|  |                                      |                  |          |

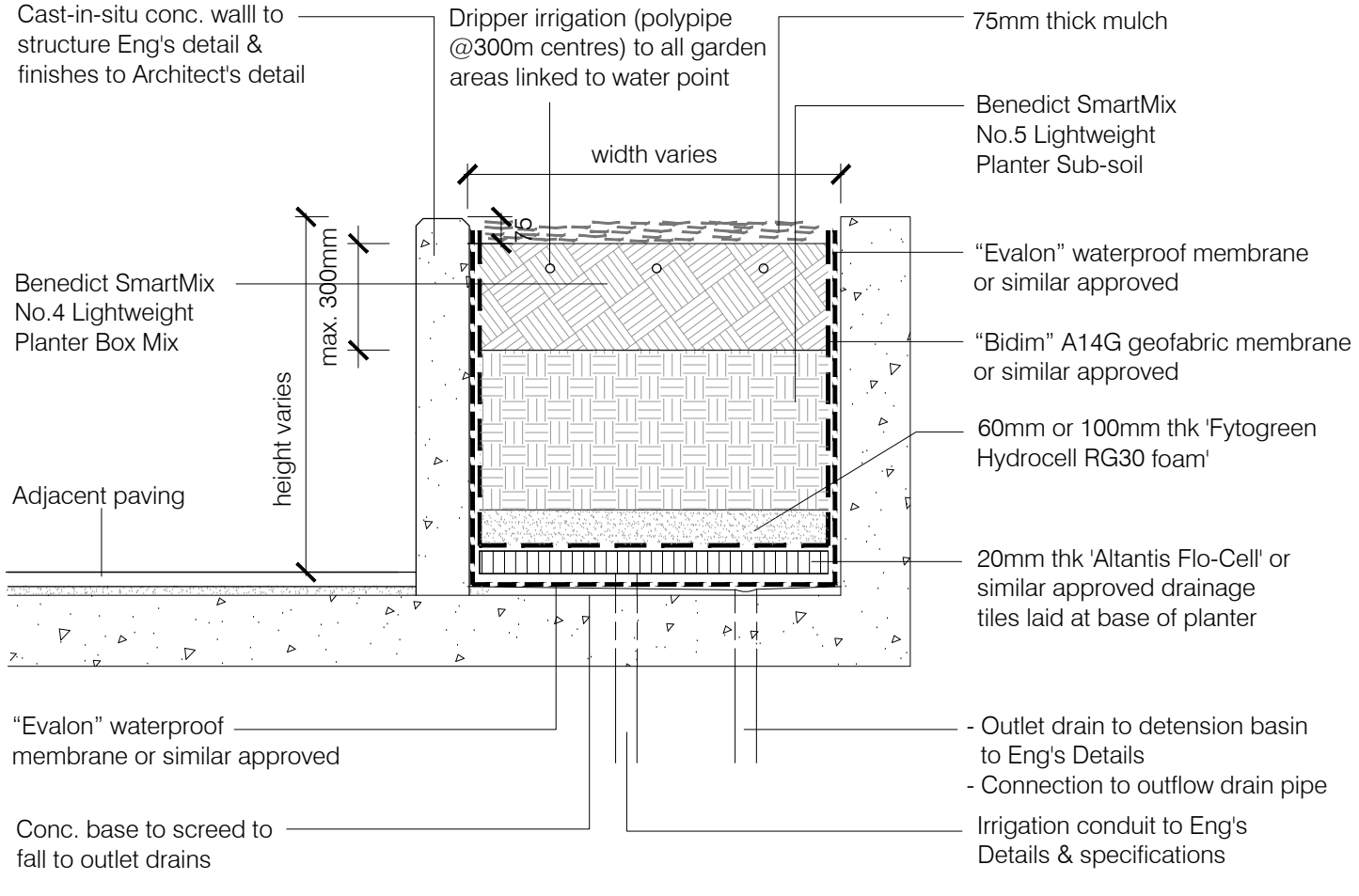
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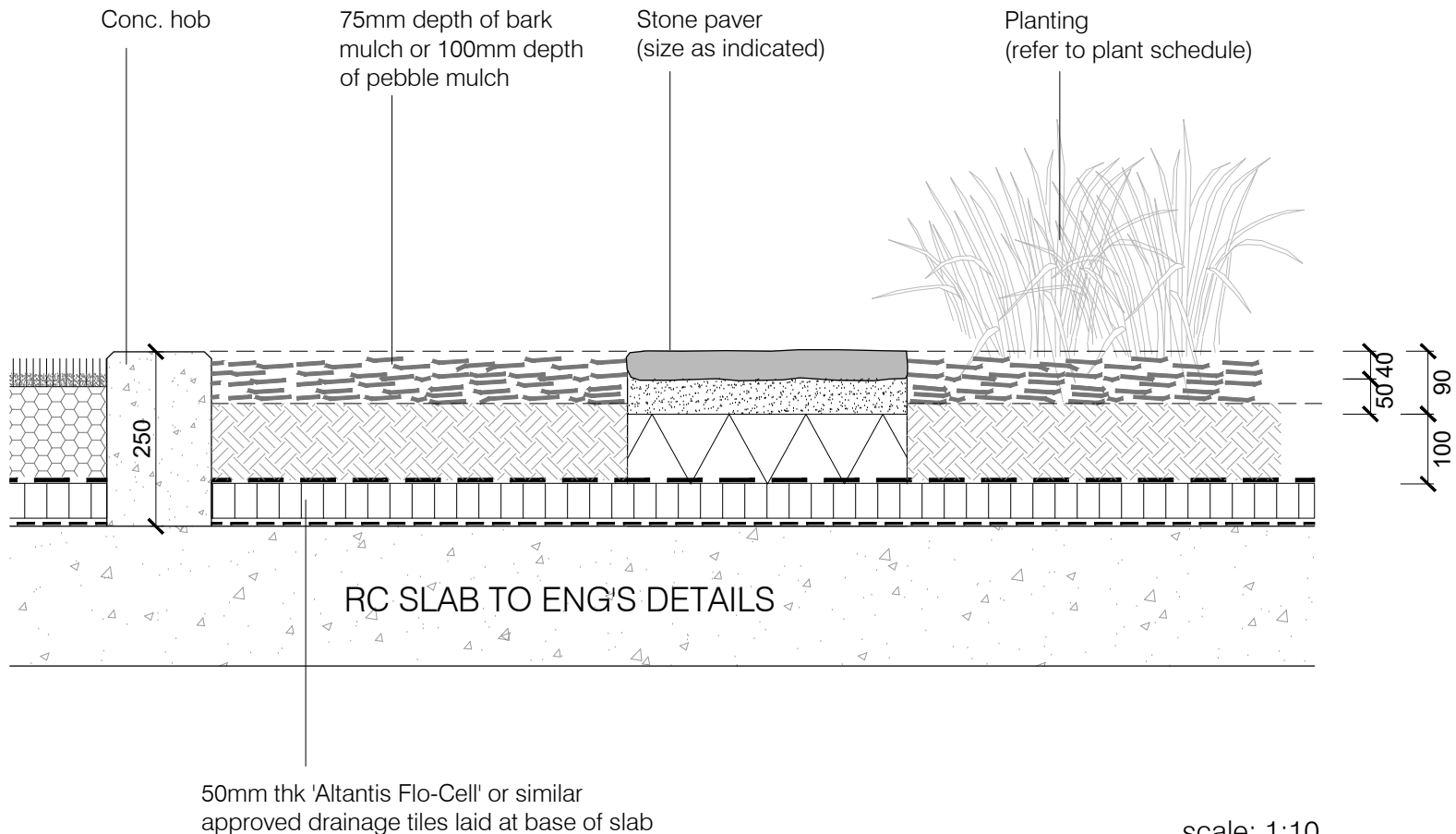




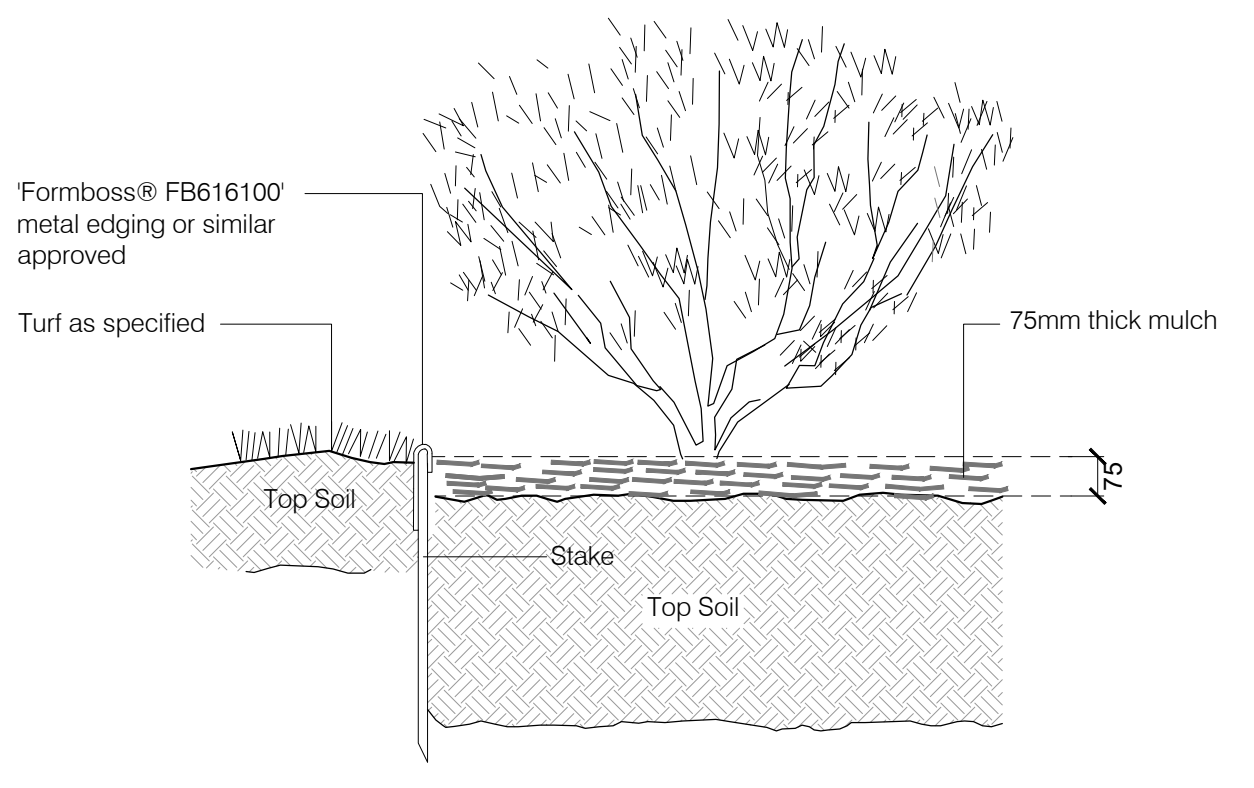
TYPICAL DETAIL 01: retaining wall scale: 1:20



TYPICAL DETAIL 02: on-structure planter scale: 1:20



TYPICAL DETAIL 03: stone stepping paver over slab scale: 1:10



TYPICAL DETAIL 04: metal edging scale: 1:10

## MAINTENANCE PROGRAM

The typical range of maintenance tasks required over a 12 month period is summarised in the table. Any information provided in the table must be assessed in the light of the weather and general site conditions. For example, watering frequency depends on the soil drainage and rainfall; fertiliser type and frequency needs to be adjusted to suit the plant requirements and the soil fertility and pH.

**MULCH**  
Mulch will need to be topped up periodically to maintain a min. depth of 75mm. Mulch should be kept at least 50mm away from plant stems to reduce the risk of collar rot.

**WEEDS**  
Weeds in mulched beds will need to be controlled by hand pulling or by the use of non residual herbicides. When using herbicides be very careful to avoid spray drifting onto valuable plants. the smallest contact with the chemicals can cause damage.

**PLANT MAINTENANCE**  
Deep watering once or twice a week is more beneficial to plants than frequent light watering. Frequent watering will produce shallow roots and make the plant less stable and susceptible to drought. Maintain moisture to the bottom of the rootball for the first 3 months. To help safeguard plants remove labels immediately after planting. Where plants are susceptible to damage by vehicles to pedestrians, maintain protective fences until plants are well established. Replace dead plants fortnightly until such time as alternative maintenance procedures are in place.

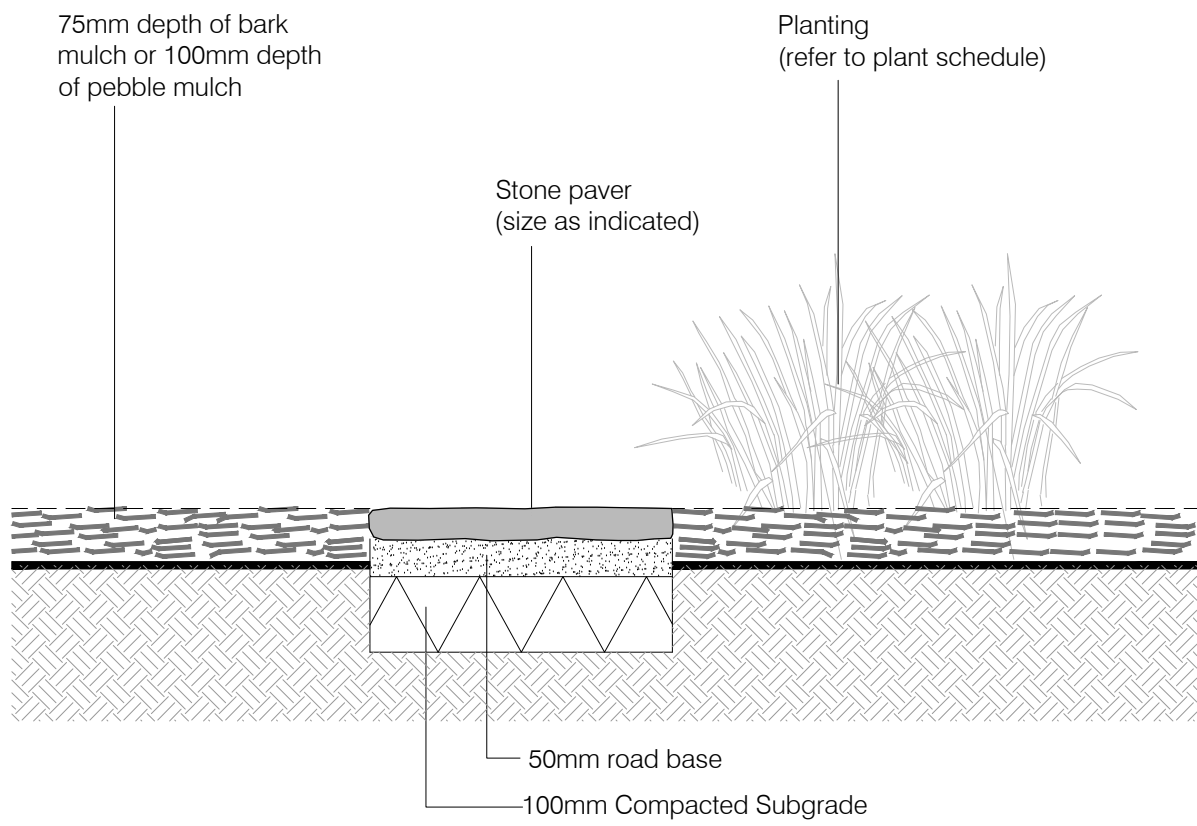
**LAWN MAINTENANCE**  
Once lawn has been established, carry out watering and fertilising as suggested in the typical maintenance program. In summer, through watering, two or three times each week will encourage roots to go deeper in search of water. Mow grass as required to maintain an even tidy appearance.

| Maintenance Task          | Frequency |              |       |       |     |             |      |        |           |              |          |          |
|---------------------------|-----------|--------------|-------|-------|-----|-------------|------|--------|-----------|--------------|----------|----------|
|                           | January   | February     | March | April | May | June        | July | August | September | October      | November | December |
| <b>Grass</b>              |           |              |       |       |     |             |      |        |           |              |          |          |
| Mowing lawn               | WEEKLY    |              |       |       |     | AS REQUIRED |      |        |           | WEEKLY       |          |          |
| Watering lawn             |           | TWICE WEEKLY |       |       |     | AS REQUIRED |      |        |           | TWICE WEEKLY |          |          |
| Fertilising lawn          |           |              |       |       |     |             |      |        |           |              |          |          |
| Weed control              |           |              |       |       |     |             |      |        |           |              |          |          |
| Top dressing              |           |              |       |       |     |             |      |        |           |              |          |          |
| Aerating                  |           |              |       |       |     |             |      |        |           |              |          |          |
| Reseeding                 |           |              |       |       |     |             |      |        |           |              |          |          |
| <b>Trees &amp; Shrubs</b> |           |              |       |       |     |             |      |        |           |              |          |          |
| Watering                  |           | WEEKLY       |       |       |     | AS REQUIRED |      |        |           |              | WEEKLY   |          |
| Fertilising               |           |              |       |       |     |             |      |        |           |              |          |          |
| Pruning                   |           |              |       |       |     |             |      |        |           |              |          |          |
| Mulching                  |           |              |       |       |     |             |      |        |           |              |          |          |
| Weed control              |           |              |       |       |     |             |      |        |           |              |          |          |
| Thinning                  |           |              |       |       |     |             |      |        |           |              |          |          |
| Insect & disease control  |           |              |       |       |     |             |      |        |           |              |          |          |

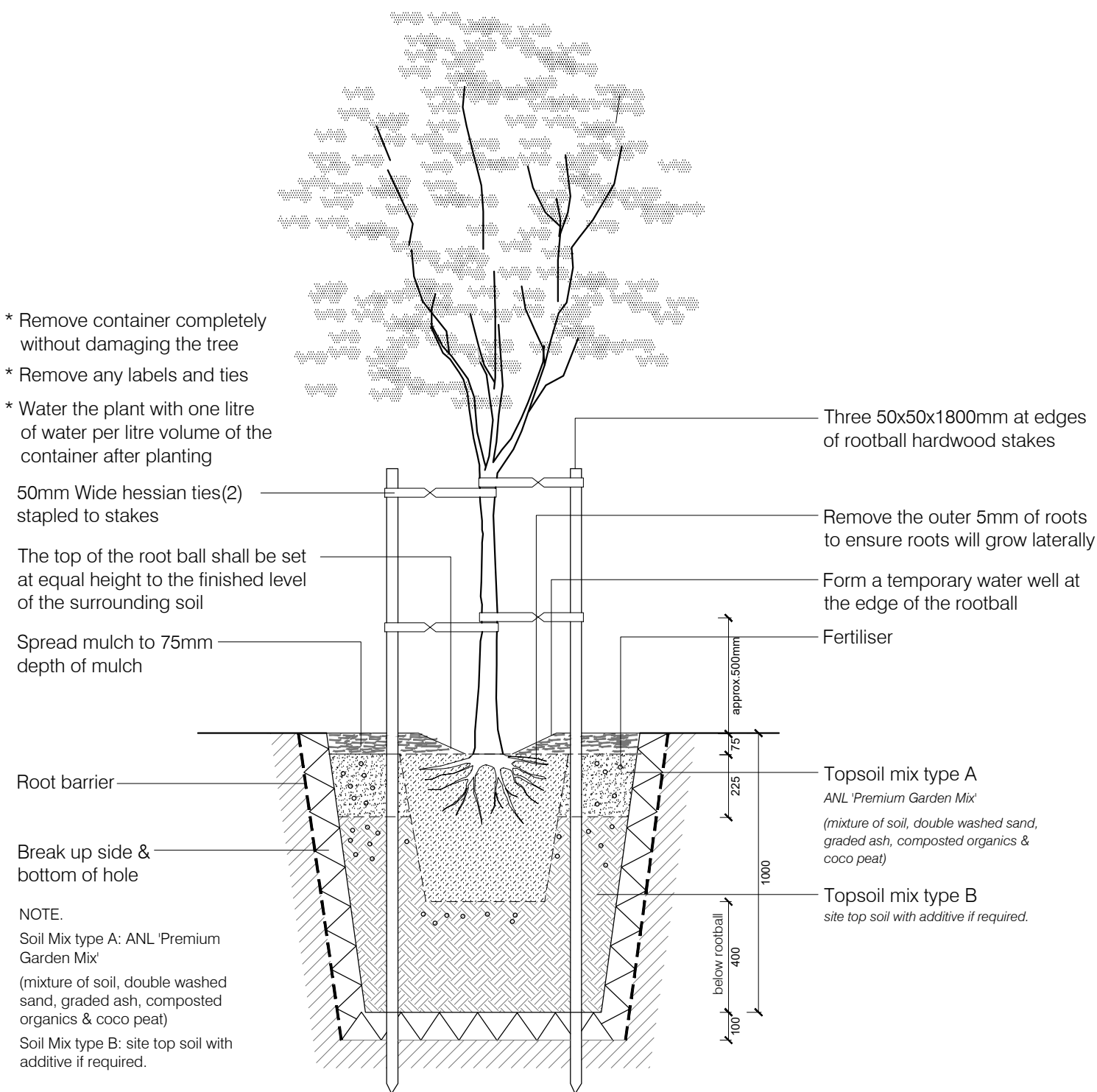
**NOTE.**  
All sand pit areas need to have recessed 'hook+eye' with protective cover at nights and closed period.

## PROPOSED PLANT SCHEDULE

| CODE                           | BOTANICAL NAME                                 | COMMON NAME                | POT SIZE | MATURE HEIGHT |
|--------------------------------|--|----------------------------|----------|---------------|
| TREES                          |  |                            |          |               |
| ACR                            | <i>Acer rubrum</i> 'October Glory'             | Lipstick Maple             | 75L      | 10m           |
| ACS                            | <i>Acerena smithii</i>                         | Lilypilly                  | 75L      | 8m            |
| COC                            | <i>Corymbia citriodora</i> 'Scentuosus'        | Dwarf Lemon Scented Gum    | 75L      | 7m            |
| COF                            | <i>Corymbia ficifolia</i>                      | Flowering Gum              | 75L      | 8m            |
| ELR                            | <i>Elaeocarpus reticulatus</i>                 | Blue-berry Ash             | 75L      | 7m            |
| FRG                            | <i>Fraxinus griffithii</i>                     | Evergreen Ash              | 75L      | 6m            |
| HYF                            | <i>Hymenosporum flavum</i>                     | Native Frangipani          | 75L      | 10m           |
| LAI                            | <i>Lagotis indica</i>                          | Creepe Myrtle              | 75L      | 6m            |
| MAS                            | <i>Magnolia x soulangeana</i>                  | Saucer Magnolia            | 75L      | 7m            |
| PYCC                           | <i>Pyrus calleryana</i> 'Chanticleer'          | Calleryana Pear            | 75L      | 11m           |
| TRL                            | <i>Tristania laurina</i>                       | Water Gum                  | 75L      | 8m            |
| ACCENT PLANTS                  |  |                            |          |               |
| Cac                            | <i>Cordyline australis</i> 'Cabernet'          | Cordyline Cabernet         | 200mm    | 1.2m          |
| Cpj                            | <i>Cordyline</i> 'Pink Joy'                    | Pink Joy Cordyline         | 150mm    | 1.2m          |
| Phbb                           | <i>Phormium</i> 'Bronze Baby'                  | Bronze Baby Flax           | 200mm    | 0.8m          |
| Std                            | <i>Strelitzia reginae</i> dwarf                | Dwarf Bird-of-Paradise     | 200mm    | 0.6m          |
| SCREEN & BARRIER SHRUBS        |  |                            |          |               |
| ACS                            | <i>Acerena smithii</i> var minor               | Dwarf Lilypilly            | 25L      | 3m            |
| Gaaf                           | <i>Gardenia augusta</i> 'Florida'              | Gardenia Florida           | 200mm    | 1.5m          |
| Pap                            | <i>Pittosporum</i> 'Green Pillar'              | Green Pillar Pittosporum   | 25L      | 3m            |
| Phgr                           | <i>Photinia glabra</i> 'Rubens'                | Photinia                   | 25L      | 2m            |
| Pmy                            | <i>Philotheca myopoides</i>                    | Wax Flower                 | 200mm    | 1.5m          |
| Saas                           | <i>Syzygium australe</i> 'Aussie Southern'     | Syzygium 'Aussie Southern' | 25L      | 2m            |
| Syn                            | <i>Syzygium australe</i> 'Straight & Narrow'   | Lily Pilly                 | 25L      | 3m            |
| Vio                            | <i>Viburnum odoratissimum</i> 'Emerald Lustre' | Emerald Lustre             | 300mm    | 2m            |
| Wef                            | <i>Westringia fruticosa</i>                    | Coastal Rosemary           | 200mm    | 2m            |
| GROUND COVERS                  |  |                            |          |               |
| Ald                            | <i>Alternanthera dentata</i>                   | Ruby leaf alternanthera    | 150mm    | 0.5m          |
| Cag                            | <i>Casuarina glauca</i> 'Cousin It'            | Cousin It                  | 200mm    | 0.4m          |
| Dib                            | <i>Dietes bicolor</i>                          | Yellow Wild Iris           | 150mm    | 1m            |
| Die                            | <i>Dichondra repens</i>                        | Kidney Weed                | 150mm    | 0.1m          |
| Dir                            | <i>Dianella revoluta</i> 'little rev'          | Black Anther Flax Lily     | 150mm    | 0.3m          |
| Dis                            | <i>Dichondra</i> 'silver falls'                | Dichondra                  | 150mm    | 0.2m          |
| Dit                            | <i>Dianella Tas Red</i>                        | Dianella Tasmanica         | 150mm    | 0.6m          |
| Dss                            | <i>Dianella Silver Streak</i>                  | Silver Streak Flax Lily    | 150mm    | 0.4m          |
| Gat                            | <i>Gazania tomentosa</i>                       | Gazania                    | 150mm    | 0.2m          |
| Lim                            | <i>Liriope muscari</i> 'Variegata'             | Variegated Lily Turf       | 150mm    | 0.3m          |
| Opj                            | <i>Ophiopogon japonicus</i> 'Black Dragon'     | Mondo Grass                | 150mm    | 0.3m          |
| Par                            | <i>Pennisetum advena</i> 'Rubrum'              | Purple Fountain Grass      | 150mm    | 1.5m          |
| Pol                            | <i>Poa labillardieri</i>                       | Tussock Grass              | 150mm    | 0.8m          |
| Sca                            | <i>Scaevola</i> 'Purple Fanfare'               | Purple Fan Flower          | 150mm    | 0.3m          |
| Sen                            | <i>Senecio serpens</i>                         | Dwarf Blue Chalk Sticks    | 100mm    | 0.2m          |
| NATURAL TURF / ARTIFICIAL TURF |  |                            |          |               |
| As noted                       | <i>Sternotaphrum secundatum</i>                | Sir Walter Buffalo         | roll     |               |
| As noted                       | <i>Prestige turf</i> (40mm thk)                |                            | roll     |               |



TYPICAL DETAIL 05: stone stepping pavers scale: 1:10



TYPICAL DETAIL 06: tree planting scale: 1:20

## PROPOSED PLANTING & SAMPLE PLAY ITEMS IMAGE PALETTE



membership # 001353  
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56 Rutledge Street, EASTWOOD NSW

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dwg title

landscape typical  
details, indicative plant  
schedule &  
maintenance program

scale: 1:20 & 10 @a1

dwg no.: DA-L103

Client:  
LANDCORP  
DEVELOPMENT PTY LTD

revision

A da submission

date

16/07/24



# COMPLIANCE CHECK – LDA2024/0195

## State Environmental Planning Policy (Transport & Infrastructure) 2021

### Chapter 3 Educational establishments and child care facilities

| Relevant Clauses   | Compliance with Standard / Provision  | Compliance   |
|--|---|--|
| <b>Part 3 Early education and care facilities – specific development controls</b>  |   |  |
| <b>3.22</b> Centre-based child care facility — concurrence of Regulatory Authority required for certain development  | Proposal complies with the space requirements.  | Yes  |
| <b>3.23</b> Centre-based child care facility — matters for consideration by consent authorities  | Refer to the assessment against the <i>Child Care Planning Guideline</i> below.   | Yes  |
| <b>3.24</b> Centre-based child care facility in Zone IN1 or IN2 — additional matters for consideration by consent authorities.   | The subject site is located within a R2 Low Density Residential Zone.   | N/A  |
| <b>3.25</b> 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.<br>(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. | The FSR has been calculated as being 0.522:1 under the Ryde LEP 2014.<br><br>N/A |
| <b>3.26</b> Centre-based child care facility — non-discretionary development standards<br>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.<br>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility— |   |  |
| (a) <b>location</b> —the development may be located at any distance from an existing or proposed early education and care facility,  | The location is satisfactory.   | Noted  |
| (b) <b>indoor or outdoor space</b><br><br>(i) for development to which regulation 107 (indoor unencumbered space   | <u>Indoor Unencumbered Space</u><br>Required: 227.5m <sup>2</sup>   | Yes  |



| Relevant Clauses   | Compliance with Standard / Provision  | Compliance |
|--|---|------------|
| <b>Part 3 Early education and care facilities – specific development controls</b>  |   |            |
| requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> 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<br><br>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,  | Provided: 228.2m <sup>2</sup><br><br><u>Outdoor Unencumbered Space</u><br>Required: 490m <sup>2</sup><br>Provided: 491.4m <sup>2</sup>  | Yes        |
| <p>Clause 28 Space requirements—centre based education and care services:</p> <p>(2) The premises of a centre based education and care service must have at least 3.25m<sup>2</sup> of unencumbered indoor play space per child that is exclusively for the use of children provided with education and care while in attendance at the service.</p> <p>(3) For the purposes of calculating unencumbered indoor play space, items such as any passage way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas located in the building or any other facility such as cupboards and areas set aside as referred to in subclause (1) are to be excluded.</p> <p>(4) Subject to subclauses (7) and (8), the premises of a centre based education and care service must have at least 7m<sup>2</sup> of useable outdoor play space per child that is exclusively for the use of children provided with education and care while in attendance at the service.</p> <p>(5) For the purposes of calculating useable outdoor play space, items such as car parking areas, storage sheds and other fixed items that prevent children from using the space or that obstruct the view of staff supervising children in the space are to be excluded.</p> |   |            |
| (c) <b>site area and site dimensions</b> —the development may be located on a site of any size and have any length of street frontage or any allotment depth,  | Noted.<br><br>Clause 2.1.1(a) of the RDCP includes a requirement for lot frontage/width (20m). The site has a frontage of 20.115. However, Clause 3.26(1) of this SEPP prevents the consent authority from requiring more onerous standards beyond those imposed by Clause 3.266(2)(c). | Yes        |



| Relevant Clauses   | Compliance with Standard / Provision  | Compliance |
|--|---|------------|
| <b>Part 3 Early education and care facilities – specific development controls</b>  |   |            |
| (d) <b>colour of building materials or shade structures</b> —the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.   | <p>Additionally, Clause 2.1.1(b) of the RDCP includes a requirement for a minimum lot size of 800m<sup>2</sup> on a regular shaped site. The site is generally regular in shape and has an area of 893.2m<sup>2</sup>.</p> <p>In this regard, the lot frontage/width and shape are accepted.</p> <p>Noted, not heritage listed.</p> | Noted      |
| <b>3.27 Centre-based child care facility — development control plans</b><br>(1) A provision of a DCP that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—  |   |            |
| (a) operational or management plans or arrangements (including hours of operation),<br>(b) demonstrated need or demand for child care services,<br>(c) proximity of facility to other early education and care facilities,<br>(d) any matter relating to development for the purpose of a centre-based child care facility contained in—<br>(i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i> , or<br>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).<br>(2) This clause applies regardless of when the development control plan was made. | <p>Noted.</p> <p>Refer to Assessment table below.</p> <p>Refer to Assessment table below.</p>   | N/A        |



## ATTACHMENT 2: COMPLIANCE CHECK - QUALITY CERTIFICATION

### Child Care Planning Guideline September 2021

| Guideline  | Compliance with Standard / Provision   |
|--|--|
| <b>Part 2 Design Quality Principles</b>  |  |
| <p><b>Principle 1. Context</b></p> <p>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p> | <p><b>Inconsistent</b></p> <p>The local area comprises a mix of residential buildings or varying scales and architectural styles.</p> <p>The subject site is therefore considered to have a low density residential character.</p> <p>The development is designed to respond to the residential character of the locality and provides a building which is of a scale which blends with the scale of surrounding development.</p> <p>Notwithstanding the above, with respect to health and environmental conditions, the Air Quality Report (dated 6 September 2024 as prepared by EnvironOdour Australia P/L) has been found by Council's Environmental Health Officer to be not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that pollutants of concern generated by vehicles using Rutledge Street have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.</p> <p>In this respect, the environmental context of the site is not considered to be suitable for the development and this forms a reason to refuse the application.</p> |
| <p><b>Principle 2. Built Form</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>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.</p> <p>Good design also uses a variety of materials, colours and textures.</p> <p>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.</p>  | <p><b>Inconsistent</b></p> <p>The development has been found to not comply with the floor space ratio development standard under the RLEP 2014 which is indicative of the proposal having a bulk and scale which is not compatible with the surrounds.</p> <p>In the event that the proposal was amended to comply with the floor space ratio standard, it could potentially be a building which is compatible with the built form aims of Principle 2.</p>  |



| Guideline   | Compliance with Standard / Provision  |
|---|---|
| <p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>   |   |
| <p><b>Principle 3. Adaptive learning spaces</b><br/>           Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>  | <p><b>Consistent</b><br/>           The development provides a variety of indoor and outdoor play learning spaces and satisfies this principle.</p>   |
| <p><b>Principle 4. Sustainability</b><br/>           Combines positive environmental, social and economic outcomes.<br/>           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.<br/>           Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p> | <p><b>Consistent</b><br/>           The proposed facility provides suitable opportunity for solar access (including skylights) and shading. Suitable water and energy saving fixtures can be achieved. Opportunities for a chicken coop and composting is provided to reduce waste.</p>                       |
| <p><b>Principle 5. Landscape</b><br/>           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.</p>   | <p><b>Consistent</b><br/>           The development includes landscaping which is consistent with the landscaped setting of the local area and with the requirements of the facility.<br/> <br/>           The outdoor play areas each include spaces for play and learning for all attending age groups.</p> |



| Guideline   | Compliance with Standard / Provision   |
|---|--|
| <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>  |  |
| <p><b>Principle 6. Amenity</b><br/>           Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.<br/>           Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>   | <p><b>Inconsistent</b></p> <p>The development exhibits a suitable degree of amenity to both the internal users of the facility, however, amenity to neighbours is considered to be unsatisfactory.</p> <p>The architectural plans do not reflect the recommendations of the acoustic report in relation to the sound barrier fence materials and heights recommended in the acoustic report. Further, the acoustic report does not clearly clarify the permissible outdoor play scenarios under Section 8.1.2 of the report.</p> |
| <p><b>Principle 7 - Safety</b><br/>           Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>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).</p> | <p><b>Consistent</b></p> <p>The facility demonstrates suitable fencing, restricted access and accessibility to ensure a safe environment. Good passive surveillance is provided to the street frontage. Security and safety matters are appropriately addressed in the Plan of Management.</p>   |
| <b>Part 3 Matters for Consideration</b>   |  |
| <b>3.1 Site Selection and Location</b>  |  |
| <p><b>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</b><br/> <b>C1.</b> For proposed developments in or adjacent to a residential zone, consider:</p>   | <p>The site is zoned R2 Low Density Residential.</p> <p>Acoustic report which is considered unsatisfactory as outlined in report.</p>  |



| Guideline   | Compliance with Standard / Provision  |
|---|---|
| <ul style="list-style-type: none"> <li>• The acoustic and privacy impacts of the proposed development on the residential properties</li> <li>• The setbacks and siting of buildings within the residential context</li> <li>• Traffic and parking impacts of the proposal on residential amenity.</li> </ul> <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> <li>• Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>• The potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul>  | <p>The proposed access point from Rutledge Street is not supported by Transport for NSW or Council.</p> <p>N/A</p>  |
| <p><b>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</b></p> <p><b>C2.</b> When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• The location and surrounding uses are compatible with the proposed development or use</li> <li>• The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>• There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.</li> <li>• The characteristics of the site are suitable for the scale and type of development proposed having regard to:             <ul style="list-style-type: none"> <li>○ size of street frontage, lot configuration, dimensions and overall size</li> <li>○ number of shared boundaries with residential properties</li> <li>○ the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> <li>• Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> </ul> | <p>The proposal is permissible within R2 low density residential zone and is suitable and compatible in the context of the surrounding residences.</p> <p>The site is not subject to any identified environmental risks.</p> <p>Proposal is suitable for the scale and type of development, providing required indoor and outdoor area (landscaping and deep soil areas provided), and setbacks to adjoining properties. The development will not have adverse environmental impacts on the surrounding area. Refer to detailed discussion regarding acoustic and amenity impacts in the Assessment report.</p> <p>N/A.</p> |



| Guideline  | Compliance with Standard / Provision  |
|--|---|
| <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>• It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>   | <p>Basement parking and drop off / pick up is achieved. Suitable pedestrian access is provided.</p> <p>Rutledge Street is suitable for this use.</p> <p>No incompatible uses/premises in the area.</p>  |
| <p><b>Objective: To ensure that sites for child care facilities are appropriately located.</b></p> <p><b>C3.</b> A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• Near or within employment areas, town centres, business centres, shops</li> <li>• With access to public transport including rail, buses, ferries</li> <li>• In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>   | <p>None of these uses are in the immediate vicinity. However, the location of the facility is satisfactory.</p> <p>Eastwood Shopping Centre is approx. 800m to the north-east.</p> <p>Eastwood Train Station is approx. 1km to the north-east. There is a bus stop within 170m of the site.</p> <p>Suitable pedestrian connectivity is available.</p> |
| <p><b>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</b></p> <p><b>C4.</b> A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• Proximity to: <ul style="list-style-type: none"> <li>– Heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>– LPG tanks or service stations</li> <li>– water cooling and water warming systems</li> <li>– odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> <li>– extractive industries, intensive agriculture, agricultural spraying activities.</li> </ul> </li> <li>• Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul> | <p>The proposed child care centre will be subject to impacts from air quality and acoustics resulting from proximity to the classified road.</p>  |



| Guideline   | Compliance with Standard / Provision  |
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| <b>3.2 Local Character, streetscape and the public domain interface</b>   |   |
| <p><b>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</b></p> <p><b>C5.</b> The proposed development should:</p> <ul style="list-style-type: none"> <li>• Contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• Reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• Recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• Include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• Use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• Integrate car parking into the building and site landscaping design in residential areas.</li> </ul> | <p>Refer to assessment of Design Quality Principles.</p> <p>The proposed building is compatible with the existing and future desired character and streetscape of the locality.</p>             |
| <p><b>Objective: To ensure clear delineation between the child care facility &amp; public spaces.</b></p> <p><b>C6.</b> Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• Fencing to ensure safety for children entering and leaving the facility</li> <li>• Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• Integrating existing and proposed landscaping with fencing.</li> </ul>   | <p>Fencing and gates are provided around the perimeter of the outdoor spaces. Suitably designed windows provide casual surveillance.</p> <p>All fencing and landscaping on the site is new.</p> |
| <p><b>C7</b> On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>  | <p>N/A</p>  |
| <p><b>C8</b> Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• Clearly defined street access, pedestrian paths and building entries</li> </ul>   | <p>N/A. Not situated in such a location.</p>  |



| Guideline  | Compliance with Standard / Provision   |
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| <ul style="list-style-type: none"> <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><b>Objective: To ensure that front fences &amp; retaining walls respond to &amp; complement the context &amp; character of the area &amp; do not dominate the public domain.</b></p> <p><b>C9.</b> Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>  | <p>Visually permeable batton fencing is proposed to the street frontage to Rutledge Street and to part of the Wentworth Road frontage. The remainder of the Wentworth Road frontage is proposed to have 1.8m lapped and capped timber fencing.</p>   |
| <p><b>C10.</b> High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>   | <p>Acoustic fencing is not required to shield the facility from noise in this situation given the location of the building.</p>  |
| <p><b>3.3 Building orientation, envelope and design</b></p>  |  |
| <p><b>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</b></p> <p><b>C11.</b> Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>○ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>○ placing play equipment away from common boundaries with residential properties</li> <li>○ locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> <li>• Optimise solar access to internal and external play areas</li> <li>• Avoid overshadowing of adjoining residential properties</li> <li>• Minimise cut and fill</li> </ul> | <p>The building orientation is in keeping with the layout of the site.</p> <p>Achieved – windows orientated to the side are highlight windows only, and generally non-openable.</p> <p>Play equipment is located away from boundaries with residential properties.</p> <p>Play areas are distanced from neighbouring dwellings by boundary fencing, screen planting, and building separation. Solar access to outdoor play areas is suitable.</p> <p>Overshadowing is not excessive. 31 Campbell is partially affected in the afternoon hours but not to unreasonable extent. 54 Rutledge is affected in the late afternoon hours.</p> |



| Guideline  | Compliance with Standard / Provision  |
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| <ul style="list-style-type: none"> <li>• Ensure buildings along the street frontage define the street by facing it</li> <li>• Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>  | <p>Excavation is proposed for the basement. The remainder of the site does not experience excessive cut and fill.<br/>Building faces and addresses both street frontages.</p> <p>The first floor play area is protected from wind.</p>  |
| <p><b>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</b><br/><b>C12.</b> The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• Building height should be consistent with other buildings in the locality</li> <li>• Building height should respond to the scale and character of the street</li> <li>• Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• Setbacks should provide adequate access for building maintenance</li> <li>• Setbacks to the street should be consistent with the existing character.</li> </ul> | <p>Building height of a maximum of 9.3m and 2 storeys is consistent.<br/>Height is consistent with the scale and character of the single and 2 storey dwellings of the street.<br/>Setbacks are compliant and provide for screen planting and sufficient space to protect privacy.</p> <p>Achieved</p> <p>Street setback is consistent with neighbouring buildings to the east and the secondary street setback of 2m is consistent with other secondary street setbacks in the visual catchment of the site.</p> |
| <p><b>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</b><br/><b>C13.</b> Where there are no prevailing setback controls minimum setback to a classified road should be 10m.</p> <p>On other road frontages where there are existing buildings within 50m, the setback should be the average of the 2 closest buildings. Where there are no buildings within 50m, the same setback is required for the predominant adjoining land use.</p>   | <p>N/A</p> <p>Street setback is consistent with neighbouring buildings to the east. The 2m secondary street setback is consistent with a number of other secondary street setbacks in the visual catchment of the site.</p>   |
| <p><b>C14.</b> On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>  | <p>Setbacks are in excess of minimum DCP requirements of 1.5m. Satisfactory.</p>  |
| <p><b>Objective: To ensure that buildings are designed to create safe environments for all users.</b></p>  |   |



| Guideline  | Compliance with Standard / Provision   |
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| <p><b>C15.</b> Entry to the facility should be limited to 1 secure point which is:</p> <ul style="list-style-type: none"> <li>• Located to allow ease of access, particularly for pedestrians</li> <li>• Directly accessible from the street where possible</li> <li>• Directly visible from the street frontage</li> <li>• Easily monitored through natural or camera surveillance</li> <li>• Not accessed through an outdoor play area.</li> <li>• In a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>   | <p>Access direct from the street or basement.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved, including from front office.</p> <p>Not accessed via a play area.</p> <p>N/A</p>  |
| <p><b>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</b></p> <p><b>C16.</b> Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• Providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• Linking all key areas of the site by level or ramped pathways that are accessible to 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 is able to comply with relevant standards.</p> <p>Accessible path provided from Wentworth Road frontage then accessible by way of lift.</p> <p>Suitable levels and access are achieved.</p> <p>Slight ramping is required due to slope of site.</p> |
| <p><b>3.4 Landscaping</b></p>  |  |
| <p><b>Objective: To provide landscape design that contributes to the streetscape and amenity.</b></p> <p><b>C17.</b> Appropriate planting should be provided along the boundary integrated with fencing.</p> <p>Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>  | <p>Appropriate landscaping proposed, which is integrated with retaining walls.</p>   |
| <p><b>C18.</b> Incorporate car parking into the landscape design of the site by:</p>   | <p>N/A Basement parking is provided.</p>   |



| Guideline  | Compliance with Standard / Provision  |
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| <ul style="list-style-type: none"> <li>Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>Taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>Using low level landscaping to soften and screen parking areas.</li> </ul>   |   |
| <b>3.5 Visual and acoustic privacy</b>   |   |
| <b>Objective: To protect the privacy and security of children attending the facility.</b><br><b>C19.</b> Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.   | N/A   |
| <b>C20.</b> Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> <li>Appropriate site and building layout</li> <li>Suitably locating pathways, windows and doors</li> <li>Permanent screening and landscape design.</li> </ul>  | Proposal ensures minimisation of overlooking from the public domain.  |
| <b>Objective: To minimise impacts on privacy of adjoining properties.</b><br><b>C21.</b> Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> <li>Appropriate site and building layout</li> <li>Suitable location of pathways, windows and doors</li> <li>Landscape design and screening.</li> </ul>  | The development has been designed to minimise overlooking into the main internal living areas and private open spaces in adjoining properties through the incorporation of appropriate treatments such as highlight windows and screening measures. |
| <b>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</b><br><b>C22.</b> A new development, or development that includes alterations to more than 50% of the existing floor area, and is located adjacent to residential accommodation should: <ul style="list-style-type: none"> <li>provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>Ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g., acoustic fence, building, or enclosure.</li> </ul> | <p>Acoustic fence proposed as per the Acoustic report.</p> <p>Mechanical plant screened as per the Acoustic report.</p>   |



| Guideline   | Compliance with Standard / Provision   |
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| <p><b>C23.</b> A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• Identify an appropriate noise level for a child care facility located in residential and other zones.</li> <li>• Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>   | <p>The acoustic report addresses these matters despite a number of identified deficiencies.</p>          |
| <b>3.6 Noise and Air Pollution</b>  |  |
| <p><b>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</b></p> <p><b>C24.</b> Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• Creating physical separation between buildings and the noise source</li> <li>• Orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• Using landscaping to reduce the perception of noise</li> <li>• Limiting the number and size of openings facing noise sources</li> <li>• Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul> | <p>As discussed in the report, there are a number of identified deficiencies in the acoustic report.</p> |
| <p><b>C25.</b> An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• On industrial zoned land</li> <li>• Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• On a major or busy road</li> </ul>  | <p>As discussed in the report, there are a number of identified deficiencies in the acoustic report.</p> |



| Guideline   | Compliance with Standard / Provision  |
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| <ul style="list-style-type: none"> <li>Other land that is impacted by substantial external noise.</li> </ul>  |   |
| <p><b>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</b></p> <p><b>C27.</b> Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>   | <p>As discussed in the report, there are a number of deficiencies in the submitted air qual</p>   |
| <b>3.7 Hours of Operation</b>   |   |
| <p><b>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</b></p> <p><b>C28.</b> Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>   | <p>Proposed hours of operation are 7am to 6pm Monday to Friday.</p>   |
| <p><b>C29.</b> Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>  | <p>N/A. The site is zoned R2 Low Density Residential.</p>   |
| <b>3.8 Traffic, parking and pedestrian circulation</b>  |   |
| <p><b>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</b></p> <p><b>C30.</b> Off street car parking should be provided at the rates for child care facilities specified in a DCP that applies to the land.</p> <p>Where a DCP does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>1 space per 10 children</li> <li>1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> | <p><b>No, parking shortfall of three spaces.</b></p> <p>Council's DCP rates apply being 1 space per 8 children and 1 space per 2 employees.</p> <p>Proposed:<br/> Staff: 15 (8.75 spaces required and six proposed)<br/> Children: 70 (8.75 spaces required and nine proposed)</p> <p>Required – 17.5 spaces (rounded up to 18 as required by the DCP).</p> |



| Guideline   | Compliance with Standard / Provision  |
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| <ul style="list-style-type: none"> <li>the proposal is an adaptive re-use of a heritage item</li> <li>the site is in a B8 Metropolitan Zone or other high-density business or residential zone</li> <li>the site is in proximity to high frequency and well-connected public transport</li> <li>the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>   |   |
| <p><b>C31.</b> In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>  | N/A   |
| <p><b>C32.</b> A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>The amenity of the surrounding area will not be affected</li> <li>There will be no impacts on the safe operation of the surrounding road network.</li> </ul>   | The application is accompanied by a Traffic Impact Assessment Report. This has been discussed earlier in the table.   |
| <p><b>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b></p> <p><b>C33.</b> Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>a classified road</li> <li>roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>the prevailing traffic conditions</li> <li>pedestrian and vehicle safety including bicycle movements</li> <li>the likely impact of the development on traffic.</li> </ul> | The proposed vehicle access is from Rutledge Street being a classified road. Transport for NSW does not support the proposed access from Rutledge Street and have requested that it be relocated to Wentworth Road. This would have a significant knock-on effect to the design of the development and may render the basement design unworkable. |



| Guideline   | Compliance with Standard / Provision   |
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| <p><b>C34.</b> Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>  | <p>N/A The site is not located within a cul-de-sac.</p>  |
| <p><b>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</b></p> <p><b>C35.</b> The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable 2 prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul> | <p>Suitable vehicular and pedestrian access is provided, including suitable paths of travel to the facility, including for pram access. Vehicle movements are clear of loading areas and can enter an exit in a forward direction.</p> |
| <p><b>C36.</b> Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>  | <p>N/A</p>   |



| Guideline  | Compliance with Standard / Provision  |
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| <p><b>C37. Car parking design should:</b></p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>  | <p>A safe car parking design is provided, including a clear pathway for pedestrians.</p> <p>Accessible parking provided near the entrance.</p> <p>Achieved.</p>   |
| <b>Part 4 Applying the National Regulations to development proposals</b>   |   |
| <b>A. INTERNAL PHYSICAL ENVIRONMENT</b>  |   |
| <p><b>4.1 Indoor Space Requirements</b><br/> <b>Regulation 107 Education and Care Services National Regulations</b></p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• passageway or thoroughfare (including door swings) used for circulation</li> <li>• toilet and hygiene facilities</li> <li>• nappy changing area or area for preparing bottles</li> <li>• area permanently set aside for the use or storage of cots</li> <li>• area permanently set aside for storage</li> <li>• area or room for staff or administration</li> <li>• kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</li> <li>• on-site laundry</li> <li>• other space that is not suitable for children.</li> </ul> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional</p> | <p>The proposed facility provides 227.5m<sup>2</sup> of unencumbered indoor space for 70 children. This equates to 3.25m<sup>2</sup> of unencumbered indoor space for each child which is compliant with the Education and Care Services National Regulation.</p> <p>All unencumbered indoor spaces within the proposed development are secure and allow for safe supervision.</p> <p>Noted</p> |



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| <p>circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs (which can be fully closed) may be included when calculating indoor space with the written approval from the regulatory authority.</p> <p>Design Guidance:</p> <p><b>Verandahs as indoor space</b><br/>For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).</p> <p><b>Storage</b><br/>Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> <li>• a minimum of 0.3m<sup>3</sup> per child of external storage space</li> <li>• a minimum of 0.2m<sup>3</sup> per child of internal storage space.</li> </ul> <p>Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.</p> <p>Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.</p> <p>Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external</p> | <p>Noted.</p> <p>N/A</p> <p>N/A</p> <p>Required: 21m<sup>2</sup><br/>Provided: 27.65m<sup>2</sup>.<br/>Required: 14m<sup>2</sup><br/>Provided: 29.52m<sup>2</sup></p> <p>Noted. The facility is capable of achieving this.</p> <p>Sufficient storage areas have been provided.</p> <p>N/A. Laundry is catered for on-site.</p> |



| Guideline  | Compliance with Standard / Provision  |
|--|---|
| <p>access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.</p>   |   |
| <p><b>4.2 Laundry and hygiene facilities</b><br/> <b>Regulation 106 Education and Care Services National Regulations</b></p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p> <p>Design Guidance: Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.</p> <p><b>On site laundry</b><br/> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children.</li> </ul> <p><b>External laundry service</b><br/> A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p> | <p>Laundry facilities have been provided at basement level. Location of the laundry facilities will not pose a risk to the children. Nappy change areas will be provided within the rooms allocated for infants and toddlers.</p> <p>Child care facility complies with the requirements contained in the NCC. The proposed laundry is large enough to accommodate appliances and storage.</p> <p>Internal laundry facilities</p> <p>Noted.</p> <p>N/A</p> |
| <p><b>4.3 Toilet and hygiene facilities</b><br/> <b>Regulation 109 Education and Care Services National Regulations</b></p>  |   |



| Guideline   | Compliance with Standard / Provision  |
|---|---|
| <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Design Guidance: Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries.</li> </ul> | <p>The toilet and nappy change facilities have been appropriately located for safe and convenient use with washing and drying facilities. Age appropriate toilets have been provided.</p>   |
| <p><b>4.4 Ventilation and natural light</b><br/> <b>Regulation 110 Education and Care Services National Regulations</b></p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p>Design Guidance:</p> <p><b>Ventilation</b><br/> Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to</p>   | <p>The building includes windows and doors that allow for natural ventilation and solar access into the internal and external areas of the child care centre.</p> <p>The facility has sufficient windows providing light and ventilation to comply with the NCC. Ceiling height complies with NCC.</p> <p>Achieved.</p> <p>It is noted the Acoustic report requires some windows to be closed to protect the acoustic privacy of neighbouring residents. Suitable mechanical ventilation is provided.</p> |



| Guideline  | Compliance with Standard / Provision   |
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| <p>creating ambient temperatures within a facility.</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p><b>Natural Light</b></p> <p>Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights.</li> </ul> <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p> | <p>Adequate natural light is provided.</p> <p>Windows to all orientations.</p> <p>The floor to ceiling heights that are proposed within the indoor play space on the ground floor are proportional to room size and allow for expansive external play area.</p> <p>Solar and daylight access presents no significant issues or over reliance on artificial lighting and heating. The natural light complies with the NCC and the number of windows and external play areas will provide for sufficient daylight and sunlight access.</p> |
| <p><b>4.5 Administrative Space</b></p> <p><b>Regulation 111 Education and Care Services National Regulations</b></p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>Design Guidance: Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p>  | <p>The proposal includes a reception area and staff room for administrative functions which are sufficient.</p>  |

| Guideline  | Compliance with Standard / Provision  |
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| <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4). Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>   |   |
| <p><b>4.6 Nappy change facilities</b><br/> <b>Regulation 112 Education and Care Services National Regulations</b></p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>Design Guidance: In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• a space to store steps</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul> | <p>The facility provides nappy change facilities within the indoor play areas on the ground floor which will prevent unsupervised access by children.</p> |
| <p><b>4.7 Premises designed to facilitate supervision</b><br/> <b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities,</p>   | <p>The facility has been designed to allow for supervision of the children from within the indoor and outdoor play spaces. The toilet</p>                 |



| Guideline  | Compliance with Standard / Provision  |
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| <p>indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design Guidance: Design considerations should include:</p> <ul style="list-style-type: none"> <li>• solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>• locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>• avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>• avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities.</li> </ul> | <p>facilities are laid out in a manner that enables supervision where required.</p>                             |
| <p><b>4.8 Emergency &amp; evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations</b></p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>   | <p>Prior to the issuing of an occupation certificate, emergency and evacuation procedures will be provided.</p> |

| Guideline   | Compliance with Standard / Provision   |
|---|--|
| <p>Design Guidance: Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.</li> </ul> <p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul> |  |
| <b>B. EXTERNAL PHYSICAL ENVIRONMENT</b>   |  |
| <p><b>4.9 Outdoor space requirements</b><br/> <b>Regulation 108 Education and Care Services National Regulations</b></p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.</p> <p><i>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</i></p>   | <p>Complies.<br/> Outdoor space: 491.4m<sup>2</sup><br/> This is 7.02m<sup>2</sup> per child.</p> <p>N/A</p> |



| Guideline   | Compliance with Standard / Provision  |
|---|---|
| <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul> <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p>Design Guidance: Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figures 9 and 10). When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><b>Verandahs as outdoor space</b><br/>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1m</li> <li>• have a wall height of less than 1.4m where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements.</li> </ul> <p><b>Simulated outdoor environments</b><br/>A service approval will only be granted in exceptional circumstances when outdoor</p> | <p>Noted, calculated spaces have been done accordingly.</p> <p>Noted</p> <p>N/A</p> <p>Achieved.</p> <p>Achieved.<br/>Achieved.</p> <p>Achieved.<br/>Achieved.</p> <p>N/A</p> |

| Guideline  | Compliance with Standard / Provision     |
|--|--|
| <p>space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.</p> <p>Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.</p> <p>Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should include:</p> <ul style="list-style-type: none"> <li>• more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility:</li> <li>• skylights to give a sense of the external climate</li> <li>• a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment</li> <li>• sand pits and water play areas</li> <li>• furniture made of logs and stepping logs</li> <li>• dense indoor planting and green vegetated walls</li> <li>• climbing frames, walking and/or bike tracks</li> <li>• vegetable gardens and gardening tubs.</li> </ul> | <p>N/A</p> <p>N/A</p>                    |
| <p><b>4.10 Natural Environment</b><br/> <b>Regulation 113 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Design Guidance: Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</p>   | <p>Refer to Landscape Plan provided.</p> |



| Guideline  | Compliance with Standard / Provision  |
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| <p>Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches.</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>• assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>                       | <p>Shrubs and trees are not foreseen to risk the health and safety of children in terms of toxicity or attract insects, have thorns, spikes or prickly foliage.</p> <p>The outdoor space has been designed to provide a variety of experiences that facilitate the development of cognitive and physical skills in terms of expansive outdoor play area and classroom design.</p> |
| <p><b>4.11 Shade</b><br/> <b>Regulation 114 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Design Guidance: Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.</p> <p><b>Solar access</b><br/> Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</li> </ul> | <p>Proposed roof overhangs to ensure solar access and sun protection is achieved for protection of children.</p> <p>The outdoor play areas will have solar access to at least 30% for more than 2 hours during winter.</p>  |





| Guideline  | Compliance with Standard / Provision   |
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| <p>shape to allow children to gather or play actively.</p>   |  |
| <p><b>4.12 Fencing</b><br/> <b>Regulation 104 Education and Care Services National Regulations</b></p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p> <p>Design guidance: Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure</li> </ul> <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8m</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and</p> | <p>Outdoor spaces are fenced appropriately. Proposed acoustic fences and 1.8m -2.4m at boundary.</p> <p>The facility complies with the fencing and protection of outdoor play spaces that is contained in the NCC in the sense that a secure and safe environment is provided for children when located in the outdoor play areas.</p> |

| Guideline  | Compliance with Standard / Provision  |
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| <p>Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11).</p>  |   |
| <p><b>4.13 Soil assessment</b><br/> <b>Regulation 25 Education and Care Services National Regulations</b></p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</li> <li>• a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.</li> </ul> | <p>A preliminary site investigation has been submitted with application which concludes that the site can be made suitable for the development.</p> |



### ATTACHMENT 3: COMPLIANCE CHECK - QUALITY CERTIFICATION

#### Assessment of a child care, and relevant parts of the DCP

|                                |                                       |  |
|--------------------------------|---------------------------------------|--|
| <b>LDA No:</b>                 | LDA2024/0195                          |  |
| <b>Address:</b>                | 56 Rutledge Street, Eastwood          |  |
| <b>Proposal:</b>               | New centre based child care facility. |  |
| <b>Constraints Identified:</b> | No notable constraints                |  |

#### COMPLIANCE CHECK

| Ryde LEP 2014                          | Proposed | Compliance                           |
|--|----------|--------------------------------------|
| <b>4.3(2) Height:</b> 9.5m             | 9.3m     | Yes                                  |
| <b>4.4(2) &amp; 4.4A(1) FSR:</b> 0.5:1 | 0.522:1  | No, no Clause 4.6 request submitted. |

| RDCP 2014 Relevant Controls   | Proposed   | Compliance |
|---|--|------------|
| <b>Part 3.2 – Child Care Centres</b>  |  |            |
| <b>Clause 1.7 Child Care Centre Design</b>  |  |            |
| A CCC development is to be designed and drawn by a person who is an architect or who is accredited by the Building Designers Association of NSW Inc.  | The development has been designed and drawn by Jake Janssen of Janssen Designs who is a registered architect (Reg No. 11575) under the NSW Architects Registration Board.                  | Yes        |
| The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for CCCs due to the particular nature of the requirements (refer in particular to Section 6 Landscaping & Play Spaces under this Part).                        | The landscape plan package has been designed and drawn by O, who have demonstrated experience in designing external spaces for CCCs.   | Yes        |
| CCC DAs are required to be accompanied by a signed undertaking by the applicant, licensee or proposed licensee that demonstrates that the proposal has been designed to comply with respect to the Children's Services Regulation 2004 or DoCS requirements as relevant at the time of application. | These regulations have been superseded, and the current Regulations are now part of the assessment of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> . | N/A        |
| <b>Technical Assessment Requirements</b>  |  |            |
| Technical assessments may also be required to be prepared and submitted with the DA, or while the DA is under   | The submitted documents include technical assessments as required.   | Yes        |

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| assessment, to demonstrate support for the proposal and compliance with this DCP. |  |  |
|---|--|--|

| RDCP 2014 Relevant Controls   | Proposed  | Compliance              |
|---|---|-------------------------|
| <b>2.1 Suitability of Location and Site for Child Care</b>  |   |                         |
| <b>2.1.1 Preferred Locations</b>  |   |                         |
| <ul style="list-style-type: none"> <li>Single use developments street frontage and width &gt;20m. Corner allotments &gt; 17m</li> </ul>   | The site has a frontage of 20.115m and exceeds 20m in width.  | Yes                     |
| <ul style="list-style-type: none"> <li>Single use – minimum site area of 800m<sup>2</sup> – regular in shape</li> </ul>   | The site is generally regular in shape and has an area of 893.2m <sup>2</sup> .   |                         |
| <ul style="list-style-type: none"> <li>Not located on arterial or sub-arterial roads, refer Schedule 2</li> </ul>   | The site is located on Rutledge Street which is designated as a sub-arterial road as per the DCP.   | No, discussed in report |
| <ul style="list-style-type: none"> <li>Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road</li> </ul>   | N/A – the proposal is not part of a mixed-use development.  | N/A                     |
| <ul style="list-style-type: none"> <li>No battle-axe allotments</li> </ul>  | N/A - Not a battle axe allotment.   | N/A                     |
| <ul style="list-style-type: none"> <li>Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided</li> </ul>   | Rutledge Street is not a cul-de-sac.  | N/A                     |
| <ul style="list-style-type: none"> <li>Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)</li> </ul>  | The subject site is not located within close proximity to a brothel.  | Yes                     |
| <ul style="list-style-type: none"> <li>Site flat or gently sloping and well drained               <ol style="list-style-type: none"> <li>Assist design of useable indoor and outdoor areas at same grade</li> <li>Provide accessibility to all areas</li> <li>Assist drainage after rain</li> </ol> </li> </ul> | <p>The site is generally flat. Approximately 3.8m of cut is proposed for the basement parking area.</p> <p>Access is provided to all areas. The site drains to the street.</p>                            | Yes                     |
| <ul style="list-style-type: none"> <li>Aspect permits maximum solar access and natural ventilation</li> </ul>   | The orientation of the site and building layout permits adequate solar access and ventilation into the facility and to neighbouring residential properties.   | Yes                     |
| <ul style="list-style-type: none"> <li>Located on land not affected by adverse overshadowing by existing or future development, undue heat loads from reflective surfaces of existing or future approved buildings on neighbouring sites</li> </ul>   | The proposed centre is not affected by adverse overshadowing from existing neighbouring buildings.  | Yes                     |
| <ul style="list-style-type: none"> <li>Site not subject to undue overlooking from existing or future adjoining development</li> </ul>   | Adequate separation and privacy treatments are provided to all elevations.  | Yes                     |
| <p>Preferred locations for larger centres in residential areas:</p> <ul style="list-style-type: none"> <li>Sites located on street corners</li> <li>Sites share common boundaries with compatible non-residential uses</li> <li>Compatible land uses subject to acceptable traffic and parking</li> </ul>       | <ul style="list-style-type: none"> <li>The site is located on a corner.</li> <li>The site shares boundaries with residential uses.</li> <li>There are no compatible uses surrounding the site.</li> </ul> | Yes                     |



|   |   |                               |
|---|---|-------------------------------|
| <ul style="list-style-type: none"> <li>In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.</li> </ul>  | The proposal occupies a single site and will cater for 70 children.   | Yes                           |
| <ul style="list-style-type: none"> <li>Work based centres in mixed use developments adjacent to non-commercial/non-residential components to protect privacy and amenity of centre and neighbouring workers/residents.</li> </ul>   | N/A - The proposal is not part of a mixed-use development.  | N/A                           |
| <b>2.1.2 Environmental Risks/Hazards</b>  |   |                               |
| <ul style="list-style-type: none"> <li>Not to be located on land affected by overland flow</li> </ul>   | The site is mapped as clear of flooding impacts.  | Yes                           |
| <ul style="list-style-type: none"> <li>On land affected by overland flow any alterations or additions are not to pose a safety or health risk. Overland Flow Study/Stormwater Drainage Plan required</li> </ul>   | Refer above   | Yes                           |
| <ul style="list-style-type: none"> <li>Consideration may be given to sites affected by overland flow in front setback area. Must not constitute a flood hazard and supported by Overland Flow Study/Stormwater Drainage Plan</li> </ul>   | Refer above   | Yes                           |
| <ul style="list-style-type: none"> <li>Developments not to be located on Bush Fire Prone Land</li> </ul>  | The subject site is not located on Bush Fire Prone Land.  | N/A                           |
| <ul style="list-style-type: none"> <li>The location is to take into consideration any other environmental health hazard including               <ul style="list-style-type: none"> <li>(i) Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads);</li> <li>(ii) Existing and potential on and off-site electromagnetic fields;</li> <li>(iii) Contaminated land;</li> <li>(iv) Lead in painted surfaces, carpets, furnishings and roof void in existing buildings;</li> <li>(v) Asbestos or other contamination or poisoning in existing buildings;</li> <li>(vi) Proximity to service stations;</li> <li>(vii) Proximity to LPG tanks;</li> <li>(viii) Proximity to significant noise, odour and other pollutant generating sources, or sites which (due to prevailing land use zoning) may in future accommodate noise or odour generating uses;</li> <li>(ix) Proximity to transmission lines, railway lines, mobile phone towers.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>(i) The site is located on a sub-arterial road. Air quality report unsatisfactory</li> <li>(ii) N/A</li> <li>(iii) A PSI is submitted with the application which concludes that the site is suitable for use as a child care centre.</li> <li>(iv) The site is currently vacant.</li> <li>(v) The site is currently vacant.</li> <li>(vi) The site is not located in proximity to a service station.</li> <li>(vii) The site is not located in proximity to LPG tanks.</li> <li>(viii) The site is not located in proximity to significant noise, odour and other pollutant generating sources.</li> <li>(ix) There are no significant transmission lines, railway lines or mobile phone towers in proximity to the site.</li> </ul> | No, see discussion in report. |
| <ul style="list-style-type: none"> <li>Where sites are proposed within 125m of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required.</li> </ul>  | Air quality report is unsatisfactory.   | No, see discussion in report. |

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| <ul style="list-style-type: none"> <li>The site must not have been previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances, unless a soil analysis has been conducted</li> </ul>  | <p>The site has been used continuously for residential purposes since at least the 1950s. The PSI did not locate any sources of contamination on the site.</p>   | Yes   |
| <ul style="list-style-type: none"> <li>The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.</li> </ul>   | <p>The site is not located within proximity of an industrial or business zoning that would warrant frequent trucks movement that would create emissions of dust, fumes, or noise.</p>  | Yes   |
| <ul style="list-style-type: none"> <li>Consideration is to be given to the requirements of SEPP 55 and any land contamination policy adopted by Council.</li> </ul>  | <p>SEPP 55 (now <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>) and contamination are addressed in the Assessment report.</p>  | Yes   |
| <b>2.2 Assessing Child Care Needs and Size of Facility</b>   |  |   |
| <ul style="list-style-type: none"> <li>All development applications for CCCs are required to identify:</li> <li>Proposed total number of child care places.</li> <li>Proposed number of children by age group;</li> <li>Proposed number of staff including all full time and part time staff, and role of each staff member</li> </ul> | <p>Noted</p> <p>70 children</p> <p>The proposed age group breakdown for the child care is as follows:</p> <p>0-2 years – 20 children<br/>2-3 years – 20 children<br/>3-5 years – 30 children</p> <p>The number of educators to children ratios is regulated by the Education and Care Services National Regulations.</p> <p>The ratios are provided as follows.</p> <p>1:4 (birth to 24 months)<br/>1:5 (24-36 months)<br/>1:10 (36-60 months)</p> <p>Proposed: 12 staff</p> | <p>Noted</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <ul style="list-style-type: none"> <li>justification that the proposed number of children within each age group is consistent with current and projected future needs in the area</li> </ul>   | <p>Clause 3.27 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> covers that a provision of a DCP that specifies a requirement, standard or control in relation to the demonstrated need or demand for child care services does not apply to development for the purpose of a centre-based child care facility.</p>  | N/A   |
| <b>2.3 Site Analysis</b>   |  |   |
| <ul style="list-style-type: none"> <li>A site analysis to be submitted for new CCC developments including developments that involve the conversions of existing dwellings/other buildings</li> </ul>   | <p>A site analysis plan has been submitted with the application.</p>   | Yes   |



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| <ul style="list-style-type: none"> <li>A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD.</li> </ul> | The site analysis is based on the Survey Plan provided by Masri Survey Group P/L. | Yes |
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### 3.0 Design and Character

#### 3.1 All Child Care Centres

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| <ul style="list-style-type: none"> <li>Designed in accordance with CPTED</li> <li>Orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces</li> <li>Design to take advantage of natural lighting and opportunities to maximise solar access and natural ventilation</li> <li>Avoid the proximity to and use of large expanses of UV reflective surfaces</li> <li>Maximise energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP</li> <li>Building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements</li> <li>Appliances to be used/installed in the centre should have a minimum 3.5 star rating</li> <li>Designed to reflect desired/expected character of buildings in the area</li> </ul> | <p>Achieved.<br/>Compliant.</p> <p>Compliant</p> <p>Noted.</p> <p>Achieved.</p> <p>Noted</p> <p>Noted.</p> <p>The site proposal reflects the residential locality and is proposed to sit at a scale which is appropriate for the locality. Entries address the street and the entry is clearly identifiable.</p> <p>The SEE demonstrates how the proposed design responds to the site analysis.</p> <p>Capable of being achieved by the operator.</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> <p>Yes</p> <p>Noted.</p> <p>Noted.</p> |
| <ul style="list-style-type: none"> <li>Where fill is proposed to be used, clean fill must be used.</li> </ul>  | Noted.  | Noted.   |

#### 3.2 Detached Centres and Centres in Residential Areas

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| <ul style="list-style-type: none"> <li>Bulk, height, scale and appearance which is compatible with the surrounding development</li> </ul>  | The appearance is compatible with surrounding single and two storey residential developments.   | Yes                       |
| <ul style="list-style-type: none"> <li>Streetscape and character of the locality should be maintained</li> </ul>   | Streetscape and character of locality is maintained.  | Yes                       |
| <ul style="list-style-type: none"> <li>In low density residential areas, encouraged to be single storey in height for safety and access. If two storey, second storey should only be used for the purposes of storage and staff facilities.</li> </ul> | The proposal is for a 2 storey child care centre with a height of 9.4m and is compliant with the maximum permitted building height under the RLEP 2014. | See report for discussion |

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| <ul style="list-style-type: none"> <li>Designed to comply with the built form controls under Part 3.3 Dwelling Houses and dual-occupancies of this DCP, for example, FSR, height, setbacks</li> <li>Where lot consolidation is required must reflect existing subdivision pattern and building bulk.</li> </ul> | <p>An assessment against these built form controls is provided below.</p> <p>N/A</p>         | <p>Refer below</p> <p>N/A</p> |
| <b>Fencing, Gates &amp; Security</b>  |  |                               |
| For CCCs in low density residential areas, consideration is to be given to requirements under Part 3.3 Dwellings and Duplexes.  | Noted  | Noted                         |
| Consideration is to be given to the use of appropriate building materials and finishes to complement the streetscape and desired character of the locality.   | The materials and finishes complement the streetscape and desired character of the locality. | Yes                           |
| Designated outdoor play areas must be fenced on all sides. The design and height of fencing are to prevent children scaling fencing and / or crawling under and must impede intruders from entering premises through it or from scaling it and to prevent unlawful access to children.                          | Adequate fencing provided around outdoor play area.  | Yes                           |
| Gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.  | Noted.   | Noted                         |
| All raised areas, including any stairs, are to be enclosed to prevent a child from falling or crawling through gaps.  | Noted.   | Noted                         |
| Adequate safety provision is to be made to prevent children gaining access to other parts of the building/site unsupervised.  | Suitable access control measures are provided.   | Yes                           |
| Fencing and gates are to be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and RMS Traffic Management Guidelines.  | Sightlines will be adequately provided   | Yes                           |
| <b>4.1 Acoustic Privacy – for children in the centre</b>  |  |                               |
| Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. The impact of noise should also be reduced by design measures including barriers such as solid fencing and laminated or double glazing where relevant.       | Location of cot room is satisfactory but it doesn't meet the noise criteria.                 | See discussion in report.     |
| Design measures to minimise internal noise levels should be designed to meet recommended design sound levels equivalent to Australian Standards AS/NZS 2107 (e.g., sleep areas 30dBa, internal activity areas 40dBa).   | Proposal meets the applicable Australian Standards to recommended design levels.             | Yes                           |
| <b>4.2 Acoustic Privacy – for adjoining residents</b>   |  |                               |
| Noise impacts on neighbouring properties are to be minimised by design measures including:  | Proposal designed to maximise acoustic privacy (Acoustic Report submitted)                   | Yes                           |



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| <p>(i) Orientating the facility having regard to neighbouring property layout, including locating playroom windows and doorways away from neighbouring bedrooms and living areas;</p> <p>(ii) Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas on neighbouring residential properties (refer diagram below);</p> <p>i. Using laminated or double glazing where necessary; and</p> <p>ii. Designing fencing which minimises noise transmission and loss of privacy (e.g. lapped and capped timber fencing, brick).</p> |  |                                      |
| For freestanding CCCs in residential areas with a side boundary set back of less than 3m, noise buffering measures should be considered such as allocating the internal rooms closest to the boundaries to be used for low noise generating uses, for example administration, storage, staff rooms, kitchen, to reduce potential noise impacts on adjoining property owners.  | Both floors have a 2m side setback to the east. On the GF there is an internal play room located adjacent to the boundary but it has storage areas and lockers located along the side wall which will shield the noise. On the FF there is a toilet area and storage rooms located along the eastern side of the building. | Considered satisfactory              |
| Applicants may be required to submit an acoustic report prepared by a suitably qualified practitioner which includes recommendations for noise attenuation measures. The report must specify pre and post development noise levels and abatement measures.  | <p>An acoustic report has been submitted.</p> <p>The report specifies pre and post development noise levels and abatement measures. See detailed assessment in Referrals section.</p>  | Yes                                  |
| Roof and walls of the CCC should be sound insulated.  | Noted.   | Noted.                               |
| Elevated play and transition areas are to be avoided.   | Elevated outdoor play and transition areas will have no adverse acoustic impacts.  | <b>No, see report for discussion</b> |
| Information about practical design measures incorporated in the design to minimise potential noise impact, including insulation and other acoustic elements, are to be identified in the DA.  | Refer to acoustic report.  | Yes                                  |
| Location details of noise sources (such as air conditioning condenser units) are to be included in the DA.  | Details have been provided.  | Yes                                  |
| Information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent, group sizes and how rotated may be required to be submitted with the DA.   | This information is specified in the Acoustic report and Plan of Management.   | Yes                                  |
| <b>4.3 Visual Privacy – for children in the centre</b>  |  |                                      |
| Indoor areas adjacent to public areas shall be screened to prevent direct sight lines into CCCs where appropriate whilst maintaining an opportunity for children to view community life.  | The play spaces are located at the rear, which will be generally out of sight from the public.   | Yes                                  |

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| Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including:<br>i. Appropriate site and building layout;<br>ii. Suitable location of pathways, windows and doors; and<br>ii. Permanent screening and landscape design. | As above.  | Yes    |
| Where relevant, consideration should be given to incorporating design features in walls, screens, fencing (such as peeping holes of varying heights) to suit viewing out to public areas by children.   | Noted.   | Yes    |
| Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre, whilst maintaining an opportunity for children to view community life.   | Direct viewing into the site from public areas is minimised by fencing, landscaping and screening balustrades. Windows have been provided which enable viewing out to public areas for the children.   | Yes    |
| <b>4.3 Visual Privacy – for adjoining residents</b>   |  |        |
| a. Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:<br>i. Appropriate site and building layout;<br>ii. Suitable location of pathways, windows and doors; and<br>ii. Landscape design and screening.                                | The development includes minimisation of overlooking through window placement with high window sills, boundary fencing, and landscaping to adhere to visual privacy.   | Yes    |
| Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences.   | Noted.   | Noted. |
| <b>5.1 Car Parking</b>  |  |        |
| All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2.  | The on-site parking area has been designed in accordance with Australian Standard. Compliant.  | Yes    |
| Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff.<br>Stack or tandem parking may only be used for staff parking and with no more than 2 spaces in each tandem space.   | The proposal seeks 70 children and 12 staff.<br><br>Required:<br>Staff 1 space per 2 = 6<br>Children 1 space per 8 = 8.75<br>Total = 14.75 (rounded up to 15)<br><br>A total of 15 car parking spaces are provided (9 for parents/carers and 6 for staff). | Yes    |
| Where calculations for car parking result in a fraction, the number is to be rounded up to the nearest whole number.  | Noted.   | Noted. |
| One off-street accessible parking space (3.6m width) is to be provided for use by persons using mobility aids (refer Section 5.5 Accessibility). It is to be located close to the continuous path of travel and have a minimum height clearance of 2.5m.  | Compliant.   | Yes    |
| Developments for new centres shall comply with the access requirements  | Noted.   | Yes    |



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| contained within Section 5.5 of this Part, and Part 9.2 of this DCP.  |   |  |
| <b>Low density residential areas</b> <ul style="list-style-type: none"> <li>Underground parking is not permitted in low density residential areas.</li> <li>The parking and driveway area is not to dominate the streetscape (refer Section 6.1 Landscape Design for treatment of these areas).</li> <li>Consideration may be given to reducing the on-site parking requirements, in terms of drop off/ pick up component, where convenient and safe on-street parking is available (e.g. indented parking bays) in streets which experience low traffic volumes. This is subject to not adversely affecting the safety and amenity of the adjacent area or causing traffic problems.</li> </ul>  | <p>Basement parking is proposed.</p> <p>The parking and driveway area do not dominate the streetscape.</p> <p>Noted.</p>  | <p><b>No, assessed on merit.</b></p> <p>Yes</p> <p>Yes</p> |
| <b>5.2 On Site Manoeuvrability</b>  |   |  |
| The site must be able to accommodate a "U" shaped one-way driveway system with sufficient driveway turning area in addition to the parking spaces to enable vehicles to enter and leave in a forward direction.   | Not proposed. However, the building is "L" shaped.  | N/A  |
| <p>Variation on the requirement for a "U" shaped driveway may be considered, for example on corner lots, where it can be demonstrated that a one-way driveway system can be provided in another way which still meets the following criteria:</p> <ol style="list-style-type: none"> <li>To provide a separate entrance and exit driveway access at a minimum safe distance from each other;</li> <li>To enable vehicles to leave the site in a forward direction;</li> <li>To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; and</li> <li>To ensure the front setback is not given over to traffic circulation and parking requirements which may negatively impact on the streetscape and the opportunity for landscape design to meet the requirements of Section 6 of this Part.</li> </ol> | The proposal is for a central driveway via Terry Road with one double width vehicle crossover which ensures all vehicles can enter and exit the childcare in a forward direction. | Yes  |
| Where separation of the entrance and exit driveway is proposed, the separation must be not less than 9m on a turning circle of 15m. A minimum width of 12m between driveway laybacks is to be provided to assist retention of on-street parking spaces between the driveways.   | The entrance and exit driveway are the same.  | Yes  |

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| The driveways and parking area are to be designed so that no vehicle will encroach on pedestrian accessways. Use of barriers such as bollards, raised footways, platforms, wheels tops, etc., are permissible subject to full details being provided with the DA and barriers not compromising the continuous path of access (refer Accessibility). | Vehicles will not encroach (i.e. park/stand) on pedestrian access ways.   | Yes                   |
| The driveway area is to be treated with a variation in pavement treatment to distinguish it from the car parking spaces and to reduce the visual impact of the hard surfaces.   | Noted.  | Noted.                |
| <b>5.3 Impact on Traffic Flow</b>   |   |                       |
| All vehicles must be able to enter and leave the site in a forward direction. The area required for drop off/pick up is to be designed as a separate area to that required for manoeuvring in and out of parking spaces.  | Vehicles will be able to enter and exit in a forward direction.   | Yes                   |
| The applicant is required to address in the SEE whether or not traffic associated with the proposed child care development is likely to have impacts on the amenity of the existing street(s) where it is proposed to be located.   | <p>The SEE states:</p> <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>A Traffic Impact Assessment prepared by McLaren which accompanies this application has found that the proposed 70 place child care facility is fully supportable in terms of its traffic and parking impacts. This is supported by a traffic generation model using SIDRA INTERSECTION 9.1, which indicated that there will be no adverse impact to the performance of the intersections as a result of the generated traffic.</p> <p>The left-in/left-out arrangement to driveway along Rutledge Street to ensure that the development will not impact upon the performance and safety of vehicle movements along Rutledge Street.</p> | Yes                   |
| A Traffic Impact Assessment prepared by a suitably qualified practitioner shall be prepared and submitted with the DA for all new CCC developments, and may be required for applications involving the expansion of an existing CCC in the vicinity of other traffic generating developments.   | A Traffic Impact Assessment prepared McLaren was submitted with the application.  | Yes                   |
| CCCs are not encouraged on roads carrying high volumes of traffic (refer Section 2 of this Part). Where developments involve sites located on a road which carries significant volumes of traffic, including arterial and sub-arterial roads, measures must be applied to alleviate the associated traffic problems                                 | Rutledge Street carries high traffic volumes. The proposal has a left-in, left-out arrangement from Rutledge Street.  | Satisfactory on merit |



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| (refer Schedule 2 regarding road hierarchy information).  |  |     |
| A Road Safety Audit is required to be submitted with all applications for CCC developments on collector roads where traffic volumes exceed 5000 Annual Average Daily Traffic (AADT) (refer Schedule 2 of this Part and Council's Traffic Engineer).   | This would be capable of being addressed by way of a condition in the event of approval being recommended.   | Yes |
| <b>5.4 Pedestrian Safety</b>  |  |     |
| Pedestrian access must be segregated from vehicular access with clearly defined paths to and from the facility.   | Separate paths are provided.   | Yes |
| On site parking and drop off/pick up points must be provided in a convenient location (at no more than 30m distance from the main entrance), clearly lit, and allow safe movement of children to and from the centre.   | The basement parking spaces have convenient access and safe pathways to the entrance.  | Yes |
| On-site vehicular movements must be separated from pedestrian access by safety fencing, gates and other means.  | This is achieved.  | Yes |
| <b>5.5 Accessibility</b>  |  |     |
| Access should be provided and designed in accordance with <i>AS 1428.1 Design for Access and Mobility</i> , and in all respects comply with Part D of the BCA for the relevant class of building.<br>Refer also Part 9.2 Access for People with Disabilities of this DCP.<br>Reference to these requirements should be made in the early stages of the design to ensure the development complies with the relevant standards. | The design achieves compliance, access report submitted.   | Yes |
| In the case of minor alterations to CCCs, not involving structural alterations, or major refurbishment, accessibility is not to be made worse by the proposed work.<br>Applicants are encouraged to improve accessibility where possible.   | N/A – The application is not for minor alterations.  | N/A |
| In addition to the provisions of the BCA for disabled access and toilet facilities, other matters to be considered in the design of CCC developments include:   |  |     |
| i. Provision of access for people with mobility disabilities by a continuous path of travel from the street and/or parking area into and within every room and outdoor area used by children and staff.   | A continuous path of travel is provided from the street into every room and outdoor area. An internal lift is provided between the two floor levels and the basement car park. | Yes |
| ii. Hard paved surfaces leading into the entry of a play environment and continuing inside that will allow children and adults with mobility aids as well as toddlers in strollers to enter with ease.  | Achieved   | Yes |
| iii. Design of the car parking area should incorporate kerb cuts which eliminate  | Achieved   | Yes |

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| a barrier for prams or individuals using mobility aids (such as wheel chairs or crutches).   |   |     |
| iv. Pathways with extra width (1200 mm - 1500 mm) and grades no steeper than 1:14 to allow easy circulation throughout the site.                                     | Main pathway is 1.2m wide and is not steeper than 1:14. | Yes |
| v. One on-site parking space 3.6m wide with a height clearance of minimum 2.5m to permit ease of use for arrivals and departures of individuals using mobility aids. | 1 accessible space provided.                            | Yes |

#### 6.1 General Landscape Design Requirement

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| DAs must include a detailed landscape plan showing existing and proposed planting, including a schedule of species. The plan is to be prepared by a suitably qualified landscape architect with experience / skills in designing early childhood environments. | <p>This application includes detailed landscaping plans prepared by Canvas Landscape Architects.</p> <p>Sufficient information is notated on the landscape plans to determine the proposed species, mature heights and number of trees.</p> | Yes |
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| The landscape plan must:  |   |     |
| i. Identify significant trees/vegetation to be retained (with respect to Council's Tree Preservation Order) and outline a program for their management during the construction period;  | There are no trees on the subject site. | N/A |
| ii. Avoid plant species likely to present a hazard to children, such as poisonous plants, and any vegetation that can lead to injury or harm or severe discomfort (e.g. plants which are allergy producing, which contain sharp prickles or thorns, or which produce small nuts or fruits); | Achieved                                | Yes |
| iii. Avoid plant species and landscape materials which may constitute a choking hazard in areas designed for use by babies and toddlers;  | Achieved                                | Yes |
| iv. Incorporate landscape design of the outdoor play spaces in accordance with the requirements of Section 6.2.2 of this Part;  | See below.                              | Yes |
| v. Consider the effects of outdoor play on the compaction and erosion of soil and vegetation in choice of treatments;   | Achieved                                | Yes |
| vi. Specify plants and surface treatments that consider the potential for tree roots to up-lift outdoor surfaces (footpaths, cycle tracks) and create hazards;  | Achieved                                | Yes |
| vii. Identify opportunities for deep soil planting and choice of appropriate species to suit the conditions; and  | Achieved                                | Yes |
| viii. Include shrubs and trees which offer a range of textures, colours and scents for the children's learning experience, such as the opportunity  | Achieved                                | Yes |



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| to observe a variety of native birds and insects attracted by plants.  |   |                                      |
| The landscape design is to consider the site analysis and pay attention to use of treatments which manage the effect of sunlight, shading, wind protection and temperature moderation in relation to the care of young children.   | The landscape design achieves this.   | Yes                                  |
| Irrigation should be designed to use rainwater or recycled water.  | No issues raised by Council's landscape architect.  | Yes                                  |
| A landscape setback of minimum width 2m is to be provided along the front boundary of all new CCCs in residential zones to assist in preserving streetscape amenity and provide screening. Care is to be taken in design of the setback to avoid vegetation impeding sightlines from vehicles entering/exiting the site, and to consider the use of materials and finishes to complement the neighbouring streetscape. | A two metre landscaping area is not provided for the entirety of the front setback. On the Wentworth Road frontage, the landscaped area is only one metre in width where it is not interrupted by access paths or other features. On the Rutledge Street frontage, the extent of landscaping proposed is considered satisfactory. | <b>No, see report for discussion</b> |
| A landscape buffer is to be provided along the side and rear boundaries of the site for CCCs in residential zones of a minimum width of 1m.  | Landscape buffer planting is provided to all boundaries.  | Yes                                  |
| Landscape setbacks/buffers may need to be provided for centres in commercial and industrial zones depending on the context of the development.   | N/A – the site is in a residential zone.  | Yes                                  |
| <b>6.2 Play Spaces</b>   |   |                                      |
| <b>Size &amp; Functionality of Play Spaces</b><br>All new CCCs are to provide indoor play spaces, outdoor play spaces and transition areas.  | Provided  | Yes                                  |
| All play spaces are to be designed of regular shapes and with convenient access between them to maximise opportunities for supervision of children by staff.   | The outdoor play areas are generally regular in shape / consolidated at the rear and convenient access is provided.   | Yes                                  |
| The location of outdoor play spaces in the front setback should be avoided.  | Outdoor play areas are not within the front setback.  | Yes                                  |
| All new CCCs are to provide at least 10m <sup>2</sup> of unencumbered outdoor play space for each licensed child care place, inclusive of transition areas provided in accordance with Section 6.2.4 of this Part.   | The outdoor play space complies with the Childcare Planning Guideline under SEPP (Transport and Infrastructure) 2021 which prevails over the DCP.   | N/A                                  |
| <b>Outdoor Play Spaces</b><br><b>All child care centres</b><br>The design of the outdoor area is to be of a shape which maximises supervision and useable space, and also stimulates early learning. Freeform approaches in design are encouraged.   | The design of the outdoor area is of a shape which maximises supervision and useable space. The outdoor areas will stimulate early learning.  | Yes                                  |
| Outdoor play spaces are to be designed to:<br>i. Be well-drained to permit clearing of water quickly after rain; and   | The proposal was referred to Council's Development Engineer, who raised no objection to the proposed method of drainage.  | Yes<br><br>Yes                       |

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| ii. Incorporate existing natural features and vegetation.  | No existing trees or vegetation. The existing levels / features are being retained.  |   |
| Designs are to aim for:<br>i. 30% natural planting area (excluding turf);<br>ii. 30% turfed area; and<br>iii. 40% hard surfaces (sand, paving, timber platforms).  | This mix is achieved.  | Yes                                     |
| Distinct areas within the outdoor play space design must include:<br>i. An open grassed area for gross motor skills (e.g. running, ball games);<br>ii. Formal quiet areas, for focused play (must include a sandpit - see point below and a minimum of 2 formal quiet areas for activities such as storytelling and finger painting);<br>iii. An active area (e.g. climbing structure, digging patch);<br>iv. A transition area (refer Section 6.2.4 of this Part); and<br>v. Storage area(s). | Provided<br><br>Provided<br><br>Provided<br>Provided<br>Provided   | Yes<br><br>Yes<br><br>Yes<br>Yes<br>Yes |
| With respect to the distinct areas required, all designs for outdoor play spaces should take into consideration elements of best practice in design (refer photos) including:<br>i. Sandpits<br>ii. Formal quiet areas<br>iii. Secret places<br>iv. Active areas<br>v. Surfaces<br>vi. Access corridors<br>vii. Slowdown features<br>viii. Elevated areas<br>ix. Linkages<br>x. Planting<br>xi. Storage<br>(Refer to further explanation in the DCP).  | Shown in submitted Landscape Plan.<br><br>Provided<br>Provided<br>Provided<br>Provided<br>Provided<br>Provided<br>Provided<br>Provided<br>Provided<br>Provided                 | Yes                                     |
| Designs are to incorporate suitable species which will achieve a canopy cover of 50-60% of the outdoor play area within 5 years of planting.   | Suitable new tree plantings with adequate canopy cover proposed.   | Yes                                     |
| Outdoor play spaces are to be adequately shaded from establishment of the centre in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department. Design of shading is to be in accordance with the key shade planning and design principles, and to consider the nature of shading needed prior to canopy cover being established.   | The plans indicate that adequate shaded areas (including trees and shade structures) are situated within the outdoor play areas.   | Yes                                     |
| The outdoor play space should relate directly to the indoor play space for the relevant age group of children. The shape of the play space must allow for uninhibited supervision of children at all   | Outdoor play spaces relate directly to the indoor play spaces for the relevant age group of children. The shape of the outdoor play areas allows for sufficient supervision of | Yes                                     |



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| times. The siting of the outdoor play area shall allow the provision of adequate supervision from internal and external areas. Separate play areas are encouraged to be provided for 0-2 year olds. The landscape plan is to identify how play spaces are designed for each age group.  | children. The siting of the outdoor play areas allows the provision of adequate supervision from internal and external areas.                  |                              |
| Designs should consider access opportunities for maintenance of outdoor play areas. Outdoor play space should not be occupied by any service vehicles during the centre's operating hours.  | Outdoor areas are capable of being suitably maintained, and pedestrian paths are provided in order to ensure maintenance.                      | Yes                          |
| <b>Work based child care centres, and centres in mixed use facilities</b><br><br>Where outdoor spaces are provided externally above ground level (refer Section 3.4 of this Part): <ul style="list-style-type: none"> <li>• Effort is to be made to make outdoor space of a similar quality to that achievable at ground floor level. In this regard the outdoor play area is expected to be designed to comply with requirements of Section 6.2.2;</li> <li>• Appropriate measures shall be implemented for the protection of outdoor play spaces from excessive wind and other adverse climatic conditions in order to permit year-round use as far as possible; and</li> <li>• Adequate fencing is to be provided for the safety of the children and to prevent objects from being thrown over the perimeter of the area.</li> </ul> | N/A – The childcare is not proposed in a mixed-use facility and is not a work based child care centre.   | N/A                          |
| Outdoor storage space is to be provided in a location which does not impede supervision of the play areas. It is to be a size equivalent to 0.5 m <sup>2</sup> of space per child who will be using the area.   | N/A – The childcare is not proposed in a mixed-use facility and is not a work based child care centre.   | N/A                          |
| <b>Indoor Play Spaces</b><br>Shall be designed to: <ul style="list-style-type: none"> <li>i. Achieve passive surveillance from all rooms;</li> <li>ii. Provide direct access to play areas;</li> <li>iii. Allow maximum supervision of the indoor and outdoor play spaces;</li> <li>iv. Allow subspaces to be set up with discernible divisions to offer a variety of play areas.</li> </ul>  | Achieved.<br><br>Access achieved.<br>Indoor and outdoor areas can be readily supervised by staff.<br>A variety of play spaces provide options. | Yes<br><br>Yes<br>Yes<br>Yes |
| <b>Transition Areas</b> shall: <ul style="list-style-type: none"> <li>i. Be located between the indoor and outdoor areas;</li> <li>ii. Be designed to allow for indoor and outdoor activities to be conducted under cover;</li> <li>ii. Be designed to offer protection from unfavourable weather conditions, and</li> </ul>  | Provided.<br><br>Achieved,<br><br>Suitable weather protection provided.  | Yes                          |

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| not heat up excessively in summer; and<br>iii. Incorporate facilities for educational experiences and appropriate storage areas.   | Achieved.  |   |
| <b>Swimming Pools &amp; Water Hazards</b><br>New swimming pools (within the meaning of the Swimming Pools Act 1992) are not permitted on the premises of any CCC.  | N/A – not proposed.  | N/A   |
| Any water containers (including buckets, paddling pools etc) which could constitute a drowning hazard are to be emptied immediately after use, or safely covered and/ or stored in a manner which prevents the collection of water which is accessible to children.  | N/A – not proposed.  | N/A   |
| <b>7.0 Miscellaneous Controls</b>  |  |   |
| <b>Centre Facilities</b>   |  |   |
| Each new CCC must provide rooms, not areas, for the following specific uses:<br>i. Office areas for administration of the service; and<br>ii. Staff respite.   | Proposed office, staff room and reception.   | Yes   |
| The offices are to be located adjacent to the entry area for security purposes and include a minimum floorspace calculated at the rate of 10m <sup>2</sup> per person occupying the offices (e.g. director/administrative staff).  | The office is adjacent to the main entry.<br><br>Office exceeds 10m <sup>2</sup> .<br>Proposed office area = ~13.5m <sup>2</sup>   | Yes   |
| The staff room is to include a minimum floorspace of 20m <sup>2</sup> .  | Staff room of 20m <sup>2</sup> is proposed.  | Yes   |
| In centres where children under the age of 2 years are proposed to be cared for the following are to be provided:<br>i. A sleeping room with 2.5m <sup>2</sup> of floorspace per cot and a max. of 10 cots per room; and<br><br>ii. A nappy change area adjacent to the cot room with good vision to the play room to enable good supervision of children, and including suitable storage (within the staff's reach) for nappy changing needs. | Ground level:<br><br>Cot room has 9 cots<br>Area required = 22.5m <sup>2</sup><br>Area provided = 17.65m <sup>2</sup> (short 4.85m <sup>2</sup> )<br><br>Nappy changing area in close proximity to cot room, good vision to classroom and outdoor play area, and suitable area for storage provided. | <b>No. See report for discussion</b><br><br>Yes |
| All CCCs are to provide laundry facilities. Consideration should be given to the installation of washing lines in the outdoor areas to reduce the need for clothes dryers.   | Laundry provided.<br>No outdoor drying proposed.   | Yes   |
| Consideration should be given to the provision of a pram storage area. Informal pram storage can be an occupational health and safety risk.  | There is space for pram storage in the foyer adjacent to the stairs.   | Yes   |
| <b>Signage</b>   |  |   |



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| All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.   | N/A – no signage proposed.                                       | Yes |
| <b>Exterior Lighting</b>  |  |     |
| Lighting is to be provided to assist access via the main entrance.  | Provided.  | Yes |
| The street number of the building must be provided for identification. It is to be visible from the street day and night, by lighting and/or reflective material, to ensure easy identification for visitors including emergency services.  | Noted.   | Yes |
| The locations and design of all proposed external lighting must not have an adverse impact on adjoining properties. Where possible, sensor lighting and energy efficient lighting should be used. The use of spotlights is discouraged.   | Noted.   | Yes |
| <b>Waste Storage and Management</b>   |  |     |
| A waste management plan is to be submitted for all proposed demolition and construction waste in accordance with Part 7.2 Waste Minimisation and Management under this DCP.   | A Waste Management Plan has been submitted with the application. | Yes |
| Adequate provision must be made for the storage and collection of waste and recycling receptacles in accordance with Part 7.2 of this DCP.<br><i>Note: CCC developments are to be considered as “commercial and retail premises” for the purposes of location and design of waste management and minimisation of waste relating to the ongoing operation of the centre.</i> | Waste room is shown at ground level.                             | Yes |
| In addition to the requirements of Part 7.2 of this Plan, applications for CCC development are to address the following considerations:   | Noted.   |     |
| i. whether a special removal service will be required for the removal / disposal of soiled nappies;   |  | Yes |
| ii. the frequency of removal of waste to ensure regular removal and avoid undue build up of garbage;  |  | Yes |
| iii. opportunities for avoidance, reuse and recycling of waste;   |  | Yes |
| iv. convenience for staff of the location of bins, and where relevant, the size and path of travel required transporting bins to access collection points (unobstructed access to usual collection points);   |  | Yes |
| v. security of waste from access by children;   |  | Yes |
| vi. likely requirements for waste from kitchen facilities; and  |  | Yes |
| vii. impact of waste storage and collection on adjoining residential  |  | Yes |

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| developments in terms of unsightliness, odour and noise.   |  |                                      |
| Where a new CCC is proposed, the waste and recycling storage area must be designed to be visually and physically integrated into the design of the development, and not stored within the front setback to avoid visual clutter. Waste facilities are not to be sited within the areas required for car parking, vehicular and pedestrian access, landscaping and outdoor play areas.  | The waste room is integrated within the basement, however, there is a secondary bin storage location on the Wentworth Road frontage. | <b>No, see discussion in report.</b> |
| Where expansion of an existing CCC is proposed, the waste and recycling storage area is to be designed as far as possible to be visually and physically integrated into the design of the development. Waste facilities are not to be sited within the areas required for car parking, vehicular or pedestrian access or outdoor play areas. In cases where the waste storage area is likely to be visible from the street, design elements such as fencing, landscaping and roof treatments may be used to screen the waste and recycling storage area so as not to detract from the aesthetics of the streetscape. | N/A – New childcare centre is proposed.  | N/A                                  |
| Where food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be located readily accessible for servicing and suitably screened from public view.  | Noted  | Yes                                  |
| In residential areas, developments are not to be designed to store waste facilities of a size and scale which can only be managed by side arm waste collection vehicles. There is to be no onsite access by waste collection vehicles.   | No onsite waste collection is proposed by Council vehicles.  | Yes                                  |
| Any proposed composting area is to be in a location that will not impact on the amenity of adjoining premises nor on the amenity of users of the centre.   | There is no composting area proposed.  | N/A                                  |
| Where separate collection services are proposed which differ from the regular Council service to surrounding properties, consideration is to be given to frequency and times of collection to minimise impacts of waste vehicle noise on neighbouring properties.  | Addressed in Plan of Management. Condition recommended to ensure waste is collected outside of peak traffic periods during the day.  | Yes                                  |
| <b>7.5 Emergency Evacuation</b>  |  |                                      |
| Prior to the issue of an Occupation Certificate for all new CCCs, and for developments resulting in an increase in number of places in existing CCC, a <i>Fire Safety and Evacuation Plan</i> complying with AS3745 is to be prepared by a   | Noted.   | Yes                                  |



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| suitably qualified person and submitted to the PCA.   |   |     |
| <p>The Fire Safety &amp; Evacuation Plan is to address:</p> <ul style="list-style-type: none"> <li>i. The mobility of children and how this is to be accommodated during an evacuation;</li> <li>ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and</li> <li>iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the CCC (including child to staff ratios).</li> </ul> | Achieved                                  | Yes |
| <b>6.0 Out of School Hours</b>  |   |     |
| Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities.<br><i>Refer to further controls if DCP, if relevant.</i>  | N/A – out of school hours is not proposed | Yes |

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| <b>Part 3.3 Dwelling Houses and Dual occupancy (as relevant)</b>   |   |                                      |
| <b>2.6.1 Deep Soil Areas</b>   |   |                                      |
| 35% of the site is deep soil.<br>Minimum dimensions of 8m x 8m in the back yard which is sufficiently large to support at least 1 mature tree. | 30.9% (276.65m <sup>2</sup> ) and an 8m x 8m area is proposed to the rear.      | Yes                                  |
| Front garden areas to be permeable with the exception of the driveway, pedestrian path and garden walls.                                       | Achieved.   | Yes                                  |
| <b>2.7 Floor Space Ratio</b>   |   |                                      |
| 0.5:1  | The development proposes a floor space ratio of 0.522:1 (466.6m <sup>2</sup> ). | <b>No, see report for discussion</b> |
| <b>2.8 Building Height</b>   |   |                                      |
| Height 9.5m  | 9.4m  | Yes                                  |
| Wall Plate height 7.5m (or 8m for a roof with a continuous parapet)  | 7.7m  | Yes                                  |
| 2 storeys  | 2 storeys   | Yes                                  |
| <b>2.9 Setbacks</b>  |   |                                      |
| Front setback (6.0m)<br>Secondary front setback 2m   | Rutledge Street: 6.00m<br>Wentworth Road: 2m except basement vent.              | <b>No, see report for discussion</b> |
| Side setback (1.5m)  | <u>Side (East)</u><br>Basement: 1m  | Yes                                  |

| Part 3.3 Dwelling Houses and Dual occupancy (as relevant)   |  |                          |
|---|--|--------------------------|
|   | Ground Floor: 2m<br>First Floor: 2m<br><u>Side (South)</u><br>Basement: 7.2m<br>Ground Floor: 11.045m<br>First Floor: 7.8m |                          |
| Rear setback  | Being a corner allotment, there is no rear.  | N/A                      |
| 2.14 Daylight and sunlight access   |  |                          |
| e. For neighbouring properties ensure:  |  |                          |
| i. sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21; and   | Additional info would be required to demonstrate compliance.   | Insufficient information |
| ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites. | North facing windows are not impacted on by the proposal.  | Yes                      |

| Part 7.2 – Waste Minimisation & Management   |  |               |
|--|--|---------------|
| Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.   | The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.   | Yes           |
| Part 8.2 – Stormwater Management   |  |               |
| <b>Stormwater &amp; Floodplain Management</b><br>Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management. | Council's Development Engineer has reviewed the proposal and no objection is raised, subject to conditions.  | Yes           |
| Part 9.2 – Access for People with Disabilities   |  |               |
| Accessible path required from the street to the front door, where the level of land permits.   | Appropriate access paths are provided.   | Satisfactory. |
| Part 9.3 – Parking Controls  |  |               |
| Council's DCP rates apply being 1 space per 8 children and 1 space per 2 employees.  | The proposal seeks 70 children and 12 staff.<br><br>Required:<br>Staff 1 space per 2 = 6<br>Children 1 space per 8 = 8.75<br>Total = 14.75 (rounded up to 15)<br><br>A total of 15 car parking spaces are provided (9 for parents/carers and 6 for staff). | Yes           |



| Part 9.5 – Tree Preservation  |   |            |
|---|---|------------|
| <p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note:<br/>A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.</p> | <p>All trees (being neighbouring trees) are addressed in the accompanying Arborist Report.</p> <p>Council's Landscape Architect has reviewed the proposal and no objection is raised, subject to conditions to protect existing trees on neighbouring properties.</p> | <p>Yes</p> |