



Statement of Environmental Effects

CHILD CARE CENTRE

826 VICTORIA ROAD,
RYDE

NOVEMBER 2022



QUALITY ASSURANCE

PROJECT:	85 Place Child Care Facility
ADDRESS:	826 Victoria Road, Ryde
LOT/DP:	Lots 2 and 4 in DP219163 and Lot 2 in DP 205390
COUNCIL:	City of Ryde
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
25 October 2022	Co-Ordination	Draft	BD	BD
4 November 2022	DA Submission	Final	BD	BD

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 development application for subdivision, tree removal and minor demolition works to construct a purpose built two storey 'Child Care Facility' at 826 Victoria Road, Ryde.

The purpose built two storey 'Child Care Facility' will operate with a maximum capacity of 85 places with the following age groups:

- 0-2 years: 20 places
- 2-3 years: 35 places
- 3-6 years: 30 places.

The facility is to provide a total of 301m² or 3.5m² of unencumbered indoor play area per child and a total of 623m² or 7.32m² of unencumbered outdoor play area per child in accordance with the Child Care Planning Guidelines & the Education and Care Service National Regulations 2012.

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

A total of 15 educators are to be hired in accordance with the Education and Care Service National Regulation with the hours of operation proposed to be 7:00am to 6:00pm Monday – Friday (excluding public holidays).

A total of 21 carparking spaces are to be provided for the child care facility comprising 8 staff spaces and 13 for parents/guardians. A monastery is also located on the site and that will be allocated 15 spaces whilst the childcare centre is operating and utilise the additional 21 spaces when not required by the centre based child care facility.

The site has been zoned R2 Low Density Residential with a maximum FSR of 0.5:1 and a height limit of 9.5m, under the Ryde Local Environmental Plan '*Centre-Based Child Care Facilities*' are permissible with consent in the R2 Low Density zone and the development complies with the height and floor space ratio control.

The site currently comprises three allotments and this development application seeks approval for the resubdivision of the site to create separate allotments for both the monastery and the childcare centre. The childcare allotment has an area of 2135m² and the monastery allotment 1815m². As there will be a continued relationship between both lots for parking, access etc appropriate easements etc will need to be registered as part of the subdivision process.

Residing within an established residential area with a mixture of dwellings and apartment buildings, the site is located on Victoria Road which is one of Sydney's main arterial roads. The site contains an existing heritage listed monastery that will remain

on the site with the area of the existing tennis court and hardstand area being used to develop part of the site for the child care facility. The site where the child care is to be built is 2135m² in area and has a frontage to Victoria Road of 29.86m. The site slopes from Victoria Road down to the rear and the development is to be stepped to align with the topography of the land.

The development site is within walking distance to a local primary school, Top Ryde Shopping centre and recreational opportunities including the Ryde Aquatic Leisure Centre, local parks and reserves.

The child care facility has been designed to comply with key planning requirements under 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.

A pre-lodgement meeting was held with Council staff on 6 April 2022 and the design has been refined as a result of the feedback received including a reduction in children attending.

The development concept is consistent with the current planning controls applying to the site and represents an efficient use of well-located land. The development proposal is compatible with the character of the locality in accordance with the current planning controls applying to the site.

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

SITE AND LOCALITY

LEGAL DESCRIPTION

The subject site is legally described as Lots 2 and 4 in DP219163 and Lot 2 in DP 205390, though more commonly known as No.826 Victoria Road, Ryde.

SUBJECT SITE

The site itself can be best described as a large irregular shaped mid block allotment located on the southern side of Victoria Road between Belmore Street and Shepherd Street. Residing within an established residential area with a mixture of dwellings and apartment buildings, the site is located on Victoria Road which is one of Sydney's main arterial roads.

The site contains an existing heritage listed monastery that will remain on the site with the area of the existing tennis court and hardstand area being used to develop part of the site for the child care facility. The proposed allotment where the child care is to be built is 2,135m² in area and has a frontage to Victoria Road of approximately 29.65m. The site slopes from Victoria Road down to the rear and the development utilises this with a ground and lower ground level to align with the topography of the land. This is illustrated by an aerial map extract below.

Figure 1: Aerial Map Extract of the Subject Site (Source: Six Maps 2022)



 Subject Site

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

Photograph 1: Shows the site as viewed from Victoria Road



Photograph 2: Shows the existing Monastery on the site as viewed from Victoria Road



Photograph 3: Showing the adjoining block of apartments at 822 Victoria Road, Ryde



Photograph 4: Showing the adjoining house at 828 Victoria Road, Ryde



Photograph 5: Showing dwellings opposite the site on Victoria Road, Ryde



Photograph 6: Showing properties to the rear of the site as viewed from Yerong Street



HERITAGE

The site is identified as containing a heritage item and as illustrated below is in the vicinity of several heritage items which are identified on Council's Heritage Map extract below.

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



The potential impact of the development on the curtilage of the heritage item on the site as well as nearby items has been considered in the Heritage Impact statement prepared by NBRIS which concludes:

The proposed redevelopment of 826 Victoria Road, Ryde, will have an acceptable impact on the heritage significance of the Wallametta Club house and heritage items in the vicinity. The new development has a considered design that incorporates several measures intended to reduce visual dominance and achieve compatibility with adjacent heritage item. Its scale and setback allow the Wallametta Club house to remain visually prominent and historically legible. The proposed built form is sympathetic and incorporates a hipped roof that is in keeping with the general character of the street. Its colour palette is mostly comprised of neutral mid-tones that are visually recessive. Pastel shades have been selected for the coloured window reveals; although brighter these shades are subtle enough that their inclusion will not significantly detract from the

adjacent heritage building. The new fencing is visually permeable and will therefore not conceal any heritage fabric. Further attempts to subdue the appearance new development have been made through the landscape design, particularly through the proposed location of the dwarf magnolia trees between existing Lots 3 and 4.

It is acknowledged that the new development will reduce the heritage curtilage and setting of the Wallametta Club house building. This has been mitigated by siting the bulk of the proposed development within Lots 2 and 4 and allowing setbacks from the heritage item and from Victoria Road. The boundary realignment into Lot 3 is for the purpose of establishing a path of travel only. As such, the proposed development is generally consistent with recommendations within the site CMP.

Given that the development has been sensitively designed to reduce visual dominance, the reduction in the heritage setting is considered an acceptable impact to the heritage significance of Wallametta Club house.

All existing views to and from the Wallametta Club house and heritage items in the vicinity will be retained and conserved. No significant heritage fabric will be removed, concealed, or distorted as a result of the new development.

The proposed development is consistent with the heritage objectives of the *Ryde LEP 2014* and the *Ryde DCP 2014*. In our view, the consent authority should have no hesitation, from a heritage perspective, in approving this application

DESCRIPTION OF PROPOSAL

The Development Application seeks approval for tree removal and minor demolition works to construct a purpose built two storey 'Child Care Facility' at 826 Victoria Road, Ryde.

The purpose built two storey 'Child Care Facility' will operate with a maximum capacity of 85 places with the following age groups:

- 0-2 years: 20 places
- 2-3 years: 35 places
- 3-6 years: 30 places.

The facility is to provide a total of 301m² or 3.5m² of unencumbered indoor play area per child and a total of 623m² or 7.32m² of unencumbered outdoor play area per child in accordance with the Child Care Planning Guidelines & the Education and Care Service National Regulations 2012.

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

A total of 15 educators are to be hired in accordance with the Education and Care Service National Regulation with the hours of operation proposed to be 7:00am to 6:00pm Monday – Friday (excluding public holidays).

A total of 21 carparking spaces are to be provided for the child care facility comprising 8 staff spaces and 13 for parents/guardians. A monastery is also located on the site and that will be allocated 15 spaces whilst the childcare is operating and utilise the additional 21 spaces when not required by the centre based child care facility.

The site currently comprises three allotments and this development application seeks approval for the resubdivision of the site to create separate allotments for both the monastery and the childcare centre. The childcare allotment has an area of 2135m² and the monastery allotment 1815m². As there will be a continued relationship between both lots for parking, access etc appropriate easements etc will need to be registered as part of the subdivision process.

The relevant architectural plans for the proposal have been prepared by Altis 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 mixed 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 this portion of Victoria Road.

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 front setback provisions to ensure adjoining properties will continue to receive sufficient solar access at mid-winter.

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 is 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

Notwithstanding the above a Preliminary Site Investigation was completed by EI Australia that concluded:

The property located at 826 Victoria Road, Ryde NSW was the subject of a PSI, which was conducted in order to assess the nature and degree of on-site contamination associated with current and former uses of the property. The findings of this PSI were as follows:

- At the time of this investigation, the site comprised three separate lots including a heritage structure, a tennis court and car parking area;
- The heritage structure located on-site built in 1890s and no major structural changes were identified on aerial site images taken from 1943 to 2020;
- Potential asbestos containing material (ACM) were suspected underneath the hardstand in the tennis court area as a bitumen layer and behind the current site fencing at the south western boundary of the site as a fibre cement sheeting;
- No evidences of underground storage tanks (USTs) or above ground storage tanks (ASTs) were present on the site;
- No odour was identified during the site walkover;
- The subject site was not included on the *List of NSW Contaminated Sites Notified to the EPA*, and neither were any properties within 500m of the site;
- The site and surrounding lands within close proximity were free of statutory notices and licensing agreements issued under the *Contaminated Land Management Act 1997* and *Protection of the Environment Operations Act 1997*;
- Based on local topography and hydrographic features, groundwater flow direction is inferred to be southerly, towards the Parramatta River;
- A qualitative conceptual site model (CSM) established that the potential contamination risks for the site can be considered to be low to moderate.

Based on the findings of this PSI, and with consideration of the Statement of Limitations (Section 7), EI concludes that there is generally a low to moderate risk of potential contamination to be present on site. Nevertheless, the site can be made suitable for the proposed development subject to the implementation of the recommendations outlined in Section 6.

Given all the above no further investigation of contamination is warranted.

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 one tree that is protected by Council's Tree Preservation Order. 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 controls in chapter two are discussed below.

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

The following table discussed the requirements of division 15.

Clause	Response
2.96 Development involving access via level crossings (1) This section applies to development that involves— (a) a new level crossing, or	In accordance with clause 2.96 the development does not propose a level crossing or increase traffic generation across an existing level crossing. Accordingly, no further consideration of this clause is required.

- (b) the conversion into a public road of a private access road across a level crossing, or
- (c) a likely significant increase in the total number of vehicles or the number of trucks using a level crossing as a result of the development.

2.97 Development adjacent to rail corridors

(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor, or
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities

The site is not located adjacent to a rail corridor. Accordingly, no further consideration of this clause is required.

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

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

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

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

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

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

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

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

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

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

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

2.100 Development within or adjacent to interim rail corridor

(1) This section applies to development that is—

(a) on the land shown as “Zone A” on a rail corridors map and has a capital investment value of more than \$200,000, or

(b) on the land shown as “Zone B” on a rail corridors map and—

(i) involves the penetration of ground to a depth of at least 2m below ground level (existing), or

(ii) has a capital investment value of more than \$200,000 and involves the erection of a structure that is 10 or more metres high or an increase in the height of a structure so that it is more than 10m, or

(c) on the land shown as “Sydney Metro West Tunnel” on a rail corridors map and involves the penetration of ground to a depth of at least 2m below ground level (existing).

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

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

The following table discussed the requirements of division 17.

Clause	Response
2.115 Development other than road facilities on public roads	The development is not proposed on part of a public road that is to be reclassified as part of this

<p>(1) Development may be carried out with consent on a public road that is unzoned land for any purpose that may be carried out (either with or without consent) on land adjoining the road.</p> <p>(2) Development for any purpose may be carried out by a public authority without consent on a public road that is unzoned land.</p>	<p>application. Accordingly, no further consideration of this clause is required.</p>
<p>2.116 Highway service centres in road corridors</p> <p>(1) Development for the purpose of a highway service centre may be carried out in a road corridor for a freeway, main road or tollway only with consent</p>	<p>The development is not for a Highway service Centre. Accordingly, no further consideration of this clause is required.</p>
<p>2.117 Development on proposed classified road</p> <p>(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—</p> <ul style="list-style-type: none"> (a) subdivision that results in the creation of an additional lot with dwelling entitlements, (b) development with a capital investment value greater than \$185,000, (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title. 	<p>The development site is not located on a proposed classified road. Accordingly, no further consideration of this clause is required.</p>
<p>2.118 Development with frontage to classified road</p> <p>(1) The objectives of this section are—</p> <ul style="list-style-type: none"> (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <ul style="list-style-type: none"> (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— 	<p>The development site has frontage to a classified road being Victoria Road.</p> <p>The accompany traffic report confirms that the development will not unacceptably impact on effective and ongoing use of Victoria Road.</p> <p>The acoustic report that accompanies this development application that is prepared by Acoustic Logic takes into consideration noise generation from Victoria Road and recommends appropriate treatments to ensure it does not impact on the operations of the centre.</p> <p>The site is a mid-block allotment and alternate access is not available.</p>

<ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>The accompany traffic report confirms that the development will not unacceptably impact on the effective and ongoing use of Victoria Road.</p>
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2.119 Impact of road noise or vibration on non-road development

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

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

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

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

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The acoustic report that accompanies this development application that is prepared by Acoustic Logic takes into consideration noise generation from Victoria Road and recommends appropriate treatments to ensure it does not impact on the operations of the centre.

2.120 Excavation in or immediately adjacent to corridors

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

(1) This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)—

- (a) the Eastern Distributor,
- (b) the Cross City Tunnel,
- (c) the Lane Cove Tunnel,
- (d) the Tugun Bypass,
- (e) the Liverpool—Parramatta Transitway,
- (f) the North-West Sydney Transitway Network,
- (g) the Gore Hill Freeway,
- (h) the Western Distributor,
- (i) Southern Cross Drive,
- (j) the Cahill Expressway,
- (k) General Holmes Drive,
- (l) the Hume Motorway,
- (m) the M1 Pacific Motorway,
- (n) the M2,
- (o) the M4,
- (p) the M5,
- (q) the M4—M5 link,
- (r) the M7,
- (s) NorthConnex,
- (t) the Sydney Harbour Tunnel,
- (u) the King Georges Road Interchange,
- (v) the Pacific Highway.

2.121 Traffic-generating development

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

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

The development does not meet the threshold requirements outlined in schedule 3 and accordingly a referral to RMS is not required,

Chapter 3 – 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 this chapter.

Part 3.3 Early education and care facilities – specific development controls

SEPP Controls

Comment

**3.22 Centre-based child care facility—
concurrence of Regulatory Authority required for
certain development**

(1) This section applies to development for the purpose of a centre-based child care facility if—
 (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or
 (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.
 (2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.

The development complies with the requirements for indoor and outdoor space and therefore concurrence is not required.

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 Guideline, in relation to the proposed development

Compliance with the requirements contained in the Child Care planning guidelines is discussed later in this report.

3.24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities

(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial.
 (2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial—
 (a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,
 (b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,
 (c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.
 (3) The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility

The site is not located on land zoned IN1 or IN2. Not applicable.

3.25 Centre-based child care facility—floor space ratio

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

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

The development proposes an FSR of 0.32:1. Complies.

Ryde LEP 2014 also indicates that the site has a mapped FSR of 0.5: 1.

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

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

(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—

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

(3) To remove doubt, this section does not prevent a consent authority from—

- (a) refusing a development application in relation to a matter not specified in subsection (2), or

There are no restrictions relevant to the proposed development.

The centre-based child care facility provides 529m² of unencumbered indoor play space and 623m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations which requires 3.25m² of unencumbered indoor play space and 7m² of unencumbered outdoor play space.

(b) granting development consent even though any standard specified in subsection (2) is not complied with	Noted.
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 ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—	There is no conflict between the SEPP and the DCP.
(a) operational or management plans or arrangements (including hours of operation),	
(b) demonstrated need or demand for child care services,	
(c) proximity of facility to other early education and care facilities,	
(d) any matter relating to development for the purpose of a centre-based child care facility contained in—	
(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or	
(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).	
(2) This section applies regardless of when the development control plan was made	

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.

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 single storey building when viewed from Victoria Road and a large two storey built form when viewed from adjoining properties to be consistent with the existing low density character within the subject area and subservient to the heritage item on the site.

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

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.

The child care facility is compatible in scale and design with the existing mixed streetscape along Victoria Road and the context of the wider locality, noting that the two storey building has been designed to have a similar massing to a large residential dwelling.

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

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

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.

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,
 - Ryde Public School
- Commercial Strip along Victoria Road to the west of the site
- Top Ryde Shopping Centre
- Bus stops with services between Parramatta and the Sydney CBD within 250m walking distance
- Key roads including,
 - Ryde 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 built form character within the subject area.

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

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

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

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.

Principle 4- Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.

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

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.

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.

Principle 5 - Landscape

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

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

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

The development proposes to remove three trees on the 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 landscaping plan incorporates planting that includes 19 trees that will grow to between 3m and 6m in height that will assist with screening the development. Refer to attached Landscaping Plan for detail.

The development provides setbacks from the basement level to the boundaries that will allow for appropriate deep soil and drainage, and the arborist report indicates that the development will not unacceptably 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.

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.

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

The development also proposes adequate storage, service areas and access 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.

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

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

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

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

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

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

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

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

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

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

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.

Environmental Noise Impact Assessment prepared by Acoustic Logic which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise

	<p>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>Generally, complies with setback requirements under the DCP.</p>
<ul style="list-style-type: none"> the setback and siting of buildings within the residential context visual amenity impacts (e.g. additional building bulk and overshadowing, local character) 	<p>The child care facility has been sited, oriented and designed to comply with the height and generally comply with setback provisions to ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.</p> <p>The parking scheme has been designed in accordance with Council preference with all parking provided within a basement level.</p>
<ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity 	<p>A Traffic Impact Assessment prepared by McClaren Traffic 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>
C2 – When selecting a site, ensure that:	
<ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use 	<p>Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Residential Density.</p>
<ul style="list-style-type: none"> the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards 	<p>The site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.</p>
<ul style="list-style-type: none"> there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed 	<p>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.</p>
<ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> size of street frontage, lot configuration, dimensions and overall size 	<p>The site which has an area of 3,930m² 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.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p>

<ul style="list-style-type: none"> - 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) 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 	<p>N/A. Development proposes to undertake the development of a new centre-based child care facility.</p> <p>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. The Traffic report confirms that the site is suitable for a childcare centre despite being located on an arterial road.</p> <p>The subject site not located closely to incompatible social activities and uses.</p>
<p>C3 – A child care facility should be located;</p> <ul style="list-style-type: none"> - near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship - near or within employment areas, town centres, business centres, shops - with access to public transport including rail, buses, ferries - in areas with pedestrian connectivity to the local community, businesses, shops, services and the like 	<p>The site is located in wider proximity to educational establishments and parks.</p> <ul style="list-style-type: none"> • Educational facilities including, <ul style="list-style-type: none"> ◦ Ryde Public School • Commercial Strip along Victoria Road to the west of the site • Top Ryde Shopping Centre • Bus stops with services between Parramatta and the Sydney CBD within 250m walking distance • Key roads including, <ul style="list-style-type: none"> ◦ Ryde Road ◦ Victoria Road
<p>C4 – A child care facility should be located to avoid risks to children, staff or visitors</p>	

and adverse environmental conditions arising from:

- proximity to

- heavy or hazardous industry, waste transfer depots or landfill sites
- LPG tanks or service stations
- water cooling and water warming systems
- odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses
- 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

The subject site is not located within proximity to any identified environmental hazard.

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

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that responds to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity

The centre-based child care facility proposes a modern two storey building that will be consistent and compatible with the characteristics of the subject area, noting the development complies with prescribed FSR and height control under the LEP.

Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.

<ul style="list-style-type: none"> - integrate car parking into the building and site landscaping design in residential areas 	
<p>C6 – Create a threshold with a clear transition between public and private realms, including:</p>	
<ul style="list-style-type: none"> - fencing to ensure safety for children entering and leaving the facility 	<p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p>
<ul style="list-style-type: none"> - 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 	<p>The proposed development incorporates an active façade that will permit casual surveillance to Victoria Road and to the common areas within the development site.</p>
<ul style="list-style-type: none"> - integrating existing and proposed landscaping with fencing 	<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>
<p>C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours</p>	<p>The site will contain two buildings being the Monastery and the childcare. The entries are clearly distinguishable to avoid confusion.</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. Not applicable</p>
<ul style="list-style-type: none"> - low fences and planting which delineate communal/private open space from adjoining public open space 	
<ul style="list-style-type: none"> - minimal use of blank walls and high fences 	
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p>	<p>Development proposes appropriate fencing that is consistent with fencing within the precinct, respects the heritage item on the site and is compatible with</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.

comparable child care facility within the wider Ryde Local Government Area.

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.

The site fronts Victoria Road but acoustic fencing is not proposed on the boundary to Victoria Road.

3.3 Building orientation, envelope and design

C11 – Orient a development on a site and design the building layout to

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by;
- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
- placing play equipment away from common boundaries within residential properties
- locating outdoor play areas away from residential dwellings and other sensitive uses

The proposed two storey centre-based child care facility has been designed and sited to address Victoria Road whilst also designed to comply with prescribed setback controls under Ryde DCP 2015 and the Child Care Planning Guidelines.

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 Acoustic Logic 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.
<ul style="list-style-type: none"> • optimise solar access to internal and external play areas 	The centre-based child care facility provided appropriate solar access to internal and external play areas.
<ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties 	<p>The proposed centre-based child care facility has been designed to minimise overshadowing of neighbouring properties, including compliance with height and setback provisions.</p> <p>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.</p>
<ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it 	Development proposes an attractive building designed to adequately address its frontage to Victoria Road.
<ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	Designed to comply.

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

- | | |
|---|---|
| <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality | Development proposes a one to two storey building that is consistent and compatible with the existing built form character within the subject precinct that includes 3 and 4 storey residential flat buildings, two storey heritage items and a mix of single and two storey dwellings. |
| <ul style="list-style-type: none"> • building height should respond to the scale and character of the street | |
| <ul style="list-style-type: none"> • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility | Development is generally consistent with setback requirements under the Ryde DCP 2014 and the Child Care Planning Guidelines. |
| <ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character | |

C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.	The development provides a 10m setback To Victoria Road.
C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.	<p>The development has been designed to generally 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>
C15 – Entry to the facility should be limited to one secure point which is:	
<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 pedestrian entry point from Victoria Road. As well as an entrance form the basement carpark.</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 Victoria Road. Furthermore, a lift core provides access to the ground a 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 the main building entrance</p>
3.4 Landscaping	
C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be	The development proposes to remove 3 trees on-site as per the Arboricultural Impact Assessment Report that accompanies this application, whilst also implementing tree protection measures recommended

<p>included in calculations of unencumbered outdoor space.</p>	<p>by the report. Refer to the attached Arboricultural Impact Assessment Report for detail.</p>
<p>Use the existing landscape where feasible to provide a high quality landscaped area by: -</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>
<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 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>
<p>C18 – Incorporate car parking into the landscape design of the site by:</p>	<ul style="list-style-type: none"> - planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings - considering streetscape, local character and context when siting car parking areas within the front setback - using low level landscaping to soften and screen parking areas <p>Development proposes all car parking within a basement level, nevertheless the development 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>
<p>3.5 Visual and acoustic privacy</p>	
<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</p>

contribute towards minimising direct overlooking of the indoor rooms and outdoor play spaces from public areas.

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

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

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.

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,

An Environmental Noise Impact Assessment prepared by Acoustic Logic 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
- locating cot rooms, sleeping areas and play areas away from external noise sources

The subject site is not located adjacent to a rail line, beneath flight paths, but is located on Victoria Road that is an arterial road. 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.

Furthermore, the acoustic 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 *Child Care Planning Guidelines* and the Association of Australian Acoustical Consultants' *NSW Road Noise Policy*.

C25 – An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

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

The subject is located on a major road being Victoria Road.

An Environmental Noise Impact Assessment prepared by Acoustic Logic 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.

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

The precinct contains a mix of residential uses and the site is considered suitable for a childcare centre.

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

An air assessment has been prepared by Airsafe which concludes that:

The average PM 10 was below the National Environment Protection Council standard.
Carbon monoxide concentrations were below levels specified by the Australian Building Codes Board.
Total volatile organic compounds were below levels specified by the Australian Building Codes Board.
Settled dust for lead calculated concentrations are less than the loadings stated in the Guide to Lead Paint Management Part 2: Residential and Commercial Buildings [AS 4361.2-1998]
Results from the Gas Detector Tube System showed no reportable levels of Xylene, Benzene or toluene.
Results for the air samples in the areas sampled showed no concentrations of concern.

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:

- 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 had regard to the car parking requirements under the Ryde Development Control Plan 2014. That are discussed later in this report.

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

Site not located on a commercial or industrial zone. Not applicable.

movement or potential conflicts with truck and large vehicles.

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

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

A Traffic Impact Assessment prepared by McClaren Traffic 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.

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

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

Alternate access is not available at the site and accompanying traffic report confirms that appropriate and safe ingress and egress is able to be provided from the site.

The alternate access must have regard to the prevailing traffic conditions

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

C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.

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

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

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings including within large car parking areas
- separate pedestrian and vehicle entries from the street

Development provides separate pedestrian and vehicular access.

Vehicles can enter and exit the site in a forward direction.

<p>for parents, children and visitors</p> <ul style="list-style-type: none"> - 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>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 3.54m² 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>	<p>The proposal provides appropriate internal and external storage areas.</p>

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

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

Toilet facilities for both the children and staff are provided.

safe use and convenient access by the children.	
Child care facilities must comply with the requirements for sanitary facilities that are contained in the <i>National Construction Code</i> .	Sanitary facilities designed to comply with relevant requirements under the National Construction Code.
4.4 Ventilation and natural light	
<p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>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.</p> <p>Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.</p>
<p>Design Guidance Natural light</p> <p>When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> - providing windows facing different orientations - using skylights as appropriate - ceiling heights 	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	
<p>Regulation 111 Education and Care Services National Regulations</p> <p>Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.</p>	Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.
4.6 Nappy change facilities	
<p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including</p>	Nappy change facilities are provided for the facility for kids aged between 0-2 and 2-3.

<p>appropriate hygienic facilities for nappy changing and bathing.</p> <p>All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the <i>National Construction Code</i>.</p>	<p>Complies.</p> <p>Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.</p>
<p>Design Guidance</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include;</p> <ul style="list-style-type: none"> - Properly constructed nappy changing bench or benches - A bench type baby bath within one metre from the nappy change bench - The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area - A space to store steps positioning to enable supervision of the activity and play areas 	<p>Designed to comply.</p>
<p>4.7 Premises designed to facilitate supervision</p>	
<p>Regulation 115 Education and Care Services National Regulations</p> <p>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.</p> <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>The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.</p> <p>Comply.</p>

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

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

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;

An Emergency and Evacuation Plan prepared in accordance with Regulation 97 and design guidance contained within this Guideline accompanies this submission

- 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

Design Guidance

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

An Emergency and Evacuation Plan prepared in accordance with Regulation 97 and design guidance contained within this Guideline accompanies this submission.

- 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

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 7.33m² 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

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.

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.

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.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

Complies

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.

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

<p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i>.</p>	<p>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>Designed to comply.</p>
<p><i>Design Guidance</i></p> <p>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:</p> <ul style="list-style-type: none"> - 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. <p>Design consideration for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> - being made from solid prefinished metal, timber or masonry - having no rails or elements for climbing higher than 150mm from the ground <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p> <p>Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>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>Noted - Side fencing has been undertaken in accordance with the Environmental Noise Impact Assessment.</p> <p>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.</p> <p>Designed to comply.</p>
<p>4.13 Soil assessment</p>	
<p><i>Regulations 25</i></p>	

Education and Care Services National Regulations

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

A Preliminary Site Investigation has been prepared for the site by EI Australia. This concludes that the site is suitable for use a childcare centre as outlined below:

The property located at 826 Victoria Road, Ryde NSW was the subject of a PSI, which was conducted in order to assess the nature and degree of on-site contamination associated with current and former uses of the property. The findings of this PSI were as follows:

- At the time of this investigation, the site comprised three separate lots including a heritage structure, a tennis court and car parking area;
- The heritage structure located on-site built in 1890s and no major structural changes were identified on aerial site images taken from 1943 to 2020;
- Potential asbestos containing material (ACM) were suspected underneath the hardstand in the tennis court area as a bitumen layer and behind the current site fencing at the south western boundary of the site as a fibre cement sheeting;
- No evidences of underground storage tanks (USTs) or above ground storage tanks (ASTs) were present on the site;
- No odour was identified during the site walkover;
- The subject site was not included on the *List of NSW Contaminated Sites Notified to the EPA*, and neither were any properties within 500m of the site;
- The site and surrounding lands within close proximity were free of statutory notices and licensing agreements issued under the *Contaminated Land Management Act 1997* and *Protection of the Environment Operations Act 1997*;
- Based on local topography and hydrographic features, groundwater flow direction is inferred to be southerly, towards the Parramatta River;
- A qualitative conceptual site model (CSM) established that the potential contamination risks for the site can be considered to be low to moderate.

Based on the findings of this PSI, and with consideration of the Statement of Limitations (Section 7), EI concludes that there is generally a low to moderate risk of potential contamination to be present on site. Nevertheless, the site can be made suitable for the proposed development subject to the implementation of the recommendations outlined in Section 6.

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:

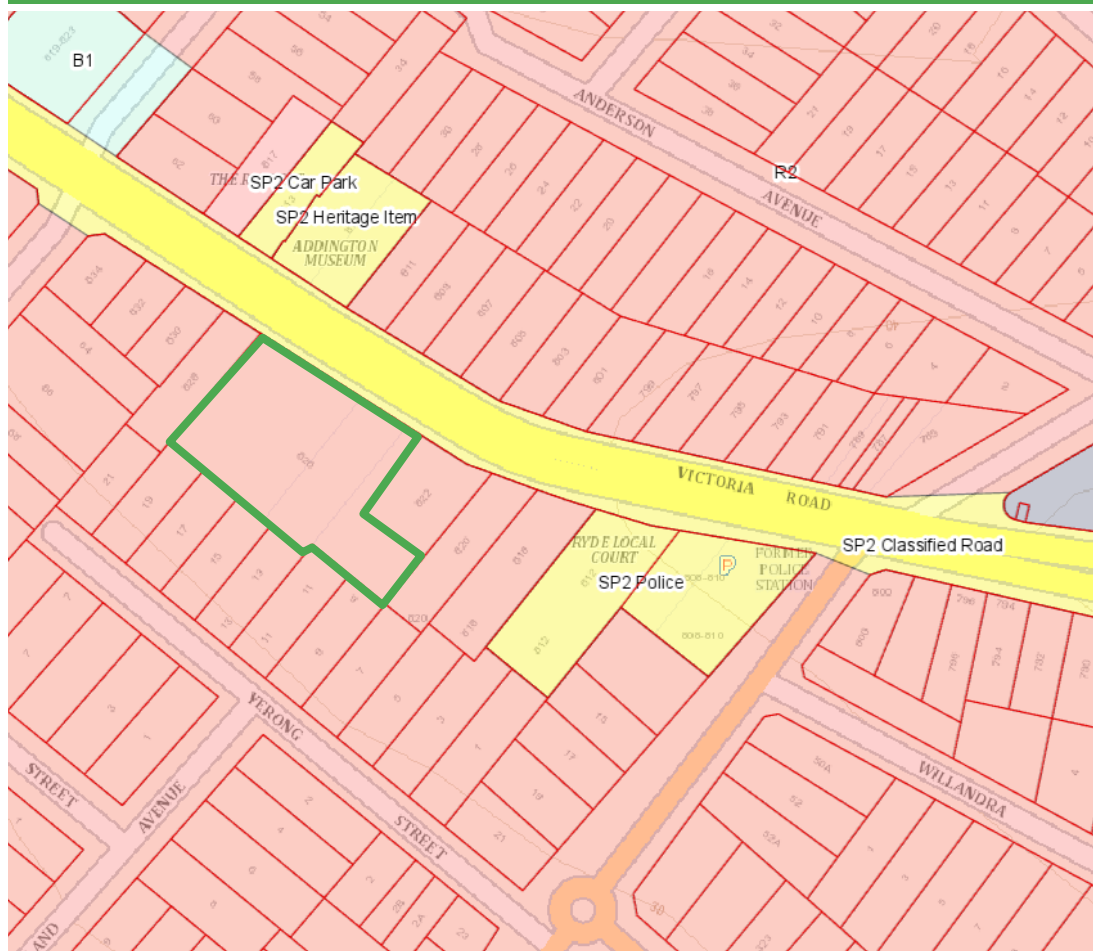
Clause	Controls	Comment	Complies
Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
106	Laundry and hygiene facilities	A laundry facility 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 3.54m 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 7.33m 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 3-6 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 3-6 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 – 20 children (5 staff) 2-3 Years – 35 children (7 staff) 3-6 Years – 30 children (3 staff)</p> <p>Total: 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.

Figure 3: Zoning Map Sheet Extract (Source: Ryde LEP 2014)



 Subject Site

'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	Consent is sought for a 3 into 2 lot Torrens Title Subdivision.	Yes
2.7	Demolition Requires Consent	Council consent is sought for the demolition of some minor structures on the site.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings: 9.5m	<p>A maximum building height of 9.5m 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 9.5m 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 existing building and this development proposes a maximum FSR of 0.32:1. 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	<p>The site is identified as containing a heritage item but is not located within a heritage conservation area.</p> <p>The appropriateness of this development from a heritage perspective has been discussed previously in this SEE.</p>	Yes
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	<p>The site is not subject to a foreshore building line. Not applicable.</p>	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 2014 – Child Care Centre			
Clause	Controls	Comment	Complies
2.0 Size, Location and Site Selection			
2.1.1	Preferred Locations	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.	Yes – SEPP
		However the development site is located adjacent to a compatible land use being a Monastery, 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.	
		c. – d. The Centre is co-located with a monastery and this is considered a compatible land use by the DCP.	Yes
		Safe access to and from the site is to be provided from Victoria.	
		e. – f. The development site is not located on a battle-axe allotment nor is it located within a cul-de-sac.	N/A
		g. The development site is not located within proximity of a brothel.	N/A
		h. The site experiences a fall from Victoria Road towards rear of the site, with the proposed child care facility designed to follow the natural controls of the site to minimise excessive cut and fill. Furthermore, the	Yes

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

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

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

See attached Stormwater Management Plan for detail.

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 has been 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 are 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.

Clear entry points are proposed, that are easily read by staff, visitors and passersby alike.

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

The proposed development is appropriate and provides measures, built elements,

		<p>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"> - The centre is located on the same site as a monastery. 	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> <p>d. Development site is not located on bushfire prone land.</p> <p>e. – f. The development site is not affected by environmental health hazards or risk relevant to the site or the surrounding areas.</p> <p>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.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>

		<p>The site is located on an arterial road but acoustic and air quality testing confirm that this is satisfactory.</p> <p>g. The site was not previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances.</p> <p>h. The site is not within a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.</p> <p>i. The site was previously used for recreational purposes.</p> <p>See SEPP (Resilience and Hazards) 2021 for discussion regarding contamination of the land.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
2.2	Assessing Child Care Needs and Size of Facility	<p>a. The proposed child care facility identifies the total number of child care places (85), a breakdown of children by age group (0-2 years: 20 places; 2-3 years: 35 places; and 3-5 years: 30 places) and the proposed number of staff (15 full time staff).</p> <p>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.</p>	<p>Yes</p> <p>Yes – SEPP</p>
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 are appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p>	Yes

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

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

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

All materials and finishes are appropriate.

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

b. - c. The building has been sited and oriented to 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 in the precinct.

Yes

i. The child care facility has been designed with the entry point and building frontages clearly visible from Victoria Road. Refer to attached Architectural Plans for detail.

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

Yes

The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal. The two storey built form is consistent within the

		<p>existing low density character within the precinct.</p> <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 doors and windows are to be screened.</p>	Yes
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 within the precinct.</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>The adjoining site contains a four storey residential flat building. Given this context it is considered appropriate to have a part one and part two storey child care centre on the site.</p> <p>Furthermore, considering that the development is incorporate appropriate privacy measures with high sill windows to side elevations and combined with landscaping, fencing, especially to the side boundaries.</p> <p>Also, an Environmental Noise Impact Assessment prepared by Acoustic Logic which accompanies this application has found that, provided the recommendations of Section 8 of the report are implemented, the level of noise</p>	<p>Yes</p> <p>Variation On Merit Given Site Context and Location</p>

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.

d. The proposed child care facility has been designed to appear in terms of bulk 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.

Yes – Refer to discussion against Part 3.3 of the DCP

Refer to discussion against Part 3.3 further within this statement for detail.

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 within the precinct.

Yes

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	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.	Yes
		c. The designated outdoor play area will be appropriate secured to prevent children from scaling it or crawling under it.	Yes
		d. Where appropriate, childproof gates are to be provided to prevent children leaving/entering unsupervised.	Yes
		e. All raised areas are to be enclosed.	Yes
		f. The proposal has been designed to prevent children gaining access to part of the building/site unsupervised.	Yes
		g. Appropriate internal fencing and gates have been provided.	Yes
4.0 Privacy			
4.1	Acoustic Privacy – for children in the centre	An Environmental Noise Impact Assessment prepared Acoustic Logic 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.	Yes
		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> .	
4.2	Acoustic Privacy – for adjoining residents	An Environmental Noise Impact Assessment prepared by Acoustic Logic 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	Yes

		<p>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>	
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,</p> <p>The design of car parking spaces and vehicular access is integrated into the overall site design to maximise safe vehicular and pedestrian movement in and round the facility, noting that it's 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.</p>	Yes
5.0 Car Parking, Traffic and Access			
5.1	Car Parking	<p>a. All on-site parking areas have been designed in accordance with Australian Standards AS 2890.1 and AS 2890.2.</p> <p>b. The DCP prescribes off-street parking at a rate of 1 space per 8 children and 1 space per 2 staff.</p> <p>The development proposes an 85 place child care facility with a total of 15 staff. As such the development is to provide a total of 10.6 plus 7.5 space 18.1 (19) car parking spaces on-site. The development is to provide a total of 21 car parking spaces on-site and therefore has a surplus of 2 car parking spaces.</p> <p>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.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

		<p>e. The proposal has been designed to comply with access requirement contained within Section 5.5 and Part 9.2 of this DCP.</p>	Yes
		<p>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.</p> <p>The use of a large at grade parking area would be a poor character response for a child care centre on this heritage 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>	Variation- On Merit
		<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>	Yes
		<p>g. Refer to attached Traffic Impact Assessment for detail.</p>	Yes
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 exit the site in a forward direction with a turnaround bay provided.</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</p>	<p>Merit</p> <p>Yes</p>

		ensuring the safe and efficient movement of vehicular and pedestrian traffic.	
5.3	Impact on Traffic Flow	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 McClaren Traffic 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.	Yes
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 Victoria Road. Vehicle and pedestrian routes are clearly indicated and accessible.</p> <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>	<p>Yes</p> <p>Yes</p>
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>	Yes

		<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> <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.</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.</p> <p>c. No outdoor play spaces are to be located within the front setback. Complies.</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.</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.</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>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

The outdoor play area is to be appropriate landscape as per the attached Landscape Plans.

The outdoor area is enclosed and as such no additional shading is considered necessary.

6.2.3 Indoor Play Spaces

Yes

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.

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

6.2.4 Transition Area

N/A

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 unfavorable weather conditions.

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 areas and also an office, which is to only be occupied by the manager of the facility is located adjacent to the entry area from the basement direct from the corridor within the ground floor, with the office have a total area of approximately 15m 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 upper ground floor with a floor area of 26m 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.	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	<p>A Waste Management Plan has been prepared and attached to this statement.</p> <p>Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>Appropriate waste facilities will be provided.</p>	Yes
7.5	Emergency Evacuation	A Fire Safety and Evacuation Plan has been prepared by Ology Childcare Consulting and is 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 well as 3 and 4 story residential flat 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 of the precinct.	Yes
		<u>2.2.1 New Dwelling Houses</u>	
		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	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.	Yes
		This development provides an FSR of 0.32:1 and as such is compliant with the maximum permitted FSR.	

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 >2.4m. 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 of 10m. Complies.</p> <p>c. DCP prescribes garages and carports to be setback a minimum 1m from the dwelling's 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 2m 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 between 2m and 6.5m at the lower ground floor level and 7.7m and 8m at the upper ground level. The site is irregular shaped and does not have a clearly identifiable rear setback. The lower ground level portion of the building will not be highly visible given the topography, the existing 1.8m high acoustic fence, existing landscaping and the upper level setbacks ensures that the design does not overwhelm adjoining properties.</p>	Yes
			N/A
			Variation on Merit

2.14	Dwelling Amenity	<p><u>2.14.1 Daylight and Sunlight Access</u></p> <p>The purpose-built child care facility is oriented to the north, including the external play area to maximise solar access.</p> <p>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.</p> <p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties.</p>	Yes
2.15	External Building Elements	<p><u>2.15.1 Roof</u></p> <p>The proposal incorporates a 20 degree pitched roof that is consistent with the dwellings rooves that dominate the wider precinct.</p>	Yes

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	<p>A Waste Management Plan accompanies the development application outlining the appropriate waste management measures to be incorporated.</p> <p>Refer to attached Waste Management Plan for detail.</p>	Yes
2.8	Commercial and Retail	<p>As shown on the submitted plans the proposal makes provision for adequate waste storage area within the basement level.</p> <p>Refer to attached Waste Management Plan for detail.</p>	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 Development Applications.

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.