

Statement of Environmental Effects

CHILD CARE CENTRE

9 LINCOLN STREET,
EASTWOOD

19 OCTOBER 2022



QUALITY ASSURANCE

PROJECT: 91 Place Child Care Facility

ADDRESS: 9 Lincoln Street, Eastwood

LOT/DP: Lot 15 in DP15393

COUNCIL: City of Ryde

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
September 2022	Draft Issue	Draft	SK	JW
19 October 2022	Final DA Submission	Final	JW	JW

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

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts – Central River City) 2021	No
SEPP (Precincts – Eastern Harbour City) 2021	No
SEPP (Precincts – Regional) 2021	No
SEPP (Precincts – Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a DA that is seeking to remove identified trees and demolish all existing structures in-order to construct a modern two storey '*Centre-Based Child Care Facility*' at 9 Lincoln Street, Eastwood.

The child care facility is to accommodate a total of 91 child care places with parking for 18 vehicles within a basement level.

The key aspects of the proposal are as follows:

Child Care Facility

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 4 outdoor play areas within the natural ground level, lower and upper deck and also within the first floor.

The proposal will operate with a maximum capacity of 91 places with the following age groups:

- 0-2 years: 16 places;
- 2-3 years: 30 places; and
- 3-5 years: 45 places.

The facility provides a total of 337m² or 3.70m² of unencumbered indoor play area per child and 723.0m² or 7.95m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 74m²
- 2-3 years: 99m²
- 3-5 years: 164m²

Breakdown of unencumbered outdoor play area per age group is provided below:

- Ground Floor Outdoor Play Area: 200m²
- Ground Floor Lower Deck Outdoor Play Area: 214m²
- Ground Floor Upper Deck Outdoor Play Area: 125m²
- 1st floor Outdoor Play Area: 181m²

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

The proposed built centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing a two storey built form that will be consistent with the existing low density streetscape rhythm and built form pattern along Lincoln Street.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Parking:

The proposal has provided a total of 18 spaces within the basement level with the following breakdown:

- 8 x staff car parking spaces within stacker parking bays; and
- 10 x visitor car parking spaces including an accessible car parking space.

The basement level also includes 4 x bicycle parking spaces.

Access to the basement level is via a new double width vehicle crossover and driveway and graded ramp from Lincoln Street.

Residing within an established residential estate, the development site is located on the southern side of Lincoln Street, approximately 130m eastwards from the intersection of Vimiera Road and Lincoln Street, Eastwood.

Bounding Eastwood Heights Public School to its immediate eastern boundary, the development site can be best described as a large irregular shaped land parcel with a frontage of 18.6m to Lincoln Street and a total site area of 1,361m².

The site experience a fall from Lincoln Street towards the rear of the site, a fall of approximately 5.28m, as such the development has been designed to follow the natural contours of the site to minimise excessive cut and fill. The proposal will drain via an easement.

Situated near a commercial precinct along Balaclava Road, the development site is within close proximity to a local primary school, North Ryde RSL, local parks and a short car trip/ bus ride to Eastwood Town Centre and Train Station and a local Woolworths within Marsfield. Local bus stops with services between Marsfield and Eastwood (Route 551) is within a 250m walking radius from the development site.

The subject site is zoned R2 Low Density Residential under the Ryde Local Environmental Plan 2014. *'Centre-Based Child Care Facilities'* are permissible with consent in the R2 zone.

The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Ryde Local Environmental Plan 2014, Ryde Development Control Plan 2014, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

The predominant built form within the subject area comprises predominantly of low density housing interspersed by larger two storey dwellings, multi dwelling housing and buildings associated with Eastwood Heights Primary School. The site sits immediately adjacent to the primary school and therefore sits at a transition between the school and the low density residential area and the design has responded to this arrangement with the orientation of key play areas towards the school rather than to adjoining residential properties which is a suitable design response.

The current development is to deliver a modern 2 storey built form that has been designed to appear as a large two storey dwelling set within a landscape setting within the existing low density residential character along Lincoln Street.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height, FSR and setback provisions to ensure adjoining properties will continue to receive sufficient solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site- and importantly to ensure that parking associated with the facility is disguised from the street to ensure a suitable character response. It is preferable to locate the parking within a basement parking area such that the parking areas are out of view in the streetscape and this enables a more appropriate character response. The use of a large at grade parking area would be a poor character response for a child care centre on the site and hence the basement design has been adopted despite

it being non-compliant with the DCP. It is considered that the DCP provisions, which pre-date the CCPG, are somewhat out of date relative to current best practice and the use of basement parking.

The development provides batten screen combined with sill high windows to side elevation and combined with landscaping, fencing, especially to the side boundaries and a Plan of Management that is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimising potential privacy impacts to neighbouring properties whilst also protecting the noise intrusion into the facility itself.

The development seeks to utilise the land in accordance with the zoning and take advantage of its location within an established residential estate situated near a local schools, commercial precincts, local parks and public transportation.

The development also aims to provide an attractive contemporary two storey building designed to appear as a large two storey dwelling set within a landscape setting designed to not only be compatible with the existing low density residential estate but will play a positive role in increasing valuable child care places within Eastwood.

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

As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

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

SITE AND LOCALITY

LEGAL DESCRIPTION

The subject site is legally described as Lot 15 in DP15393, though more commonly known as No.9 Lincoln Street, Eastwood.

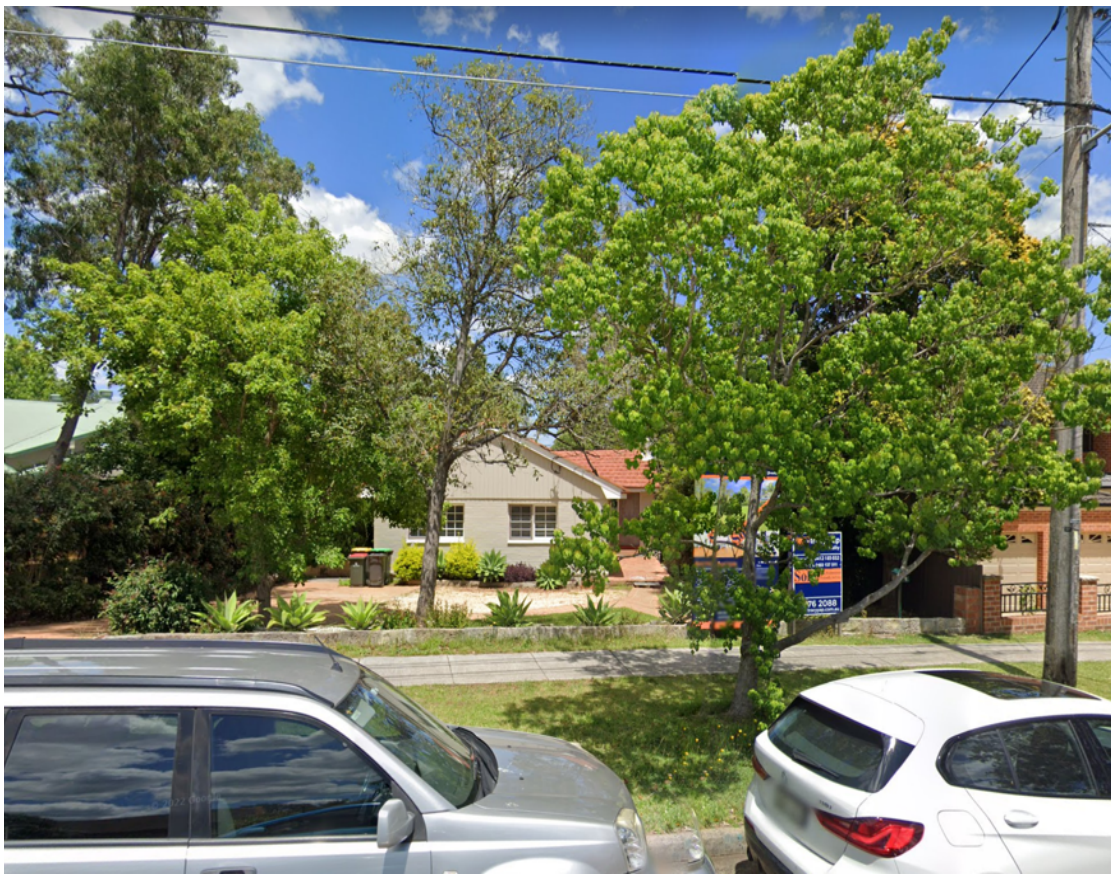
SUBJECT SITE

Bounding Eastwood Heights Public School to its immediate eastern boundary, the development site can be best described as a large irregular shaped land parcel with a frontage of 18.6m to Lincoln Street and a total site area of 1,361m².

The site experience a fall from Lincoln Street towards the rear of the site, a fall of approximately 5.28m, as such the development has been designed to follow the natural contours of the site to minimise excessive cut and fill.

At present, an older style dwelling houses with associated structures is located within the development site as illustrated by Photograph 1 below.

Photograph 1: 9 Lincoln St, Eastwood as viewed from Eastwood St looking southwards



The site sits at an interface with the existing public school to the south-east of the site and forms a transition point to the lower density development to the west. It is noted that there is also an example of a multi-dwelling housing development in the visual catchment of the site- being to the north-east.

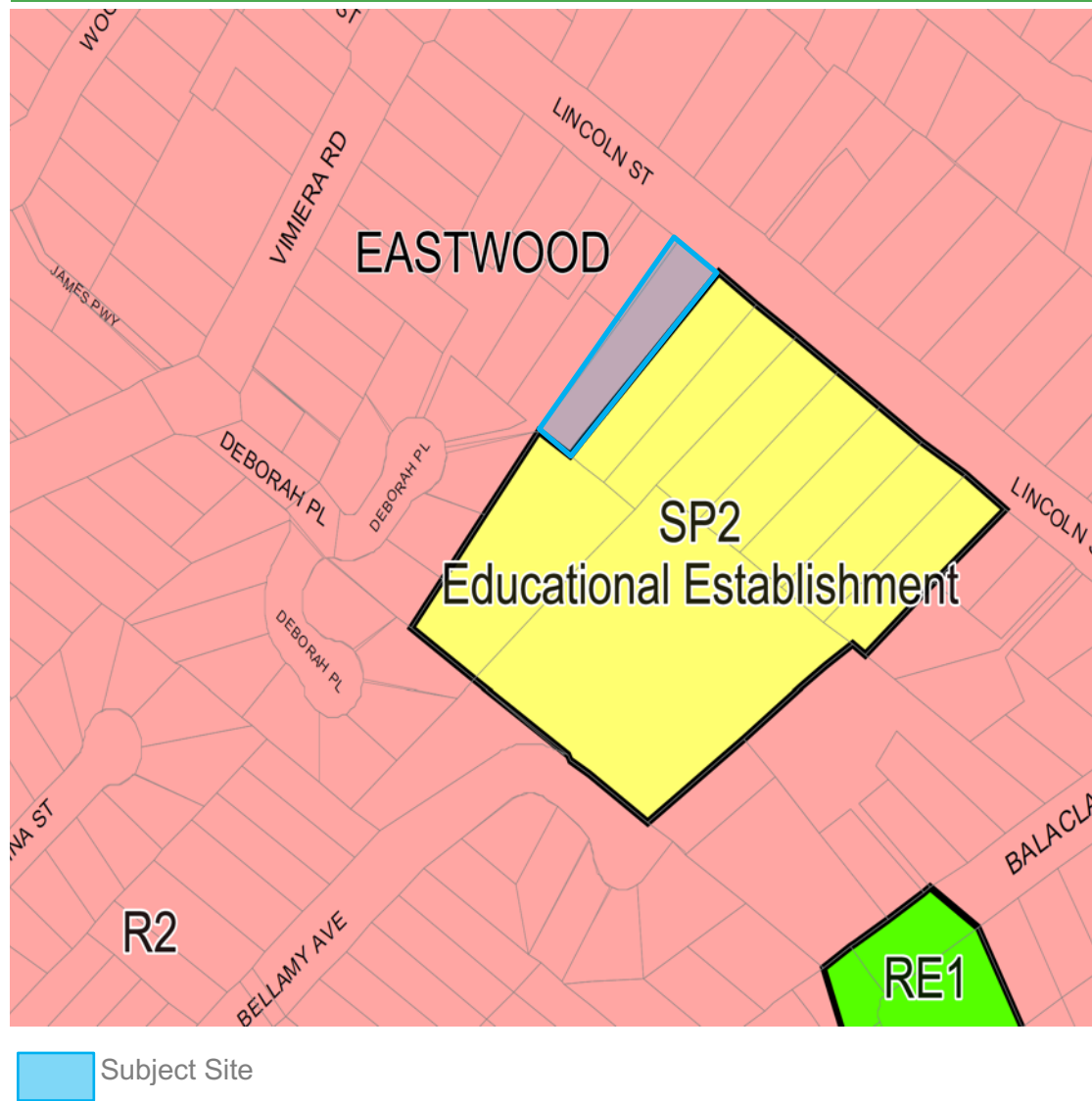
The aerial extract below of the immediate locality provide context to the development site.



ZONING CONTROL

As illustrated by Council's zoning map extract below, the subject site is zoned R2 Low Residential Density and is permitted a maximum building height limit of 9m and a maximum FSR of 0.5:1 under the provisions of the Ryde Local Environmental Plan 2014. Of note is the SP2 zone to the side and rear of the site that is associated with the school.

Figure 2: Zoning Map Sheet LZN_001 (Source: Ryde LEP 2014)



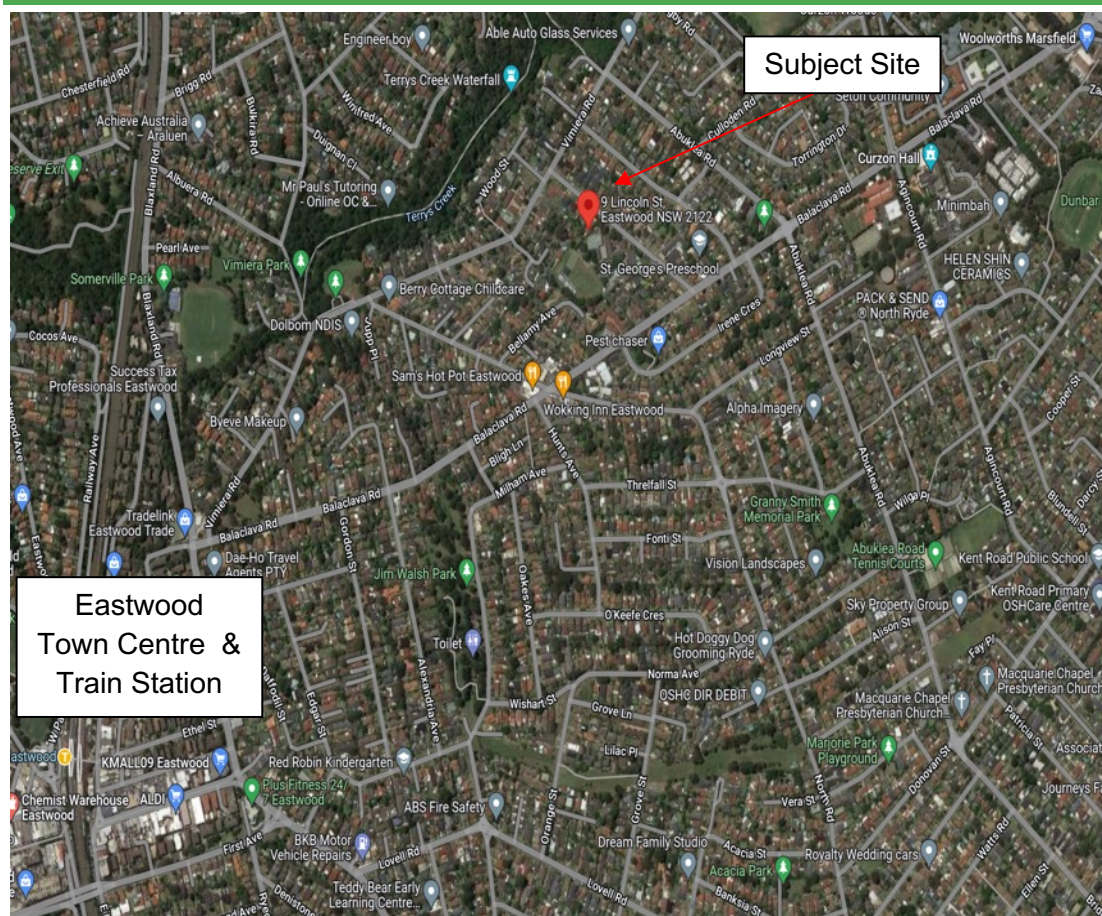
Built Form Analysis

The predominantly built form within the subject area comprises predominantly of low density housing interspersed by larger two storey dwellings, multi dwelling housing and buildings associated with Eastwood Heights Primary School. The school dominates a lot of the streetscape character owing to the size of that site. As such the current built form is designed commensurate with the built form patter of the immediate locality with the proposed two storey building to be consistent with the existing low density streetscape rhythm and built form pattern along Lincoln Street.

Subject Area Analysis

Situated near a commercial precinct along Balaclava Road, the development site is within close proximity to a local primary school, North Ryde RSL, local parks and a short car trip/ bus ride to Eastwood Town Centre and Train Station and a local Woolworths within Marsfield. Local bus stops with services between Marsfield and Eastwood (Route 551) is within a 250m walking radius from the development site. An analysis of the development site within its subject area is illustrated by an aerial map extract below.

Figure 3: Aerial Map of Subject Area (Source: Google Map)



Photographs provided below and within the following pages give context to the locality and the relationship of the development site with adjoining developments.

Photograph 2: Shows the site and adjoining 2 storey dwelling



Photograph 3: Shows the site and relationship to the school



Photograph 4: Shows existing low density built form pattern along the northern side of Lincoln St, as viewed from the development site



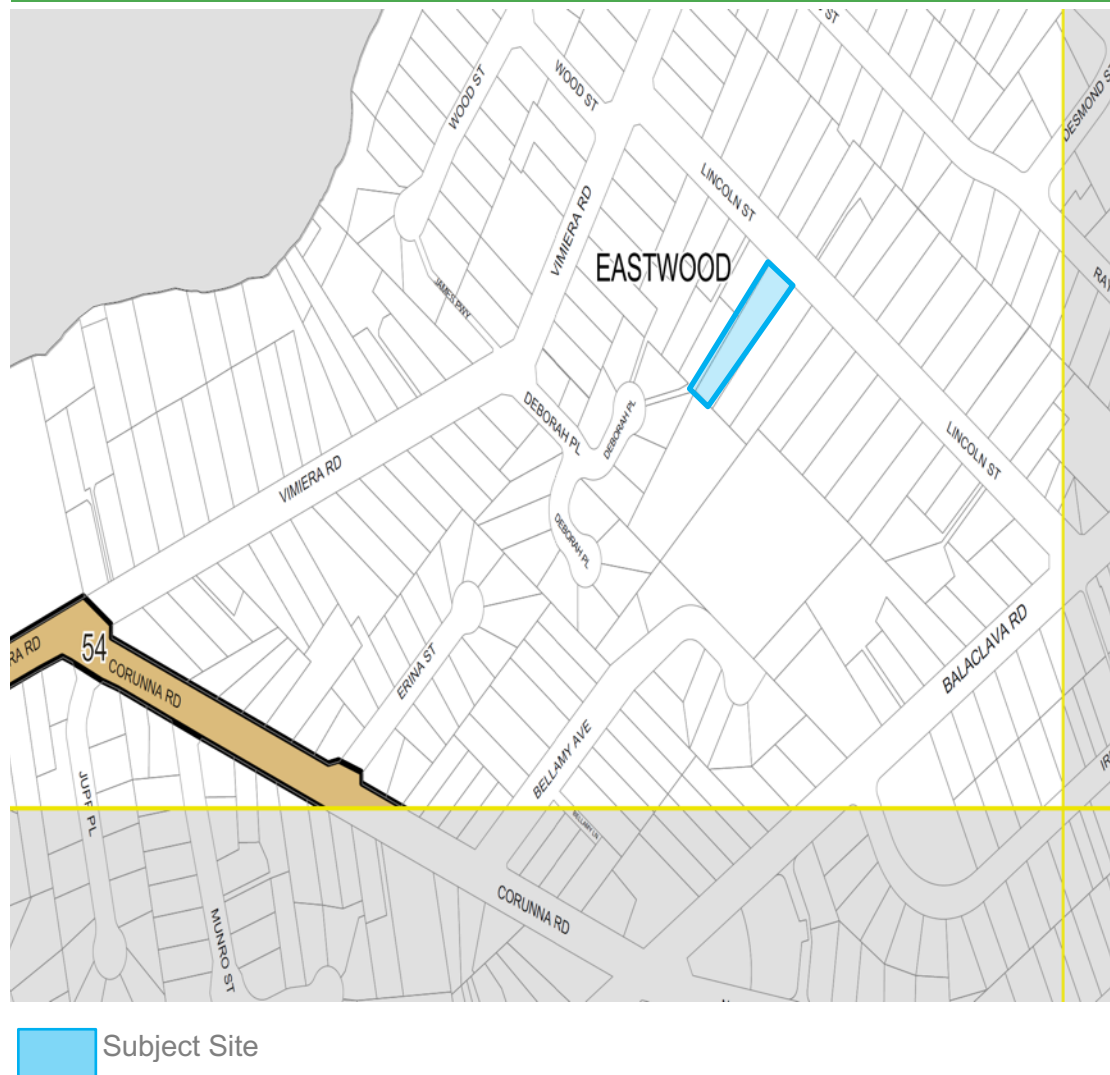
Photograph 5: Shows a recent townhouse development at 4-6 Lincoln Street



HERITAGE

The site is not identified as a heritage item, is not located within a heritage conservation area however there are local heritage item located within the broader vicinity to the subject site, as illustrated by a heritage map extract below.

Figure 4: Heritage Map Sheet HER_001 (Source: Ryde LEP 2014)



The local heritage items are sufficiently separated from the development site with existing road networks and residential development provided a buffer and as such will ensure that the heritage curtilage of the local heritage items will be unaffected by the proposal.

As such the development site is not subject to any heritage restrictions nor is any further heritage investigation required.

DESCRIPTION OF PROPOSAL

The Development Application proposes to demolish all existing structures in-order to construct a modern two storey '*Centre-Based Child Care Facility*' pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 at 9 Lincoln Stret, Eastwood.

The child care facility is to accommodate a total of 91 child care places with parking for 18 vehicles within a basement level.

The key aspects of the proposal are as follows:

Child Care Facility

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 4 indoor play rooms over 2 levels, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 4 outdoor play areas within the natural ground level, lower and upper deck and also within the first floor.

The proposal will operate with a maximum capacity of 91 places with the following age groups:

- 0-2 years: 16 places;
- 2-3 years: 30 places; and
- 3-5 years: 45 places.

The facility provides a total of 337m² or 3.70m² of unencumbered indoor play area per child and 723.0m² or 7.95m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 74m²
- 2-3 years: 99m²
- 3-5 years: 164m²

Breakdown of unencumbered outdoor play area per age group is provided below:

- Ground Floor Outdoor Play Area: 200m²
- Ground Floor Lower Deck Outdoor Play Area: 214m²
- Ground Floor Upper Deck Outdoor Play Area: 125m²
- 1st floor Outdoor Play Area: 181m²

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

The proposed built centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing a two storey built form that will be consistent with the existing low density streetscape rhythm and built form pattern along Lincoln Street.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the low density residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Parking:

The proposal has provided a total of 18 spaces within the basement level with the following breakdown:

- 8 x staff car parking spaces within stacker parking bays; and
- 10 x visitor car parking spaces including an accessible car parking space.

The basement level also includes 4 x bicycle parking spaces.

Access to the basement level is via a new double width vehicle crossover and driveway and graded ramp from Lincoln Street.

The parking is located within the basement level to minimise the impact of vehicle traffic to and from the site- and importantly to ensure that parking associated with the facility is disguised from the street to ensure a suitable character response. It is preferable to locate the parking within a basement parking area such that the parking areas are out of view in the streetscape and this enables a more appropriate character response. The use of a large at grade parking area would be a poor character response for a child care centre on the site and hence the basement design has been adopted despite it being non-compliant with the DCP. It is considered that the DCP provisions, which pre-date the CCPG, are somewhat out of date relative to current best practice and the use of basement parking.

Signage

Signage is not proposed as part of the current application, noting signage will be part of future DAs.

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement Level	<p>Access</p> <p><u>Vehicle</u> Access to the basement level is via a graded ramp from the ground floor.</p> <p>The basement level includes internal circulation areas with turning areas to allow vehicles to enter and exit the basement in a forward direction.</p> <p><u>Pedestrian</u> Dedicated pedestrian pathway within the basement level will provide safe movement for pedestrian within the basement from visitor car parking space to the lift core.</p> <p>Parking</p> <p>Development provides a total of 18 car parking spaces with the following breakdown:</p> <ul style="list-style-type: none">- 8 x staff parking spaces via a car stacker- 10 x visitor car parking spaces including an accessible car parking space. <p>The development also includes a total of 4 x bicycle parking spaces.</p> <p>Service</p> <ul style="list-style-type: none">- Switch room- Waste room <p>Lift core and 2 x fire stair well.</p>
Ground Floor	<p>Access</p> <p><u>Vehicle</u> Vehicle access to the site from a double width vehicle crossover, driveway and graded ramp to the basement level, located towards the south-eastern portion of the site via Lincoln Street.</p>

Pedestrian

Direct pedestrian access to the site via a graded pedestrian pathway from Lincoln Street, situated towards the centre portion of the site.

Development also provided egress from the basement level with direct access to Lincoln Street, situated along the eastern portion of the site.

Child Care Facility

Child care facility comprises of the following within the ground floor:

- Primary entry point/area
- Foyer/Lobby area
- Administration areas includes
 - o Reception area
 - o Office
 - o Accessible WC
- A total of 2 x unencumbered indoor play areas with a total area of 173m² with the following breakdown:
 - o Play Room 1: 0-2 Age Kids Room accommodating a total of 16 kids with 74m² of floor area and includes direct access to pigeon hole cupboard, store cupboard, cot room, craft bench, shared bathroom with Play Room 2 which includes a nappy change station and outdoor play area.
 - o Play Room 2: 2-3 Age Kids Room accommodating a total of 30 kids with 99m² of floor area and includes direct access to pigeon hole cupboard, store cupboard, craft bench, shared bathroom with Play Room 1 which includes a nappy change station and outdoor play area.
- A total of 3 x unencumbered outdoor play area with a total area of 542m² over the natural ground floor and over decks with the following breakdown:
 - o GF Outdoor Play Area 01- situated within the upper deck with 125m² of floor area
 - o GF Outdoor Play Area 02- situated within the lower deck with 217m² of floor area
 - o GF Outdoor Play Area 3 – situated within the natural ground level with 200m² of floor area
- Outdoor storage areas

Deep soil landscaping

Lift core and stairwell, including fire escape egress

First Floor	Child Care Facility
	<p>Child care facility comprises of the following within the first floor:</p> <ul style="list-style-type: none"> - Lobby area - Administration areas includes <ul style="list-style-type: none"> o Staff room with WC o Laundry o Kitchen - A total of 2 x unencumbered indoor play areas with a total area of 164m² with the following breakdown: <ul style="list-style-type: none"> o Play Room 3: 3-6 Age Kids Room accommodating a total of 20 kids with 77m² of floor area and includes direct access to pigeon hole cupboard, store cupboard, craft bench, shared bathroom with Play Room 4 and outdoor play area. o Play Room 4: 3-6 Age Kids Room accommodating a total of 25 kids with 87m² of floor area and includes direct access to pigeon hole cupboard, store cupboard, craft bench, shared bathroom with Play Room 3 and outdoor play area. - An unencumbered outdoor play area with a total area of 181m²
	Lift core and stairwell, including fire escape egress

The relevant architectural plans for the proposal have been prepared by Liskowski Architects while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping.

The proposed development has also been designed to commensurate with the low density residential character of the immediate locality by delivering a modern two storey built form set within a landscape setting that will be compatible with the existing built form patterns along Lincoln Street.

The predominant built form within the subject area comprises predominantly of low density housing interspersed by larger two storey dwellings, multi dwelling housing and buildings associated with Eastwood Heights Primary School.

The site sits immediately adjacent to the primary school and therefore sits at a transition between the school and the low density residential area and the design has responded to this arrangement with the orientation of key play areas towards the school rather than to adjoining residential properties which is a suitable design response.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two storey built form complying with the prescribed height, FSR and setback provisions to ensure adjoining properties will continue to receive sufficient solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

The development provides batten screen combined with sill high windows to side elevation and combined with landscaping, fencing, especially to the side boundaries and a Plan of Management that is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimising potential privacy impacts to neighbouring properties whilst also protecting the noise intrusion into the facility itself.

PRE LODGEMENT MEETING

A Pre lodgement meeting was held with Ryde Council on the 11th May 2022.

These issues are discussed in the table provided below.

Issues Raised	Discussion
4. Review of the Proposal	
4.1 State Environmental Planning Policies	
<u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u>	<p>Assessment against the key objectives under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 is provided within the accompanying Statement of Environmental Effects.</p> <p>A Landscape Plan has been prepared and accompanies this application.</p> <p>An Environmental Noise Impact Assessment has been prepared and accompanies this application. It is noted that there is no requirement for an air quality assessment for this proposal given it is not located near any sources of air pollution.</p>
<u>State Environmental Planning Policy (Resilience and Hazards) 2021</u>	<p>A Traffic Impact Assessment has been prepared and accompanies this application.</p> <p>The site has always been used for residential purposes. A PSI has been prepared that confirms the site is suitable for the development.</p>
<u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u>	<p>The development proposes to remove or retain identified trees on-site as per the Arboricultural Impact Assessment Report that accompanies this application, whilst also implementing tree protection measures recommended by the report. Refer to the attached Arboricultural Impact Assessment Report for detail.</p> <p>The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.</p> <p>The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.</p>

<p>4.2 Ryde Local Environmental Plan 2014</p> <p><u>Height</u></p> <p><u>FSR</u></p> <p><u>Earthworks</u></p> <p><u>Stormwater</u></p>	<p>Development complies with the prescribed maximum building height control under the Ryde LEP 2014.</p> <p>Development complies with the prescribed maximum FSR control under the Ryde LEP 2014.</p> <p>The application is seeking Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, particularly for the car parking area will have minimal adverse environmental or amenity impact.</p> <p>The development has been designed to follow the site's natural topography to minimise excessive cut and fill.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application. This will rely on an easement over the adjoining property to meet Councils requirements.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. Refer to attached Stormwater Management Plan for detail.</p>
<p>4.3 Traffic, Vehicle Access, Parking & Pedestrian Circulation</p> <p><u>Traffic and Transport</u></p>	<p>A Traffic Impact Assessment prepared by The Transport Planning Partnership has found that the additional traffic generated by the proposed development would not cause adverse impact on the surrounding road network and that there would be no adverse traffic and parking implications resulting from the proposed development and that there would be no adverse traffic and parking implications resulting from the proposed development.</p>

<p><u>Vehicle Access and Accommodation</u></p>	<p>Staff and visitor parking are separated and appropriate labelled.</p> <p>The layout of the basement level will permit vehicles to enter and exit the site in a forward direction. Refer to attached plans for detail.</p> <p>The proposed new driveway and car park within the basement level has been designed to comply with AS2890.1 and AS2890.6.</p> <p>A Traffic Impact Assessment has been prepared and accompanies this application.</p> <p>The development is to provide a total of 18 car parking spaces on-site and therefore has a shortfall of 2 car parking spaces.</p> <p>As per the Traffic Impact Access which accompanies this application, the shortfall is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> - Additional pick-up/det down parking activity can be accommodated within available kerbside parking along Lincoln Street. 10 metres to the south of the site, approximately 7 pick-up/set-down places spaces (45 metres) area available due to the 'No Parking' restriction during school peak hours outside the school. Additionally, the site's frontage allows for 3 kerbside parking spaces. As the 'School Zone' speed limit will be enforced during the peak hour for the childcare facility, these parking spaces are deemed convenient and safe. - Transport for NSW published the Validation Trip Generation Surveys – Child Care Centre 2015 (Survey) which determined a car parking rate of 1 space per 6 children (for centres with 70 to 100 children). This would result in a requirement of 16 parking spaces, which is 4 below Council's DCP requirements. The proposed parking provision adheres to the most recent Transport for NSW survey data which are based upon extensive surveys. Therefore, it is reasonable to rely on these extensive surveys to calculate a parking requirement. <p>Based on the reasons outlined above, the proposed development is considered acceptable and satisfies the car parking requirement. Refer to attached Traffic Impact Assessment for more detail.</p>
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<u>Geotechnical Report</u>	A Geotechnical Report has been prepared and accompanies this application.
4.4 Public Domain Interface Requirements	<p>Half reconstruction of Lincoln Street is stated within the Pre-DA notes and the applicant would accept a condition to this effect.</p> <p>The footpath and exiting kerb and gutter will also be reconstructed from the site's frontage as this will be nominated as a condition of consent.</p>
4.5 Ryde Development Control Plan / Other Matters <u>Part 3.2 Child Care Centres</u> <u>Part 3.3 Dwelling Houses and Dual Occupancy</u>	<p>Assessment against the key controls within Part 3.2 Child Care Centres under the Ryde DCP is provided within the accompanying Statement of Environmental Effects.</p> <p>A Landscape Plan has been prepared and accompanies this application.</p> <p>Assessment against the key controls within Part 3.3 is provided within the accompanying Statement of Environmental Effects.</p> <p>Development complies with the maximum wall height control under Part 3.3 of the DCP.</p> <p>Appropriate front, side and rear setback are provided.</p> <p>DCP prescribes that 35% of the site is to comprise of deep soil area. The development delivers 38.2% of the site as deep soil zones.</p> <p>An Arboricultural Impact Assessment Report has been prepared and accompanies this application.</p> <p>Fencing is proposed in accordance with the DCP.</p>

KEY PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Ryde Local Environmental Plan 2014.

POLICY CONTROLS

The applicable policy control documents are: -

- Ryde Development Control Plan 2014;
- Childcare Planning Guidelines; and
- Education and Care Service National Regulations 2012.

CONSIDERATION OF PLANNING CONTROLS

A summary of the compliance of the proposal with the relevant planning controls is provided below.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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

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

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

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

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

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

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

oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X

A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site.

Given the historical use of the site for urban purposes, land contamination is not likely. A preliminary contamination report has been prepared that confirms the suitability of the site for the development.

If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

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

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)

- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The development proposes to remove or retain identified trees on-site as per the Arboricultural Impact Assessment Report that accompanies this application, whilst also implementing tree protection measures recommended by the report. Refer to the attached Arboricultural Impact Assessment Report for detail.

The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.

The landscape treatment will also soften the built form and assist with maintaining privacy to neighbouring properties.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

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

- State Environmental Planning Policy (Western Sydney Employment Area) 2009; and
- State Environmental Planning Policy No 64—Advertising and Signage.

Chapter 3 – Advertising and signage' contains planning provisions from within the former SEPP 64 for advertising and signage in NSW. No signage is proposed as part of this application; however, it is anticipated that signage will be subject to future DAs.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

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

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

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The development site is not located within proximity to a classified road and as a result it is not necessary to consider the provisions of this chapter that requires a consent authority to consider the impact of arterial roads on buildings used for residential purposes – noting that the development is for a child care facility which technically is not for residential purposes.

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required. Accordingly, the proposal is not required to be referred to the RMS for comment.

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

The table below provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
3.1 Aims of Policy The aims of this Policy are as follows:	
(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and	The proposal will result in providing of valuable child care places within the wider Eastwood catchment.

- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

3.3 Interpretation

centre-based child care facility means:

- (a) building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care)
 - (iv) preschool care, or

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

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

but does not include:

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

Part 3.3 Early education and care facilities – specific development controls

3.23 Centre-based child care facility – matters for consideration by consent authorities

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

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

3.25 Centre-based child care facility – floor space ratio

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

The development site is subject to FSR controls under the Ryde LEP 2014.

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

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

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

(a) location - the development may be located at any distance from an existing or proposed early education and care facility,

There are no restrictions relevant to the proposed development

(b) indoor or outdoor space
(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or
(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies – the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

The centre-based child care facility provides 3.70m² of unencumbered indoor play space and 7.95m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

Indoor play space required = 3.25m² for each child

Outdoor place space required = 7m² for each child

- (c) site area and site dimensions – the development may be located on a site of any size and have any length of street frontage or any allotment depth, Noted.
- (d) colour of building materials or shade structures – the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area. There are no restrictions relevant to the proposed development.

3.27 Centre-based child care facility – development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (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 childhood 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 Guidelines*, or
 - (ii) the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

Clause 3.27 of Part 3.3 of the Transport and Infrastructure SEPP 2021 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.

CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2017, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

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

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

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

SEPP	Comment
Objectives	
The planning objectives of this Guidelines are to:	
promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations	The development results in a high quality child care facility designed to comply with the requirements of the National Regulations.
ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses	The centre-based child care facility has been designed to appear as a large two storey built form to be consistent with the existing low density character within the subject area.
minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment	The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This is addressed in detail further within this table.
Part 2 Design Quality Principles	
Principle 1 – Context	
<i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i>	The child care facility is compatible in scale and design with the existing low density streetscape along Lincoln Street and the context of the wider locality, noting that the two storey building has been designed to appear as a large residential dwelling.
<i>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</i>	

Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

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

Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

The site is within proximity to:

- Educational facilities including,
 - Eastwood Heights Public School
 - St Anthony's Catholic Primary School
- Commercial Strip along Balaclava Road
- Woolworths Marsfield
- Bus stops with services between Eastwood and Marsfield within 250m walking distance
- Key roads including,
 - Balaclava Road
 - Epping Road

Principle 2 – Built form

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

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

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

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

The development proposes a two storey building that is consistent and compatible with the existing low density built form character within the subject area.

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

<p>Principle 3 - Adaptive learning spaces <i>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.</i></p>	<p>The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.</p>
<p>Principle 4- Sustainability <i>Sustainable design combines positive environmental, social and economic outcomes.</i></p> <p><i>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</i></p>	<p>The proposed facility has been designed to achieve cross ventilation and adequate natural light access.</p> <p>Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.</p>
<p>Principle 5 - Landscape <i>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.</i></p> <p><i>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p>	<p>The development proposes to remove or retain identified trees on-site as per the Arboricultural Impact Assessment Report that accompanies this application, whilst also implementing tree protection measures recommended by the report. Refer to the attached Arboricultural Impact Assessment Report for detail.</p> <p>The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.</p> <p>The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail.</p>

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

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.

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

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.

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

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

Principle 7 - Safety

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

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

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

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).

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

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

Well-designed vehicular parking and access minimise traffic safety risks on children and staff.

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

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

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

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

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height, FSR and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

The development provides batten screen combined with sill high windows to side elevation and combined with landscaping, fencing, especially to the side boundaries and a Plan of Management that is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimising potential privacy impacts to neighbouring properties whilst also protecting the noise intrusion into the facility itself.

Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy* and is considered acceptable.
- the setback and siting of buildings within the residential context**

Complies with setback requirements under the DCP.
- visual amenity impacts (e.g. additional building bulk and overshadowing, local character)**

The child care facility has been sited, oriented and designed to comply with the height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

- **traffic and parking impacts of the proposal on residential amenity**

The parking scheme has been designed in accordance with Council preference with all parking provided within a basement level.

A Traffic Impact Assessment prepared by The Transport Planning Partnership has found that the additional traffic generated by the proposed development would not cause adverse impact on the surrounding road network and that there would be no adverse traffic and parking implications resulting from the proposed development and that there would be no adverse traffic and parking implications resulting from the proposed development.

C2 – When selecting a site, ensure that:

- **the location and surrounding uses are compatible with the proposed development or use**
- **the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards**
- **there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed**
- **the characteristics of the site are suitable for the scale and type of development proposed having regards to:**
 - **size of street frontage, lot configuration, dimensions and overall size**
 - **Number of shared boundaries with residential properties**
 - **will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas**
- **where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use**
- **there are suitable drop off and pick up areas, and off and on street parking**
- **the type of adjoining road (for example classified, arterial, local road, cul-de-sac)**

Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Residential Density.

Site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.

Given the historical use of the site for residential purposes, land contamination is not likely. The development site has historically been utilised as a community facility with no known potential contaminating activities being conducted on site.

The site which has an area of 1,361m² and can best be described as a large irregular shaped land parcel that is of a sufficient size and width to accommodate the proposed centre-based child care facility.

The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.

N/A. Development proposes to undertake the development of a new centre-based child care facility.

The development provides car parking spaces in accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children within the basement level.

is appropriate and safe for the proposed use

- **not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises**

The subject site does not front a classified or arterial road but does front a regional road, noting Lincoln Street is considered appropriate and safe for the proposed use. Refer to attached Traffic Impacts Assessment for detail.

Subject site not located closely to incompatible social activities and uses.

C3 – A child care facility should be located;

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship**

The site is located in wider proximity to educational establishments and parks.

Commercial Strip along Balaclava Road and also a Woolworths at Marsfield
- **near or within employment areas, town centres, business centres, shops**

Bus stops with services between Eastwood and Marsfield within 250m walking distance
- **with access to public transport including rail, buses, ferries**
- **in areas with pedestrian connectivity to the local community, businesses, shops, services and the like**

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- **proximity to**
 - **heavy or hazardous industry, waste transfer depots or landfill sites**

The subject site is not located within proximity to any identified environmental hazard.
 - **LPG tanks or service stations**

Given the historical use of the site for residential purposes, land contamination is not likely. The development site has historically been utilised as a community facility with no known potential contaminating activities being conducted on site.
 - **water cooling and water warming systems**

A preliminary contamination report has been prepared that confirms the suitability of the site for the development.
 - **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**
 - **extractive industries, intensive agriculture,**

- agricultural spraying activities
- any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- | | |
|--|---|
| <ul style="list-style-type: none"> - contribute to the local area by being designed in character with the locality and existing streetscape - reflect the predominant form of surrounding land uses, particularly in low density residential areas - recognise predominant streetscape qualities, such as building form, scale, materials and colours - include design and architectural treatments that responds to and integrate with the existing streetscape - use landscaping to positively contribute to the streetscape and neighbouring amenity - integrate car parking into the building and site landscaping design in residential areas | <p>The centre-based child care facility proposes a modern two storey building that will be consistent and compatible with the existing low density characteristics of the subject area, noting development complies with prescribed height control under the LEP.</p> <p>Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.</p> |
|--|---|

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

- | | |
|---|--|
| <ul style="list-style-type: none"> - fencing to ensure safety for children entering and leaving the facility - windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community - integrating existing and proposed landscaping with fencing | <p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p> <p>The proposed development incorporates an active façade that will permit casual surveillance to Lincoln Street and to the common areas within the development site.</p> <p>Proposed landscaping works seek to soften the built form and fencing and also seek to integrate the development with the site's low density context.</p> |
|---|--|

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be

The site does not contain multiple buildings or entries.

<p>differentiated to improve legibility for visitor and children by changes in materials, plant species and colours</p>	<p>The primary entry point is designed to be clearly visible and legible from the street level.</p>
<p>C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p>	
<ul style="list-style-type: none"> - clearly defined street access, pedestrian paths and building entries 	<p>The subject site does not adjoin a public park, open space or bushland; however, appropriate access to the business park continues to be provide.</p>
<ul style="list-style-type: none"> - low fences and planting which delineate communal/private open space from adjoining public open space 	<p>Fencing and landscape works will contribute towards delineate communal/private open space from the public domain.</p>
<ul style="list-style-type: none"> - minimal use of blank walls and high fences 	<p>Development incorporates architectural features and articulation to provide an attractive two storey built form that appropriately addresses Lincoln Street.</p>
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>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>Development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facility within the wider Ryde Local Government Area.</p>
<p>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>Subject site does not front a classified road; however, the development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.</p>
<p>3.3 Building orientation, envelope and design</p>	
<p>C11 – Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; - facing doors and windows away from private open space, living rooms and 	<p>The proposed two storey centre-based child care facility has been designed and sited to address Lincoln Street whilst also designed to comply with prescribed setback controls under Ryde DCP 2015 and the Child Care Planning Guidelines.</p>

bedrooms in adjoining residential properties

- **placing play equipment away from common boundaries within residential properties**
- **locating outdoor play areas away from residential dwellings and other sensitive uses**

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. This includes the siting and orientation of the building combined with the two story built form complying with the prescribed height, FSR and setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter. Parking is to also be located within the basement level to minimise the impact of vehicle traffic to and from the site.

The development provides batten screen combined with sill high windows to side elevation and combined with landscaping, fencing, especially to the side boundaries and a Plan of Management that is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimising potential privacy impacts to neighbouring properties whilst also protecting the noise intrusion into the facility itself.

Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy* and is considered acceptable.

- **optimise solar access to internal and external play areas**
- **avoid overshadowing of adjoining residential properties**

The centre-based child care facility is oriented to the north, including the external play area to maximise solar access.

The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with height and setback provisions.

It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.

<ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	<p>Development proposes an attractive contemporary two storey building designed to adequately address its frontage to Lincoln Street.</p> <p>Designed to comply.</p>
<p>C12 – The following matters may be considered to minimise the impacts of the proposal on local character:</p>	
<ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character 	<p>Development proposes a two storey building that is consistent and compatible with the existing low density built form character within the subject area.</p> <p>Development is consistent with setback requirements under the Ryde DCP 2014 and the Child Care Planning Guidelines.</p>
<p>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>	<p>Development complies with Council's setback controls. Refer to discussion against setback requirements under the DCP further within this statement for detail.</p>
<p>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>	<p>The development has been designed to comply with setback requirements under the Ryde DCP 2014.</p> <p>Refer to discussion against the Ryde City Council 2014 further within this statement for detail.</p>
<p>C15 – Entry to the facility should be limited to one secure point which is:</p>	
<ul style="list-style-type: none"> - located to allow ease of access, particularly for pedestrians - directly accessible from the street where possible - directly visible from the street frontage - easily monitored through natural or camera surveillance - not accessible through an outdoor play area 	<p>The proposed centre-based child care facility provides a primary entry point from Lincoln Street.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.</p> <p>Access to the site is in accordance with the Accessibility Compliance Report that accompanies this application.</p>

C16 – Accessible design can be achieved by:

- | | |
|---|---|
| <ul style="list-style-type: none">- providing accessibility to and within the building in accordance with all relevant legislation- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry- 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 | <p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Graham Street. Furthermore, lift core provides access to the ground and first floor from the basement.</p> <p>Access to the site is in accordance with the Accessibility Compliance Report that accompanies this application.</p> <p>Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance</p> |
|---|---|

3.4 Landscaping

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

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

- | | |
|--|--|
| <ul style="list-style-type: none">- reflecting and reinforcing the local context- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping | <p>The development proposes to remove or retain identified trees on-site as per the Arboricultural Impact Assessment Report that accompanies this application, whilst also implementing tree protection measures recommended by the report. Refer to the attached Arboricultural Impact Assessment Report for detail.</p> <p>The proposal is to introduce high quality landscape embellishment works within a low density residential context that aims to reduce the physical bulk and scale of the development and integrate the proposal within the context of the site and its surrounds.</p> <p>The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail</p> <p>The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p> |
|--|--|

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

- | | |
|--|---|
| <ul style="list-style-type: none">- planting shade tree in large car parking areas to create a cool | <p>Development proposes all car parking within a basement level, nevertheless the development</p> |
|--|---|

<p>outdoor environment and reduce summer heat radiating into buildings</p> <ul style="list-style-type: none"> - considering streetscape, local character and context when siting car parking areas within the front setback - using low level landscaping to soften and screen parking areas 	<p>proposes appropriate landscape embellishment works that will improve and enhance the subject site whilst helping to integrate the proposal within the context of the site and its low density surroundings.</p> <p>Refer to attached Landscaping Plan for detail.</p>
3.5 Visual and acoustic privacy	
<p>C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.</p>	<p>Noted, no open balconies are proposed as part of this application.</p>
<p>C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> - appropriate site and building layout - suitable locating pathways, windows and doors - permanent screening and landscape design 	<p>Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout and complying setbacks.</p> <p>The development is to incorporate acoustic fencing along the site boundaries in accordance with the Environmental Noise Impact Assessment that will contribute towards minimising direct overlooking of the indoor rooms and outdoor play spaces from public areas.</p>
<p>C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> - appropriate site and building layout - suitable locating pathways, windows and doors - permanent screening and landscape design 	<p>Complies, the centre-based child care facility is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments, noting the siting and orientation of the facility combined with the incorporation of appropriate fencing and landscaping along the site boundaries.</p> <p>Furthermore, all indoor and outdoor play area are limited to the ground floor.</p>

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

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing/barriers in accordance with the accompanying Environmental Noise Impact Assessment, including both the ground floor and first floor outdoor play areas.

Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy* and is considered acceptable.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts.

Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff.

The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

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

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments.

It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties.

Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres*

<ul style="list-style-type: none"> - locating cot rooms, sleeping areas and play areas away from external noise sources 	<p><i>Acoustic Assessment</i> and the Environmental Protection Authority's <i>NSW Road Noise Policy</i> and is considered acceptable.</p> <p>Furthermore, the report has also found that the intrusive road traffic noise level will meet the noise level requirements of the NSW Department of Planning and Environment's <i>Child Care Planning Guidelines</i> and the Association of Australian Acoustical Consultants' <i>NSW Road Noise Policy</i>.</p>
<p>C25 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> - on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000 - along a railway or mass transit corridor, as defined by <i>State Environmental Planning Policy (Infrastructure) 2007</i> - on a major or busy road - other land that is impacted by substantial external noise 	<p>The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.</p> <p>It is noted that appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties. Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' <i>Guideline for Child Care Centres Acoustic Assessment</i> and the Environmental Protection Authority's <i>NSW Road Noise Policy</i> and is considered acceptable.</p>
<p>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</p>	<p>Complies.</p>
<p>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</p>	<p>The subject site is not located near a major road or industrial development nor any areas that require an air quality assessment to be provided.</p>

3.7 Hours of operation	
C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays	The child care facility is to operate between 7am to 6pm Monday to Friday.
C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses	Subject site is not located within a mixed-use area. Not applicable.
3.8 Traffic, parking and pedestrian circulation	
C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate: Within 400m of a metropolitan train station: <ul style="list-style-type: none"> - 1 space per 10 children - 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space. In other areas: 1 space per 4 children	The Development has regard with the car parking requirements under the Ryde Development Control Plan 2014.
C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.	Site not located on a commercial or industrial zone. Not applicable.
C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that <ul style="list-style-type: none"> - the amenity of the surrounding area will not be affected - there will be no impacts on the safe operation of the surrounding road network 	A Traffic Impact Assessment prepared by The Transport Planning Partnership has found that the additional traffic generated by the proposed development would not cause adverse impact on the surrounding road network and that there would be no adverse traffic and parking implications resulting from the proposed development and that there would be no adverse traffic and parking implications resulting from the proposed development.

<p>C33 – Alternate vehicular access should be provided where child care facilities are on site fronting;</p> <ul style="list-style-type: none"> - a classified road - roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions</p> <ul style="list-style-type: none"> - pedestrian and vehicle safety including bicycle movements - the likely impact of the development on traffic 	<p>No applicable as the site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.</p>
<p>C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.</p>	<p>Development site is not within a cul-de-sac or narrow lanes, or road. Not applicable.</p>
<p>C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment;</p> <ul style="list-style-type: none"> - separate pedestrian access from the car park to the facility - defined pedestrian crossings including within large car parking areas - separate pedestrian and vehicle entries from the street for parents, children and visitors - pedestrian paths that enable two prams to pass each other - delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities - vehicles can enter and leave the site in a forward direction 	<p>Development provides separate pedestrian and vehicular access.</p> <p>Vehicles can enter and exit the site in a forward direction.</p>

<p>C37 – Car parking design should:</p> <ul style="list-style-type: none"> - include a child safe fence to separate car parking areas from the building entrance to play areas - provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards - include wheelchair and pram accessible parking 	<p>Car parking area is sufficiently separated from the building entrance and outdoor play area.</p> <p>Accessible car parking space, designed in accordance with Australian Standard is clearly marked and situated near the entry point.</p>
<p>Part 4 Applying the National Regulations to development proposals</p> <p>4.1 Indoor space requirements</p>	
<p>Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p>	
	<p>The proposal provides 3.70m² of indoor play space per child.</p> <p>The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.</p>
<p>Design Guidance Verandas as indoor space For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.</p>	
	<p>No veranda is to be included as unencumbered indoor space. Not applicable.</p>
<p>Design Guidance Storage It is recommended that a child care facility provide;</p> <ul style="list-style-type: none"> - a minimum of 0.3m³ per child of external storage space - a minimum of 0.2m³ per child of internal storage space 	
	<p>The proposal provides appropriate internal and external storage areas.</p>

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

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

Laundry designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain:

Designed to comply.

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

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

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

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

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

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

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

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

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

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

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

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

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

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

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

Nappy change facilities are provided for the facility for kids aged between 0-2.

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

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing

<p>facilities that are contained in the <i>National Construction Code</i>.</p>	<p>Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.</p>
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Design Guidance

<p>In circumstances where nappy change facilities must be provided, design considerations could include;</p>	<p>Designed to comply.</p>
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- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre form the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.

The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.

<p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the <i>National Construction Code</i>.</p>	<p>Comply.</p>
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4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

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

Regulation 97 sets out the detail for what those procedures must cover including;

- instructions for what must be done in the event of an emergency
 - an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
 - a risk assessment to identify potential emergencies that are relevant to the service
- An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

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

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

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides 7.95m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Not applicable.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children's play.

Noted.

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance

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:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

Noted, refer to attached landscape plan for detail.

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

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

4.11 Shade

Regulations 114

Education and Care Services National

Regulations

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. Complies given the northerly orientation
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.
- have evenly distributed shade structures over different activity spaces.

4.12 Fencing

Regulations 104

Education and Care Services National

Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*. Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- having no rails or elements for climbing higher than 150mm from the ground

Noted - Side fencing has been undertaken in accordance with the Environmental Noise Impact Assessment.

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Proposed child care fencing and gates have been designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.

Designed to comply.

4.13 Soil assessment

Regulations 25

Education and Care Services National Regulations

A Preliminary Site Investigation has not been prepared.

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

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

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

The National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

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

- various miscellaneous requirements.

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

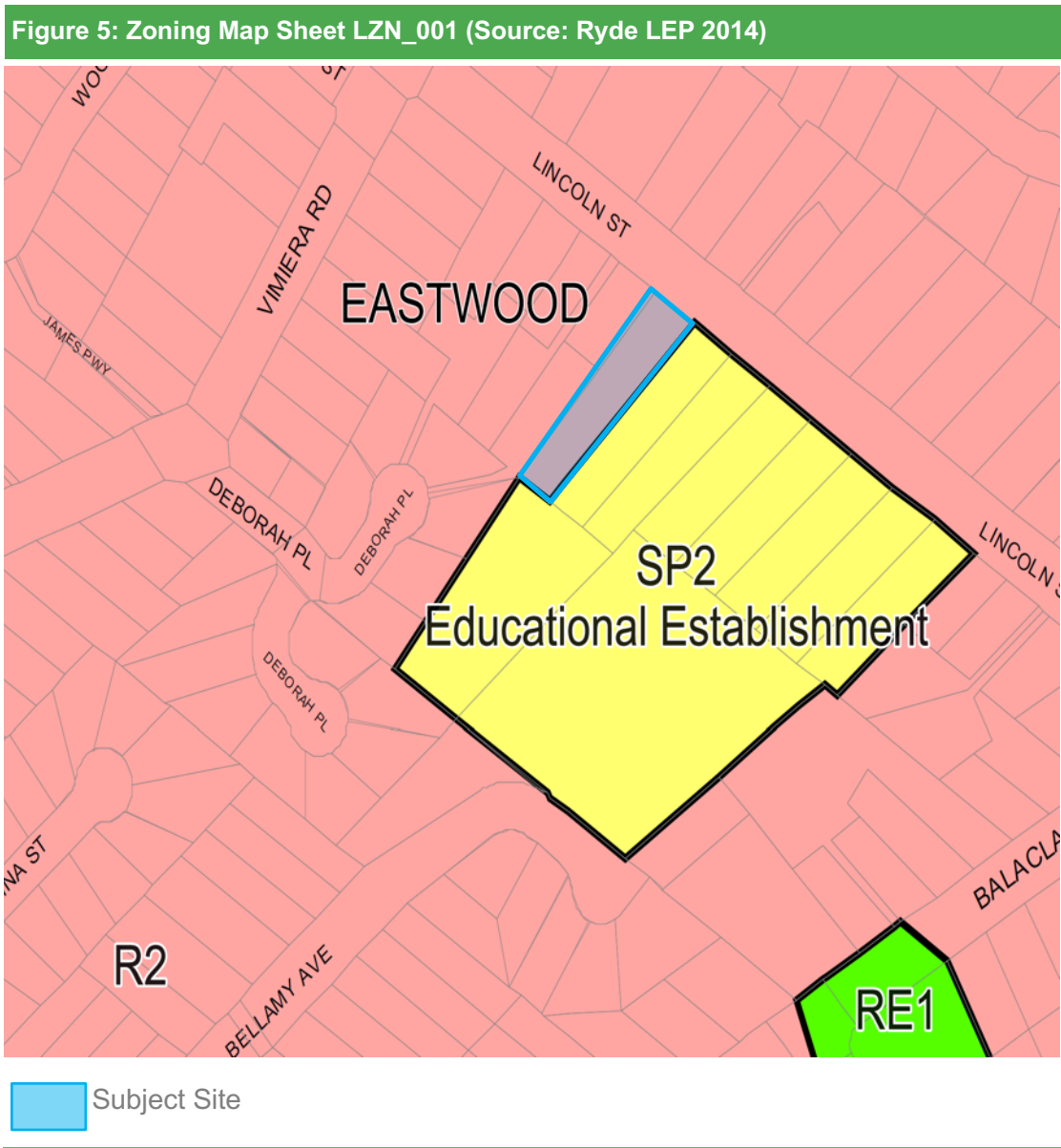
Clause	Controls	Comment	Complies
Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
106	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
107	Space requirements – indoor space	The proposed centre-based child care facility provides 3.70m ² of unencumbered indoor play space per child as shown on the submitted architectural plans.	Yes
108	Space requirements – outdoor space	The proposed centre-based child care facility provides 7.95m ² of unencumbered outdoor play space per child as shown on the submitted architectural plans.	Yes
109	Toilet and hygiene facilities	Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
Division 2 Additional Requirements for Centre-Based Services			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy change facility is provided by the proposed centre-based child care facility.	Yes
113	Outdoor space – natural environment	As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes

114	Outdoor space – shade	The proposed centre-based child care facility has provided adequate shading. Refer to attached architectural plans for detail.	Yes
Part 4.4 Staffing Requirements			
123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u>Australia</u>:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u>New South Wales</u>. Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 16 children (4 staff) 2-3 Years – 30 children (6 staff) 3-6 Years – 45 children (4.5 staff)</p> <p>Total: 14.5 (15) staff. 15 staff to be provided.</p>	Yes
Part 7.3 New South Wales – Special Provisions			
271	Educators to child ratios – (1) children aged 36 months or more but less than 6 years	<p>(1) Regulation 123 (1)(c) applies as modified by this section.</p> <p>(2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.</p> <p>This is addressed in the section above.</p>	Yes

RYDE LOCAL ENVIRONMENTAL PLAN 2014

As illustrated by Council’s zoning map extract below, the subject site is zoned R2 Low Residential Density and is permitted a maximum building height limit of 9m and a maximum FSR of 0.5:1 under the provisions of the Ryde Local Environmental Plan 2014.

‘Child Care Facilities’ are permissible with consent within the R2 Zone, however, is pursuant to Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.



'Centre-Based Child Care Facilities' are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

centre-based child care facilities means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:*
 - (i) long day care,*
 - (ii) occasional child care,*
 - (iii) Out-of-school-hours care (including vacation care),*
 - (iv) Preschool care, or*
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),*
but does not include
 - (c) a building or place used for home-based child care or school-based child care, or*
 - (d) an office of a family day care services (within the meaning of the Children (Education and Care Services) National Law (NSW), or*
 - (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
 - (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
 - (g) a service that is concerned primarily with providing lesson or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
 - (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

The proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *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 centre-based child care facility has been designed to commensurate with the existing low density residential character of the immediate locality.

The use as a centre-based child care facility will foster a sense of community given the nature of such community based land uses.

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

Ryde Local Environmental Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	R2 Low Density	'Child Care Centres' are permissible with Council consent in the R2 Low Density Residential zone	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R2 Low Density and will appropriately fulfil the subject site's zoning potential and will provide a much needed and well-located service for the local community.	Yes
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of all existing structures on site.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings: 9m	<p>A maximum building height of 9m is identified for the site under Ryde Local Environmental Plan 2014 Height of Buildings Map Sheet HOB_001.</p> <p>The development proposes a 2 storey building with no part of the proposed built form to encroach 9m in height in accordance with the height provisions under the LEP.</p>	Yes
4.4	Floor Space Ratio: 0.5:1	<p>A maximum FSR of 0.5:1 is identified for the subject site under Ryde Environmental Plan 2014 Floor Space Ratio Map Sheet FSR_001.</p> <p>The development proposes a maximum FSR of 0.41:1. Complies.</p> <p>See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p>	Yes
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	The site is not identified as a heritage item nor is not located within a heritage conservation area, however there are local heritage item located within the broader vicinity of the subject site.	N/A

		<p>The local heritage items in the broader vicinity however are sufficient separated from the development site for the current proposal to have any impact on their heritage curtilage.</p> <p>As a result, the subject site will not have any associated heritage restriction and subsequently any further heritage investigation is not deemed to be necessary.</p>	
5.21	Flood Planning	The site is not identified as being flood prone.	N/A
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	The subject site is not identified as being affected Acid Sulfate Soils. Not applicable.	N/A
6.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, particularly for the car parking area will have minimal adverse environmental or amenity impact.</p> <p>The development has been designed to follow the site's natural topography to minimise excessive cut and fill.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes

6.4	Stormwater Management	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>Refer to Stormwater Management Plan for detail.</p>	Yes
6.5	Limited Development on Foreshore Area	The site is not subject to a foreshore building line. Not applicable.	N/A

RYDE DEVELOPMENT CONTROL PLAN 2014 – PART 3.2 CHILD CARE CENTRES

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

Ryde Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	Controls	Comment	Complies
2.0 Size, Location and Site Selection			
2.1.1	Preferred Locations	<p>a. – b. Clause 3.27 of Part 3.3 of the Transport and Infrastructure SEPP 2021 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.</p> <p>However the development site is located adjacent to a compatible land use including a local primary school, noting that the Traffic Impact Assessment which accompanies this application has found that the additional traffic generated by the proposed development would not cause adverse impact on the surrounding road network and that there would be no adverse traffic and parking implications resulting from the proposed development and that there would be no adverse traffic and parking implications resulting from the proposed development.</p> <p>Furthermore, the subject site is within close proximity to a commercial strip along Balaclava Road, a Woolworth supermarket within Marsfield and a short trip to Eastwood Town Centre.</p> <p>c. – d. Lincoln Street is not identified as an arterial, sub arterial or a collector road as per Schedule 2 of the DCP, noting the access point is sufficiently separated from the intersection of Vimiera Road and Lincoln Street.</p> <p>Safe access to and from the site is to be provided from Lincoln Street.</p> <p>e. – f. The development site is not located on a battle-axe allotment nor is it located within a cul-de-sac.</p>	<p>Yes – SEPP</p> <p>Yes</p> <p>N/A</p>

g. The development site is not located within proximity of a brothel. **N/A**

h. The site experiences a fall from Lincoln Street towards rear of the site, a fall of approximately 5.28m, with the proposed child care facility designed to follow the natural controls of the site to minimise excessive cut and fill. Furthermore, the proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. **Yes**

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

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

See attached Stormwater Management Plan for detail.

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

j. The site is not affected by overshadowing by adjoining properties. **Yes**

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

Furthermore, the development incorporates an active façade that will permit casual surveillance of its street frontage as well as the driveway areas and open space areas within the site itself.

The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposal also incorporates built elements and landscaping that clearly distinguishes between the public and private domain.

		<p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p>l. - m. As stated previously, Clause 3.27 Part 3.3 of the State Environmental Planning Policy (Infrastructure & Transport 2021 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of centre-based child care facility.</p> <p>Finally, the site is considered a suitable location to accommodate the child care facility for the following reasons:</p> <ul style="list-style-type: none"> - Site is located near compatible uses including a local primary school which bounds the site's immediate eastern boundary. 	Yes
2.1.2	Environmental Risks / Hazards	<p>a. – c. Development site is not identified as being flood prone land or affected by overland flow.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.</p> <p>See attached Stormwater Management Plan for detail.</p>	N/A

		d. Development site is not located on bushfire prone land.	N/A
		e. – f. The development site is not affected by environmental health hazards or risk relevant to the site or the surrounding areas.	Yes
		Furthermore the development site is not within proximity to service stations, LPG tanks, odour and other pollutant generating sources, transmission lines, railway lines and any other identified environmental hazards.	
		A preliminary contamination report has been prepared that confirms the suitability of the site for the development.	
		Finally, the development is not within 125m of any arterial roads.	
		g. The site was not previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances.	Yes
		h. The site is not within a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.	Yes
		i. The site was previously used for residential purposes.	N/A
		See SEPP (Resilience and Hazards) 2021 for discussion regarding contamination of the land.	
2.2	Assessing Child Care Needs and Size of Facility	a. The proposed child care facility identifies the total number of child care places (91), a breakdown of children by age group (0-2 years: 16 places; 2-3 years: 30 places; and 3-5 years: 45 places) and the proposed number of staff (15 full time staff).	Yes
		b. As state previously, Clause 3.27 of Part 3.3 of the Transport and Infrastructure SEPP 2021 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to the development for the purpose of a centre-based child care facility.	Yes – SEPP
2.3	Site Analysis	A Site Analysis has been prepared and is attached as part of this application.	Yes

3.0 Design and Character

3.1	All Child Centres	<p>a. The proposed development incorporates an active façade that will permit casual surveillance of its street frontage as well as the driveway areas and communal open space at the rear of the site.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal also incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
		b. - c. The building has been sited and oriented to the north to maximise solar access and also designed to maximise natural ventilation.	Yes
		d. The development has been designed to minimise the use of large expanses of UV reflective surfaces including metal sheeting, concrete, asphalt, glass and sand from reflecting into the outdoor play spaces.	Yes
		e. Where appropriate, the facility has been designed to be consistent with Council's DCP 2014 Part 7.1 Energy Smart, Water Wise Controls and Principles.	Yes
		g. Energy efficient appliances can be installed in the centre with a 3.5 star rating.	Yes
		h. As stated above, the proposed child care facility has been designed to appear as a large two storey dwelling to be consistent with the evolving two storey form along Lincoln Street.	Yes

		<p>i. The child care facility has been designed with the entry point and building frontages clearly visible from Lincoln Street. Refer to attached Architectural Plans for detail.</p>	N/A
		<p>j. A Site Analysis has been prepared and is attached as part of this application.</p>	N/A
		<p>The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal. The two storey built form is consistent within the existing low density character along Lincoln Street.</p>	Yes
		<p>The building has also been sited and oriented to the north to maximise solar access and also designed to maximise natural ventilation.</p>	
		<p>k. Where appropriate all doors and windows are to be screened. This could be enforced as per condition of consent.</p>	
3.2	Detached Centres and Centres in Residential Areas	<p>a. & b. The proposed child care facility has been designed to appear as a large contemporary 2 storey dwelling house that is consistent with the existing two storey built form along Lincoln Street.</p> <p>It is noted that the proposed development will improve the built form and its relationship with the public domain than that currently exists within the subject site.</p> <p>c. The DCP states that in low density residential areas, child care facilities are encouraged to be single storey in height for safety and access.</p> <p>The child care facility is over two levels; however it is noted that the facility has been designed to incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergencies. This will include an Emergency and Evacuation Plan prepared in accordance with Regulation 97 and design guidance contained within the Child Care Planning Guidelines.</p>	<p>Yes</p> <p>Variation On Merit Given Site Context and Location Adjacent to School</p>

The proximity to the school, which bounds the side and rear boundary, means that the typical impacts that would arise from a first floor play area are mitigated as it can be oriented towards the school to mitigate visual and acoustic privacy measures.

Furthermore, considering that the development is incorporate appropriate privacy measures batten screen combined with sill high windows to side elevation and combined with landscaping, fencing, especially to the side boundaries.

Also, an Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy* and is considered acceptable.

Finally, a Plan of Management will manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimise acoustic impact to neighbouring properties.

Considering that amenities in terms of privacy and acoustic can be managed combined with the adoption of safety in terms of management Emergency and Evacuation Plan, a child care facility over 2 levels is considered appropriate, noting compliance with key planning requirements under Part 3.3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Ryde Local Environmental Plan 2011, Ryde Development Control Plan 2011, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

		<p>d. The proposed child care facility has been designed to appear in terms of bulk, scale and scale as a large two storey dwelling house and as such has been designed to comply with the built form controls under Part 3.3 (Dwelling House and Dual Occupancy) including height and setbacks.</p> <p>Refer to discussion against Part 3.3 further within this statement for detail.</p> <p>d. The proposed child care facility has been designed to appear as a large contemporary 2 storey dwelling house that is consistent with the evolving low density housing patterns along Lincoln Street.</p>	<p>Yes – Refer to discussion against Part 3.3 of the DCP</p> <p>Yes</p>
3.3	Combined Dwelling/ Child Care Centre	Not applicable.	N/A
3.4	Centres in Mixed Use Developments and in Non-residential areas	Not applicable.	N/A
3.5	Fencing, Gates and Security	<p>b. Materials and finishes used are consistent with recently developed contemporary dwelling houses and dual occupancy within the subject area. See attached plans for detail.</p> <p>c. The designated outdoor play area will be appropriate secured to prevent children from scaling it or crawling under it.</p> <p>d. Where appropriate, childproof gates are to be provided to prevent children leaving/entering unsupervised.</p> <p>e. All raised areas are to be enclosed.</p> <p>f. The proposal has been designed to prevent children gaining access to part of the building/site unsupervised.</p> <p>g. Appropriate internal fencing and gates have been provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

4.0 Privacy			
4.1	Acoustic Privacy – for children in the centre	<p>An Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' <i>Guideline for Child Care Centres Acoustic Assessment</i> and the Environmental Protection Authority's <i>NSW Road Noise Policy</i> and is considered acceptable.</p> <p>Furthermore, the report has also found that the intrusive road traffic noise level will meet the noise level requirements of the NSW Department of Planning and Environment's <i>Child Care Planning Guidelines</i> and the Association of Australian Acoustical Consultants' <i>NSW Road Noise Policy</i>.</p>	Yes
4.2	Acoustic Privacy – for adjoining residents	<p>An Environmental Noise Impact Assessment prepared by Day Design Pty Ltd which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultants' <i>Guideline for Child Care Centres Acoustic Assessment</i> and the Environmental Protection Authority's <i>NSW Road Noise Policy</i> and is considered acceptable.</p> <p>Finally, a Plan of management will manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimise acoustic impact to neighbouring properties.</p>	Yes
4.3 & 4.4	Visual Privacy – for children in the centre & for adjoining residents	<p>The proposed child care facility has been sited and designed to minimise and prevent direct sight line into the child care facility and also overlooking of adjoining main internal living areas and private open spaces, This is through orientation of areas to the side and rear towards the primary school and not towards the more sensitive residential properties.</p>	Yes

Furthermore, the development minimises opening to the site's side boundaries whilst also providing a building setback of 5m to the site's northern boundary where the majority of the active areas including the indoor and outdoor play areas are to be located to minimise potential privacy impacts to the child care facility and to adjoining properties.

The development provides batten screen combined with sill high windows to side elevation, with generous setback to the rear boundary and combined with landscaping, fencing, especially to the side boundaries will contribute towards minimise potential privacy impacts to the child care facility and to adjoining properties

The design of car parking spaces and vehicular access is integrated into the overall site design to maximise safe vehicular and pedestrian movement in and round the facility, noting that its located within the basement, it will not be visible from the public domain. Furthermore, appropriate landscaping along the site's frontage will contribute towards softening the built form and integrate with the development and the site's context.

5.0 Car Parking, Traffic and Access

5.1	Car Parking	a. All on-site parking areas have been designed in accordance with Australian Standards AS 2890.1 and AS 2890.2.	Yes
		b. The DCP prescribes off-street parking at a rate of 1 space per 8 children and 1 space per 2 staff.	Variation On Merit
		The development proposes a 91 place child care facility with a total of 15 staff. As such the development is to provide a total of 18.9 (20) car parking spaces on-site. The development is to provide a total of 18 car parking spaces on-site and therefore has a shortfall of 2 car parking spaces.	
		As per the Traffic Impact Access which accompanies this application, the shortfall is considered acceptable for the following reasons:	
		<ul style="list-style-type: none"> - Additional pick-up/set down parking activity can be accommodated within available kerbside parking along Lincoln Street. 10 metres to the south of the site, approximately 7 pick-up/set-down places spaces (45 	

metres) area available due to the 'No Parking' restriction during school peak hours outside the school. Additionally, the site's frontage allows for 3 kerbside parking spaces. As the 'School Zone' speed limit will be enforced during the peak hour for the childcare facility, these parking spaces are deemed convenient and safe.

- Transport for NSW published the *Validation Trip Generation Surveys – Child Care Centre 2015 (Survey)* which determined a car parking rate of 1 space per 6 children (for centres with 70 to 100 children). This would result in a requirement of 16 parking spaces, which is 4 below Council's DCP requirements. The proposed parking provision adheres to the most recent Transport for NSW survey data which are based upon extensive surveys. Therefore, it is reasonable to rely on these extensive surveys to calculate a parking requirement.

Based on the reasons outlined above, the proposed development is considered acceptable and satisfies the car parking requirement. Refer to attached Traffic Impact Assessment for more detail.

d. An accessible car parking space has been designed in terms of size and width in accordance with relevant Australian Standard. The accessible parking space is designed to provide a continuous path of travel to the lift core within the basement level.

Yes

e. The proposal has been designed to comply with access requirement contained within Section 5.5 and Part 9.2 of this DCP.

Yes

f. The DCP states that basement parking should not be provided- and the proposal provides basement parking and is non-compliant. Parking is to locate within the basement level to minimise the impact of vehicle traffic to and from the site- and importantly to ensure that parking associated with the facility is disguised from the street to ensure a suitable character response. It is preferable to locate the parking within a basement parking area such that the parking areas are out of view in the streetscape and this enables a more appropriate character response.

Variation- On Merit

		<p>The use of a large at grade parking area would be a poor character response for a child care centre on the site and hence the basement design has been adopted despite it being non-compliant with the DCP. It is considered that the DCP provisions, which pre-date the CCPG, are somewhat out of date relative to current best practice and the use of basement parking.</p> <p>Therefore the basement parking is a suitable outcome.</p> <p>g. Where appropriate, parking and driveway areas have been minimised to reduce impacts to the streetscape. Furthermore, appropriate landscaping along the site's frontage will contribute towards softening the built form and integrate with the development and the site's context.</p> <p>g. Refer to attached Traffic Impact Assessment for detail.</p>	<p>Yes</p> <p>Yes</p>
5.2	On Site Maneuverability	<p>Considering that parking is to be provided within a basement level, a U-shape one-way driveway is not provided, however it is noted that the layout of the basement level will permit vehicles to enter and exist the site in a forward direction.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site, with the pedestrian pathway segregated from vehicular access/ driveway and at-grade parking area. Vehicle and pedestrian routes are clearly indicated and accessible. Refer to attached Traffic Impact Assessment for detail. It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p>	<p>Merit</p> <p>Yes</p>
5.3	Impact on Traffic Flow	<p>The development has been designed to provide sufficient area on-site to enable vehicles to enter and exit the site in a forward direction. A Traffic Impact Assessment prepared by The Transport Planning Partnership has found that the additional traffic generated by the proposed development would not cause adverse impact on the surrounding road network and that there would be no adverse traffic and parking implications resulting from the proposed development and that there would be no adverse traffic and parking implications resulting from the proposed development.</p>	<p>Yes</p>

5.4	Pedestrian Safety	<p>a. Pedestrian access is segregated from vehicular access/ driveway and pedestrian access with clearly defined pedestrian pathway to the proposed entry point from Lincoln Street.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible.</p>	Yes
		<p>b. The basement carparking area provides sufficient drop off/pick up opportunities, noting that the parking areas is to be clearly lit and permit safe movement of children, staff, parents and visitors to and from the facility.</p>	Yes
5.5	Accessibility	<p>Accessible pathway to and from the site is provide in accordance with AS 1428.1 Design for Access and Mobility as per the attached Accessibility Review Report.</p> <p>The accessible parking space has been designed to comply with relevant Australian Standards in terms of size and width.</p> <p>The development provides appropriate access for people with mobility disabilities by a continuous path of travel from the street and parking area to the facility and within every room and outdoor areas used by staff and children. Furthermore, the provision of hard paved surfaces leading into the entry of a play environment, the incorporation of kerb cuts within the car parking area are capable of compliance at the CC stage</p>	Yes
6.0 Landscape Design and Play Spaces			
6.1	General Landscape Design Requirement	<p>a. – c. A Landscape Plan has been prepared and attached to this statement.</p> <p>The landscape scheme includes planting that comprise a mix of trees, shrubs and grasses.</p> <p>The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p>	Yes
		<p>e.- f Landscaping within the front setback with widths >2m is provided that will positively contribute towards preserving streetscape amenity and where appropriate is to also provide screening. The development is to also provide landscape buffer predominantly along its side and rear boundary with minimum width of 1m.</p>	Yes

6.2	Play Spaces	<p><u>6.2.1 Size and Functionality of Play Spaces</u></p> <p>a. Development provides indoor play spaces, outdoor play spaces in accordance with the Educational and Care Service National Regulations. Yes</p> <p>b. All play spaces have been designed where practical of regular shapes and with convenient access between them in-order to maximise opportunity for supervision of children by staff. Yes</p> <p>c. No outdoor play spaces are to be located within the front setback. Complies. Yes</p> <p>d. & e. The provision of unencumbered indoor and outdoor play spaces is provided in accordance with the Educational and Care Service National Regulations. Yes</p> <p><u>6.2.2 Outdoor Play Spaces</u></p> <p>The unencumbered outdoor play space has been designed to comply with the key requirements under the Educational and Care Service National Regulations and Child Care Guidelines. Yes</p> <p>The outdoor play areas have been designed to maximise useable space, providing appropriate outdoor play space and also permit maximum supervision whilst contributing towards early learning.</p> <p>Development provides separate outdoor play areas for the various age groups.</p> <p>The outdoor play area is to be appropriate landscape as per the attached Landscape Plans.</p> <p>The outdoor area is enclosed and as such no additional shading is considered necessary.</p> <p><u>6.2.3 Indoor Play Spaces</u></p> <p>The unencumbered indoor play space has been designed to comply with the key requirements under the Educational and Care Service National Regulations and Child Care Guidelines. Yes</p> <p>Furthermore, the indoor play spaces have been designed to achieve passive surveillance</p>
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from all rooms and provide direct access to the outdoor play area.

6.2.4 Transition Area

Appropriate transitional areas between the indoor and outdoor play areas are provided to permit for indoor and outdoor activities to be conducted under cover whilst also to provide protection from unfavourable weather conditions.

N/A

7.0 Miscellaneous Controls

7.1	Centre Facilities	a. The proposed facility provides appropriate administrative and staff rooms. Refer to attached Architectural Plans for detail.	Yes
		b. DCP stipulates that office located adjacent to the entry area to have a minimum floor space calculated at a rate of 10m ² per person occupying the office.	Yes
		Administration desk and also an office, which is to only be occupied by the manager of the facility is located adjacent to the entry area direct from the corridor within the ground floor, with the office have a total area of 14m ² . Complies.	Yes
		c. DCP stipulates that the staff room is to be provided with a minimum floor space of 20m ² .	Yes
		The development provides a staff room within the first floor within a floor area of 20m ² .	
		d. Development provides sleep room/cot room and nappy change rooms in accordance with the Educational and Care Service National Regulations and Child Care Guidelines.	Yes
		e. Development provides laundry facilities in accordance with Educational and Care Service National Regulations and Child Care Guidelines.	Yes
		f. Appropriate storage areas are provided within the facility in accordance with Educational and Care Service National Regulations and Child Care Guidelines.	Yes

7.2	Signage	No signage is proposed at this stage. Signage is to be provided as part of future DAs.	N/A
7.3	Exterior Lighting	Appropriate lighting is provided to the fitted within both the ground and first floor.	Yes
7.4	Waste Storage and Management	A Waste Management Plan has been prepared and attached to this statement. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Appropriate waste facilities will be provided.	Yes
7.5	Emergency Evacuation	A Fire Safety and Evacuation Plan has been prepared and attached to this statement.	Yes

RYDE DEVELOPMENT CONTROL PLAN 2014 – PART 3.3 DWELLING HOUSES AND DUAL OCCUPANCY

Part 3.2 Clause 3.2(d) of the DCP (Child Care Centres) states that any detached child care centres in residential areas needs to comply with the built form controls for a dwelling/dual occupancy including FSR, height and setbacks in-order to demonstrate the proposal is compatible with the existing and anticipated built form character within the low density residential estate.

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

Ryde Development Control Plan 2013 – Part 3.3 Dwelling Houses and Dual Occupancy Compliance Table			
Clause	Controls	Comment	Complies
2.0 General Controls			
2.1	Desired Future Character	The development site resides within an established low density residential estate comprising a mix of 1 and 2 storey buildings. As stated previously within this statement, the development proposes a contemporary 2 storey building that will be consistent with the existing low density built form character along Lincoln Street.	Yes
		2.2.1 New Dwelling Houses	
		a. The development provides appropriate landscaping including appropriate deep soil areas at the front and rear of the subject site.	Yes
		b. The proposed built form has a maximum height of two storeys.	Yes
		c. The child care facility has been designed to address the streetscape.	Yes
		d. Boundary between public and private space has been clearly articulated.	Yes
2.7	Floor Space Ratio	e. With all parking to be provided within a basement level, parking will not be a visually prominent feature.	Yes
		A maximum floor space ratio of 0.5:1 is identified for the site under Ryde Local Environmental Plan 2014 Floor Space Ratio Map Sheet FSR_001. This development provides an FSR of 0.41:1 and as such is compliant with the maximum permitted FSR.	Yes

2.8	Height	<p>DCP prescribes a maximum building height of 9.5m, a maximum wall plate height of 7.5m and a maximum number of storeys of 2.</p> <p>The development proposes a part 2 storey building with a building height of >9.5m and a maximum wall plate height >7m. Complies.</p> <p>Development also prescribes a minimum ceiling height of 2.4m for habitable rooms.</p> <p>The development provides a minimum ceiling height of 3m. Complies.</p>	Yes
2.9	Setbacks	<p><u>2.9.1 Front Setback</u></p> <p>a. DCP prescribes a front setback of 6m from the primary building line.</p> <p>The development provides a front setback >6m. Complies.</p> <p>c. DCP prescribes garages and carports to be setback a minimum 1m from the dwellings front façade.</p> <p>The development does not provide any garages or carports with all parking to be provided within a basement level. The development is to provide appropriate landscaping within the front setback.</p> <p>Refer to attached Landscaping Plan for detail.</p> <p><u>2.9.2 Side Setbacks</u></p> <p>a. DCP prescribes a side setback of 1.5m for a two storey dwelling.</p> <p>The development provides a minimum side setback of 1.5m from the primary building line to the site's side boundaries.</p> <p><u>9.2.3 Rear Setbacks</u></p> <p>a. DCP prescribes a rear setback with a minimum distance of 25% of the length of the site or 8m, whichever is greater.</p> <p>The development provides a rear setback of approximately 15m-18m which exceeds the 8m but does not achieve the 25% control because of the length of the site which precludes string compliance. Given the interface with the school site and the battle-axe arrangement of the adjoining site to the west there is no established rear setback zone or green corridor and the location and footprint of the building is suitable when having regard to the context and character of the area and the departure is acceptable.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Variation on Merit</p>

2.14	Dwelling Amenity	<u>2.14.1 Daylight and Sunlight Access</u>	Yes
		The purpose-built child care facility is oriented to the north, including the external play area to maximise solar access.	
		The proposed purpose built two storey child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions.	
		It is considered that appropriate solar access is to be provided on site and for neighbouring properties.	
2.15	External Building Elements	<u>2.15.1 Roof</u>	Yes
		The proposal incorporates a contemporary, predominantly flat roof, design that incorporates a slight pitch and fall and is broken up in horizontal sections, providing articulation and not dominating the streetscape whilst being comparable with recently constructed large dwelling houses within the subject area. See attached plans.	

RYDE DEVELOPMENT CONTROL PLAN 2014 – PART 7.2 WASTE MINIMISATION AND MANAGEMENT

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

Ryde Development Control Plan 2014 Part 7.1 – Energy Smart, Water Wise – Compliance Table			
Clause	Controls	Comments	Complies
2.0 Development Policies			
2.4	Demolition and Construction	A Waste Management Plan accompanies the development application outlining the appropriate waste management measures to be incorporated. Refer to attached Waste Management Plan for detail.	Yes
2.8	Commercial and Retail	As shown on the submitted plans the proposal makes provision for adequate waste storage area within the basement level. Refer to attached Waste Management Plan for detail.	Yes

RYDE DEVELOPMENT CONTROL PLAN 2014 PART 8 – ENGINEERING

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

Ryde Development Control Plan 2014 Part 8.2 – Stormwater Management – Compliance Table			
Clause	Controls	Comments	Complies
2.0 Stormwater Drainage			
		Drainage concept plans accompany the development application demonstrating compliance with the relevant provisions of this section of the DCP.	Yes
3.0 Water Sensitive Urban Design			
3.0	On-site Stormwater Detention Systems	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>Refer to attached Stormwater Management Plan for detail.</p>	Yes

RYDE DEVELOPMENT CONTROL PLAN 2013 – PART 9.1 SIGNAGE

No signage is proposed at this stage. Signage is to be provided as part of future DAs.

CONCLUSION

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

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent.

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.