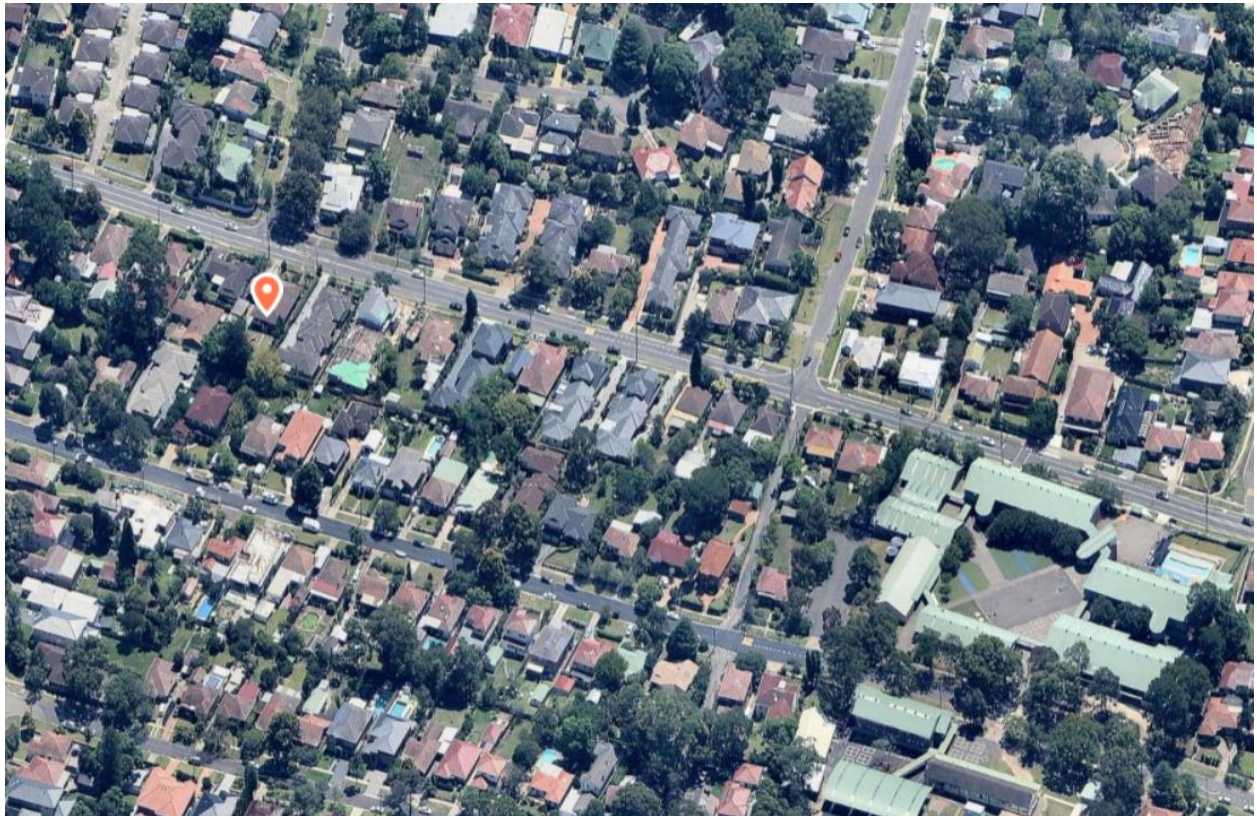


September 2022

Statement of Environmental Effects



COMMUNITY BASED PRESCHOOL

**21 LOVELL ROAD
DENISTONE NSW 2112**

Development Application

K Y Kim Planning Consultant

Our ref: 21 Lovell Road, Denistone East NSW 2112

Statement of Environmental Effects

ADDRESS
OF PROPOSAL: **21 Lovell Road
Denistone East NSW 2112**

LEGAL
DESCRIPTION:
OF
DEVELOPMENT: **Lot 18 DP 6182

Demolition of existing structures
and construction of a community
based Not-For-Profit (NFP)
preschool (for children aged 3
years and above) with a maximum
55 places and associated ten (10)
at-grade car parking and
landscaping**

APPLICANT: **moMA Architects**

Revision: **Final (Revision D)**

DISCLOSURE OF POLITICAL DONATIONS OR GIFTS

NIL
DISCLOSURE

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INTRODCUTION

1.1 Response to Council's RFI (LDA2021/0313)

We write to you in relation to the abovementioned Development Application, with response to Council's RFI pursuant to Section 36 of the *Environmental Planning and Assessment Regulation 2021* and dated 8 August 2022, as well as the referral comments provided by Ryde Council's Urban Designer. We have reviewed the comments raised and have prepared in consultation and collaboration with our consultants the following amended documentation:

1. Amended architectural documentation, prepared by moMA Architects, including the following drawings:
 - a. A0.00-Revision A12 – Cover Page
 - b. A0.0-Revision A12 – Demolition Plan/ Erosion Sediment
 - c. A1.00-Revision A12 – Site/Roof Plan
 - d. A1.03-Revision A12 – Ground Floor Plan
 - e. A1.04-Revision A12 – First Floor Plan
 - f. A2.00-Revision A12 – North and East Elevations
 - g. A2.01-Revision A12 – South and West Elevations
 - h. A2.03-Revision A12 - Sections
 - i. A3.00-Revision A12 – Schedule of External Finishes
 - j. A5.00-Revision A12 – Shadow Study
 - k. A7.00-Revision A12 – Evacuation Plan
2. Amended Statement of Environmental Effects and Plan of Management, prepared by K Y Kim.
3. Design Statement by moMA Architects.

Given the proposed amendments are in response to Council raised issues, and the overall effect of the proposed amendments will be to reduce any potential impact, we therefore look forward to a prompt and favourable outcome in relation to this project.

K.Young Kim
MURP (Master of Urban and Regional Planning) USYD
Planning Consultant
PO Box 203 Concord West NSW 2138

Summary of amendments to LDA2021/0313

The following changes are proposed to LDA2021/0313 which are illustrated in the architectural plans and accompanying reports as detailed in **Table I** below.

Table I Schedule of changes

	Description of proposed amendments
Type of childcare	<ul style="list-style-type: none"> A community based Not-For-Profit (NFP) preschool is proposed for children aged 3 years and above) to cater for parents demand for this specific age group.
Number of places	<ul style="list-style-type: none"> The proposed preschool is to accommodate a maximum 55 places (3 years + age group) with 5 educators.
First floor outdoor play area (simulated outdoor)	<ul style="list-style-type: none"> The enclosed outdoor play area is proposed on the first-floor level of the building to minimise acoustic and visual privacy impacts upon the neighbouring properties.

Amended architectural documentation Revision A12 (dated 22 August 2022)

The proposed preschool has been re-designed in consultation with the project architect, moMA Architects in response to the design option suggested by Council's Urban Designer and Planner on 8 August 2022 as outlined below:

Reference	Council Comment	Response
I. Urban Design Comments	<ul style="list-style-type: none"> <i>- Encapsulate the parking area.</i> <i>- Relocate the lift to the front or centre of the building.</i> <i>- Provide a garage door.</i> <i>- Provide articulation reflecting the site's residential context.</i> <i>- Provide fencing details.</i> <i>- First floor windows to be screened/frosted to avoid direct views into neighbouring properties.</i> <i>- Set back the upper level and adjust the dimensions of the upper level.</i> <i>- Revise the roof form to reflect the site's residential context.</i> <p><i>As discussed, it is recommended that a site analysis is prepared which demonstrates how the building siting, bulk and scale and design features are not inconsistent with the residential zone and character of this immediate locality.</i></p>	<p>This has been updated and shown on the amended plans. Refer to plans numbered (A1.00-3.00) Rev A12 dated 22 August 22 and prepared by moMA Architects.</p>

2. Landscape Screening	<p><i>With regard to the 'Thin Red' plans located between the disabled parking space and front fence, demonstrate that a planting area with a width of 600mm is sufficient to support the viable growth of these screening plants. Also please clarify if any front fencing and signage will be proposed along this frontage.</i></p>	<p>The front setback landscape area has been widened to 1.2m from the proposed 0.6m.</p> <p>This has been updated and shown on the amended plans. Refer to plan numbered (A1.03) Rev A12 dated 22 August 22 and prepared by moMA Architects.</p> <p>Screen planting to the parking area comprising 2 x S. "Cascade" has been incorporated to the landscape design.</p> <p>Refer to the revised landscape design and plans numbered (LPS4.55 21-331/2-3) dated September 22 and prepared by Concept Landscape Architects.</p>
3. Bin storage and collection	<ul style="list-style-type: none"> - Clarify the size of the bins that will be used. The bins need to be capable of being transferred by staff from the storage area to the collection point (as suggested by the Plan of Management). - Clarify where the private waste collection vehicles will collect waste from (within the parking area or from the street). Ensure that the path of travel for bins is over a suitable pathway. Demonstrate how waste collection will be managed to avoid causing traffic congestion. Indicate the waste collection days and times (outside of the peak traffic periods). - Concern is raised that the open waste storage area will cause adverse impacts in terms of noise and odour. Provide suitable treatment or enclose this space to mitigation this potential adverse impact. 	<p>10 x 240L bins (4 x general, 4 x recycle and 2 x green waste) are proposed to be stored in the waste room on the eastern side of the building. The waste room is readily accessible via the side pathway which leads to either the street or the driveway to the front of the building.</p> <p>Centre staff moving the bins from the waste room to the collection point before collection time</p> <p>A private contractor shall provide waste collection services.</p> <p>For improved safety, waste</p>

		<p>collections shall be carried-out during the off-peak traffic periods of the facility (after 10am and before 5pm).</p> <p>This has been updated and shown on the amended plans. Refer to plan numbered (A1.03) Rev A12 dated 22 August 22 and prepared by moMA Architects.</p>
4. Parking area	<p>- Swap Parking Space 4 and the turning bay (as suggested in the Traffic and Parking Assessment Report).</p>	<p>This has been updated and shown on the amended plans. Refer to plan numbered (A1.03) Rev A12 dated 22 August 22 and prepared by moMA Architects.</p>
6. Clarification of details on the cover page and plans	<p>- The cover page indicates 48 children (only 44 on plans).</p> <p>- The indoor area indicates 156m² (only 143m² required based on 44 children).</p> <p>- The outdoor area indicates 336m² is provided. However, for 44 children 308m² is required. The plans show only 268m² (being a shortfall of 40m²).</p> <p>- Provide a plan showing the breakdown of the unencumbered indoor and outdoor spaces on the ground and first levels. The breakdown is to show the outdoor space/s designated to each age group and confirm if the minimum required area per child is provided.</p>	<p>The cover page has been update to reflect the following changes to the proposal:</p> <p>- 55 places proposed</p> <p>- Required Indoor - $(55 \times 3.25) = 178.75\text{m}^2$</p> <p>Proposed Ground (indoor) – 126.2m² First floor (indoor) – 57.5m² Total (indoor) - 183.7m²</p> <p>Required Outdoor - $(55 \times 7) = 385\text{m}^2$</p> <p>Proposed Ground (outdoor) – 239m² First floor (outdoor) – 151.6m² Total (outdoor) – 390.6m²</p> <p>This has been updated and shown on the amended plans.</p>

		Refer to the cover page numbered (A0.00) Rev A12 dated 22 August 22 and prepared by moMA Architects.
9. Other items	<p>- As you previously indicated, the location and specifications of mechanical equipment (including the air conditioning unit/s) is not yet finalised. And you intend to locate such equipment away from boundaries with enclosures and noise attenuation measures as required. (This is a standard response at DA stage). However, as this issue is raised in submissions, you are required to indicate the location of mechanical equipment. (Also refer to the comment in the Urban Design Section which suggests relocating the lift – please indicate the location and extent of any lift overrun).</p> <p>- Indicate the location of any gate/garage door in the front setback area.</p> <p>- The current plans give the impression that the entirety of the building has a width of 17m and a length of 30m (approximately). Consider presenting the images on the plans in a way which more clearly reflects the articulation of the building.</p> <p>- It is recommended that your amended plans are accompanied by a design statement. Matters to be discussed include the preference for locating the older children upstairs (and how they can use the ground and first floor outdoor spaces), the lowered windows to allow for children to look out (whilst also explaining how the privacy of the neighbours is maintained), how the design fits in with this residential context (including fencing and landscaping), how the operation of this facility has been designed to fit in with its residential neighbours.</p>	<p>It is proposed to provide the AC condensers on the rooftop area away from boundaries.</p> <p>This has been updated and shown on the amended plans. Refer to plans numbered (A1.00-3.00) Rev A12 dated 22 August 22 and prepared by moMA Architects.</p> <p>A design statement has been provided to confirm that the design achieves the design quality principles set out in the CCPG as a consideration of assessment under Section 23 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.</p>

Amended statement of environmental effects and plan of management

Reference	Council Comment	Response
7. Planning – outdoor spaces	Further to clarifying the required outdoor spaces as raised above, and further to revising	The amended architectural plans indicate a simulated

	<p><i>the first floor outdoor space as raised in the Urban Design section, demonstrate that the outdoor space on the first floor satisfies the requirements of the Child Care Planning Guideline (4.9 Outdoor Space requirements) and Regulation 108 of the Education and Care Services National Regulations.</i></p> <p><i>In its current form, the proposal relies on achieving the minimum outdoor space by using some indoor space on the first floor. This appears to trigger a requirement to refer the DA to the Department of Education for their concurrence of the outdoor space under Clause 22 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.</i></p> <p><i>In its current form, there is insufficient details to demonstrate that the first floor room being used as ‘outdoor space’ is appropriately fitted out as ‘simulated outdoor environment’ as required by the Regulations.</i></p> <p><i>Please clarify how the proposal satisfies the Child Care Planning Guideline (4.9 Outdoor Space requirements) and Regulation 108 of the Education and Care Services National Regulations.</i></p> <p><i>The amended submission will then be required to be referred by Council to the Department of Education for their approval if the above requirements are triggered.</i></p>	<p>outdoor play area including the first floor balcony of 151.6m² at the first floor level of the building in accordance with Part B 4.9 of the <i>Child Care Planning Guideline (CCPG)</i> as required under Section 23 of the <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>.</p> <p>The first floor outdoor area can provide the following features as required under CCPG:</p> <ul style="list-style-type: none"> - skylights to give a sense of the external climate - a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment - sand pits and water play areas - furniture made of logs and stepping logs - dense indoor planting and green vegetated walls - climbing frames, walking and/or bike tracks - vegetable gardens and gardening tubs. <p>It is worth noting that the first floor play area can easily be provided as an open outdoor area, however it is proposed to enclosed this area for acoustic and visual privacy.</p>
8. Plan of Management	<p>- Point 5. “The security door at the entrance to the car park should remain open during operating hours” – update this comment to</p>	<p>This has been updated and shown on the revised plan of management prepared by KY</p>

	<p>reflect the encapsulated car park design and garage door.</p> <p>- Point 9.Waste – Update to reflect amended plans in response to queries raised above:</p> <p>i. “The PoM refers to 3 internal and 3 external bins” – the plans show 4 x 660l bins.</p> <p>ii. “Bin areas will have perforated screens” – update to reflect revised design.</p> <p>iii. Clarify how bins will be moved and how collection will occur. Where are the bins out for collection (car park or the kerb)? Where does the truck stop to collect the bins? How do you avoid blocking traffic (collection outside or peak hours, etc.?)</p>	Kim.
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Revised acoustic report (September 2022)

Reference	Council Comment	Response
5. Acoustic report	<p>Submit an updated Acoustic report which addresses the following:</p> <p>- The total number of children (increased from 43 to 48).</p> <p>- The indoor and outdoor spaces on the ground and first floor and any required noise attenuation measures.</p> <p>- Ensure the Plan of Management is updated to reflect the recommendations of the Acoustic Report, including limitations on the schedule and number of children permitted in outside areas.</p> <p>- The parking area (including vehicles arriving/manoeuvring/leaving, doors closing, etc). Include any openings to the parking area.</p> <p>- Include details of the adjoining properties. For example, the location of the sensitive rooms (bedrooms) and principal private open space areas of the adjoining properties, and the potential acoustic impact caused by the proposal.</p>	Refer to the revised acoustic report numbered SYD2020-1167-R001D, dated 08 September 2022 and prepared by Acouras Consultancy.

Revised acoustic report (October 2022)

Reference	Council Comment	Response
Revised Acoustic report	The Acoustic report limits the use of any outdoor space to 15 minutes in the morning	Refer to the revised acoustic report numbered SYD2020-

	<p>(10:45-11am) and 1 hour in the afternoon (2:30-3:30pm).</p>	<p>1167-R001DF dated 05 October 2022 and prepared by Acouras Consultancy.</p> <p>In regard to the use of outdoor space, the revised acoustic report was assessed on the basis that outdoor play to be limited to:</p> <p><i>“Up to 4 hours (total) per day - If outdoor play is limited to no more than 2 hours in the morning and 2 hours in the afternoon”</i></p> <p>The revised acoustic report concludes that the proposed hours of outdoor play (1.5 hours outdoor play time (45mins each) for AM and 1.75hours outdoor play time for PM) are acceptable subject to the recommended noise mitigation measures being provided.</p>
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Additional information

Reference	Council Comment	Response
10. Outstanding items	<p>- Access and Traffic Matters: A Road Safety Audit (RSA) is required to be undertaken to assess the safety implications of the proposed child care centre on Lovell Road (including any mitigation measures proposed) in accordance with Clause 5.3 of Section 3.2 (Child Care Centres) of the Ryde DCP 2014. The RSA needs to be prepared by accredited Road Safety Auditors.</p> <p>- Soil Assessment: The application is required to be accompanied by a soil assessment as required by Part 4.13 of the Child Care Planning Guideline.</p> <p>- The Supplementary Assessment prepared by TTPA recommends that surveys and SIDRA Modelling are undertaken in 2022 to consider</p>	<p>Refer to the revised traffic report numbered 20353 Rev C, dated September 2022 and prepared by TTPA.</p> <p>Refer to the Preliminary Site Investigation (PSI) report numbered JDRYU185_PSI_V1, dated 07 September 2022 and prepared by Dr Upsilon Environments Pty Ltd.</p>

	<i>traffic congestion and safety during peak times. Please indicate when this will be undertaken. In the absence of this information, the site is not considered suitable for the proposed development due to the impact on traffic and congestion in the immediate locality.</i>	
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1.2 Executive summary

This amended Statement of Environmental Effects has been prepared for moMA Architects as part of the supporting documentation for a Development Application for the demolition of existing structures and construction of a community based NFP preschool with a maximum 55 places, at-grade carparking and landscaping at 21 Lovell Road, Denistone East NSW 2112 lodged with Ryde City Council under DA reference number LDA2021/0313.

This Statement of Environmental Effects identifies that there are only three (3) substantive impacts for resolution with this application. In order of significance, it is our opinion they are:

1. Traffic - This is addressed by the Traffic & Parking Report and Traffic Management prepared by TTPA (Transport and Traffic Planning Associates) and Traffic Mitigation Measures outlined in this report
2. Noise associated with traffic and general use of the child care centre - This is addressed by the Acoustic Report prepared by Acouras Consultancy attached to this report.
3. Amenity Impact - This is addressed by the Amended Plan of Management prepared by K Kim (Planning Consultant) contained in Annexure I of this report.

In detail the following supporting documents accompany this application for Council's consideration:

- **Traffic and Parking Impact Assessment Report:** A Traffic and Parking Impact Assessment Report has been prepared by TTPA (Transport and Traffic Planning Associates) and will assist with, among other things, identifying pre-development traffic and parking conditions and strategies for improved traffic management outlining actions and enable monitoring and implementation.

Should Council wish to impose conditions relating to car parking management from on-going use of the premises in order for the proposal to be supported, the applicant is willing to comply with such conditions.

- **Provision of Acoustic Mitigation Measures:** Noise management and noise attenuation measures to achieve compliance with the noise emission criteria outlined in the Acoustic Assessment report by Acouras Consultancy are attached to this report in Appendix B.

Should Council wish to impose conditions relating to monitoring of noise emission from on-going use of the premises in order for the proposal to be supported, the applicant is willing to comply with such conditions.

- **Amended Operational Plan of Management:** This document has been prepared by K Kim Planning consultant and identifies operational impacts and strategies for on-going operation so as not give rise to any unreasonable adverse amenity impacts to nearby residential properties by way of traffic, loss of privacy or noise.

The subject land is zoned R2 – Low Density Residential under Ryde Local Environmental Plan (RLEP) 2014. A centre-based child care facility (NFP preschool) is permissible in the zone. A total of 5 staff will be employed. The proposed hours of operation are 7am to 6pm Monday to Friday in accordance with the Child Care Planning Guideline (CCPG 2017): This development is governed by the SEPP (Transport and Infrastructure) 2021 formerly known as SEPP (Educational Establishments and Child Care Facilities) 2017 and CCPG 2017.

An Operational Plan of Management accompanies the application in Annexure I.

The application addresses the above matters for Council's consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (Act) through the plans, Statement of Environmental Effects and detailed expert plans and reports.

Should Council wish to impose conditions relating to on-going use of the child care facility in order for the proposal to be supported, the applicant is willing to comply with such conditions of consent, if required.

This Statement of Environmental Effects (SEE) does not purport to be an assessment under Section 4.15 of the Act and limits itself to the requirements of the Regulation. The SEE clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with the area. It should be noted that the SEE relies in good faith upon detail provided by a range of consulting experts and reference must be made to each other report.

1.2 Background

The proposal has taken in consideration with the Environmental Planning and Assessment Act 1979 (as amended), Environmental Planning and Assessment Regulation 2021 (as amended), State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly SEPP 55), State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (Educational Establishments and Child care Facilities) 2017 and supporting document – Child care Planning Guideline (CCPG) 2017, State Environmental Planning Policy (Biodiversity and Conservation) (formerly SEPP Vegetation in non-rural areas and Sydney Harbour Catchment REP) 2017, Ryde Local Environmental Plan 2014 (as amended) and Ryde Development Control Plan 2014 (as amended).

This Statement of Environmental Effects (SEE) has been prepared with reference to the following documentation:

Plan/Document Number	Date	Issue	Description	Prepared by
A0.00	22/08/22	A12	Cover Page	moMA Architects
A0.01	22/08/22	A12	Demolition & Sediment Control Plan	moMA Architects
A1.00	22/08/22	A12	Site/Roof Plan	moMA Architects
A1.03	22/08/22	A12	Floor Plan – Ground Level	moMA Architects
A1.04	22/08/22	A12	Floor Plan – Level 1	moMA Architects
A2.00	22/08/22	A12	Elevation – North & East	moMA Architects

A2.01	22/08/22	A12	Elevation – South & West	moMA Architects
A2.03	22/08/22	A12	Sections	moMA Architects
A3.00	22/08/22	A12	Schedule of External Finishes	moMA Architects
A5.00	22/08/22	A12	Shadow Study	moMA Architects
A7.00	22/08/22	A12	Evacuation Plan	moMA Architects
SYD2020-1167-R001D	08/09/22	Final	Acoustic Assessment Report	Acouras Consultancy
--	06/06/22	B	Access Report	Ergon Consulting
LPDA21-331/ 1-4	01/09/22	G	Landscape Plan and Details	Conzept Landscape Architects
S21V026	08/05/22	A9	NCC 2019 Section J Report	LC Consulting Engineers
4863H 1 to 4	12/06/22	B	Stormwater Concept Plans and Details	Nitma Consulting
200349-1 1 to 3	28/02/21	--	Survey Plans	Innovative Surveying Associates
JDRYU185_PSI_V1	07/09/22	VI	Preliminary Site Investigation Report	Dr Upsilon Environments Pty Ltd
20353	09/22	C	Traffic and Parking Impact Assessment Report	TTPA (Transport and Traffic Planning Associates)

Environmental Planning Instruments

- State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly SEPP 55)
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Educational Establishments and Child care Facilities) 2017 and supporting document – Child care Planning Guideline (CCPG) 2017
- State Environmental Planning Policy (Biodiversity and Conservation) (formerly SEPP Vegetation in non-rural areas and Sydney Harbour Catchment REP) 2017
- Ryde Local Environmental Plan 2014 (RLEP 2014)

Development Control Plans

- Ryde Development Control Plan 2010 (RDCP 2014)

2 SITE AND CONTEXT

2.1 Surrounding context

The subject site is located on the south-western side of Lovell Road, Denistone East. The immediate locality is generally characterised by a mix of medium and low-density residential developments comprising of dwelling houses and townhouses of various bulk and scale. Further to the east of the site is Denistone East Public School at 47-63 Lovell Road, Denistone East NSW 2112.

The subject site is located half-way between the suburbs of Denistone East and Eastwood NSW. Adjoining the site on all sides are a mix of dwelling house, detached dual occupancy and an existing multi-dwelling housing development (No 23 Lovell Road, Denistone East) to the east of the site.

The site is located approximately 780m directly east of Eastwood Town Centre and 860m west of the Midway Shopping Centre, where a variety of commercial, retail, health and business use and services exist.

The road network surrounding the site includes:

- Blaxland Road (425m west of the site), a State (north-south) arterial road linking between Victoria Road (south) and Pennant Hills Road (north);
- Balaclava Road, a four-lane Regional collector road that runs in an east-west direction linking between Blaxland (west) and Epping Road (east); and
- Lovell Road, a two-lane, east-west collector road linking between Eastwood (west) and Denistone East/ North Ryde.

There are several similar non-residential developments found in the area with an educational establishment (Denistone East Public School) at 47-63 Lovell Road, place of worship (Macquarie

Anglican church) at 114 Lovell Road and neighbourhood shops (Midway Shopping Centre) at 117-295 North Road (at the intersection of Lovell Road and North Road). Notably the Midway Shopping Centre is adjoined by a service station (BP Midway) which is located approximately 910m east of the site.

As outlined above, the immediate locality within the catchment of the subject site is mostly residential in nature, but the locality is considered land in suitable for non-residential land uses permitted in R2 Zone, due to several approved and executed non-residential developments towards the eastern side of Lovell Road.

The development site is not identified as a heritage item or located within a heritage conservation area. The site is located 425m east of Blaxland Road and therefore it is unlikely to be affected by classified road noise impacts. An aerial photograph of the locality is provided in **Figure 1** and site analysis showing the developments in the immediate surroundings of the subject site in **Figure 2** below.

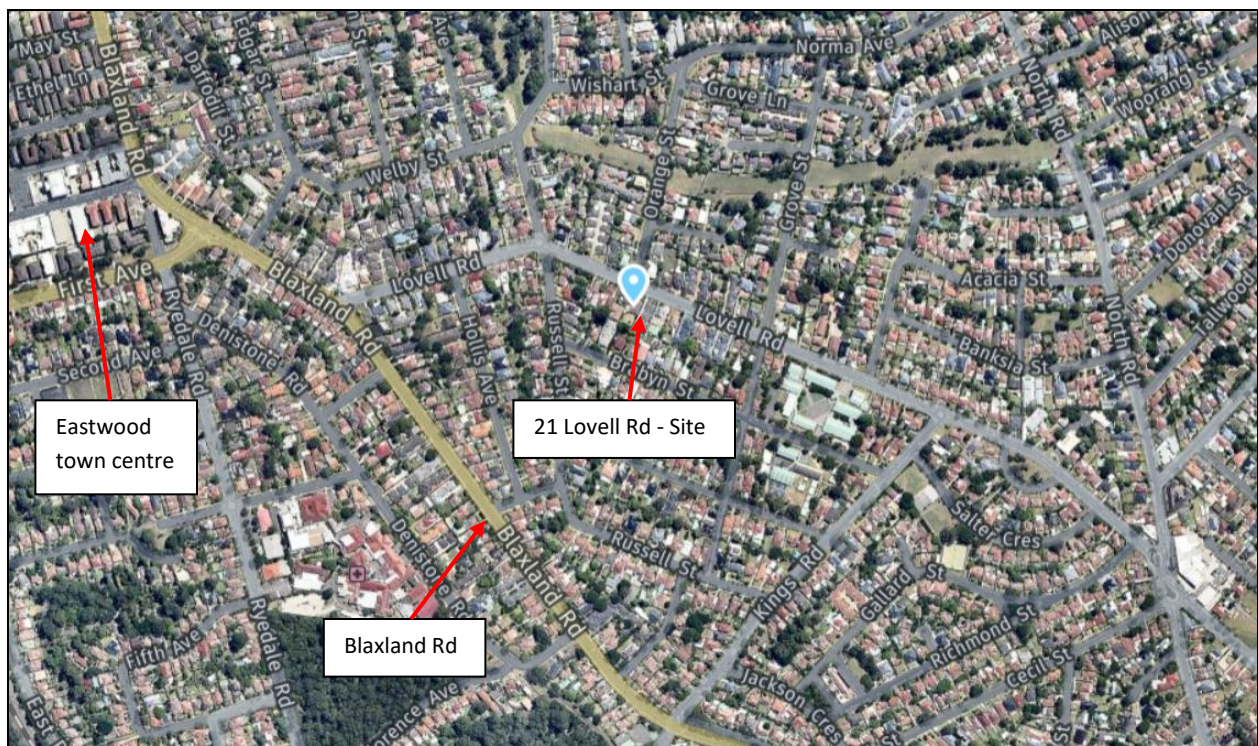


Figure 1: Nearmap aerial photograph of the site (source: *Nearmap*)



Figure 2: Site Analysis of surroundings (source: moMA Architects)

2.2 Site description and analysis

The subject site is legally described as Lot 18 in DP 6182 and known as 21 Lovell Road, Denistone East NSW 2112.

The site is comprised of a rectilinear allotment with a frontage of 20.115m to Lovell Road and a maximum depth of 48.768m with a resulting site area of 980.9m² (by survey by a registered surveyor), and is located on the south western side of Lovell Road.

The subject site generally flat with a gentle slope from the centre of the site to the rear and front of the site (the south eastern rear boundary (RL78.51 to AHD) and the north western front boundary (RL79.41 to AHD). The site has a north west - south east orientation. The site also has a fall of 0.9m across the allotment from south western corner to the north eastern corner of the site.

The subject site currently contains a single storey brick dwelling with attached garage and has a driveway on the south western side of the site from Lovell Road. There are several small to medium sized trees scattered across the rear yard of the site. A Sydney Water's sewerline runs across the rear yard, which appears to be located away from the existing onsite to be retained.

The site is fully serviced with reticulated water and electricity that is connected to the site via overhead power lines in Lovell Road.

The eastern end of Lovell Road is characterised by multi-levelled commercial buildings comprising commercial, retail and business uses within a neighbourhood centre zoned B1 – Neighbourhood Centre as under the Ryde LEP 2014.

In addition, the subject site is well located in respect of surrounding facilities and services (refer to **Figure 3** below) since:

- The site is located approximately 860m west of the *Midway Shopping Centre* and 780m east of Eastwood Town Centre and Plaza (Aldi, Woolworths, and the like) which comprises various commercial and retail uses, restaurants, health services facilities and medium to high residential development.
- A number of bus stops exist along Lovell Road with regular bus services to Eastwood town centre, Eastwood railway station and Macquarie shopping centre with the closest bus stop within 20m radius (walking distance) to east of the subject site at 23 Lovell Road. Bus routes include Route 544 (Auburn to Macquarie Centre service at Lovell Road opp. of Orange Street bus stop with a frequency of every half hour to an hour).
- The proposal enables the utilisation of the land in accordance with the zoning and take advantage of its proximity to essential services, public transport, and a local public school whilst expanding child care services within the locality.



Figure 3: Nearmap aerial photograph of the locality surrounding the site (source: *Nearmap*)

2.3 Precedent study of a similar scale childcare centre in R2 zone

The purpose of this precedent study is to identify an example of a similar scaled child care centre found in the R2 zone and to provide justification for the proposed child care centre at 21 Lovell Rd, Denistone East NSW 2112.

The precedent study represents the knowledge of a past design and land use that make it applicable, in new, but similar situation to this project and focuses on an existing child care centre found in the R2 zone, namely, ‘Teddy Bear Early Learning Centre’ at 12 Hollis Avenue, Denistone East NSW 2112.

A critical analysis of the ‘Teddy Bear Early Learning Centre’ was undertaken to demonstrate that the proposed preschool is compatible with the existing surrounding development by identifying the following key design and site features:

- I. DA approval – This proposal was lodged to Ryde Council with a DA reference number LDA2016/0047. A class I appeal was lodged, which was later upheld by the Land

Environment Court NSW as cited in the decision of *Liu c Council of the City of Ryde* [2016] NSW LEC 1521. The NSW LEC decision concluded that “In weighing up the merits of the Proposal under s 79C of the EP&A Act, the Court must consider the expert and lay evidence and give appropriate weight to the permissibility to carry out the use on the land: *BGP Properties Pty Ltd v Macquarie City Council* 138 LGERA 237; [2004] NSWLEC 399 per McClellan CJ at [117]. In this case the expert evidence supports a conclusion that this smaller scale childcare centre will not generate unacceptable noise or traffic in vicinity of the site. Moreover, the planners agree that the development is appropriately sited - despite the site not meeting the considerations identified in the Preferred Locations Childcare Centre in the Council’s DCP – which are considerations only and are not mandatory requirements.

In considering the local objectors’ responses, an evaluation must be made of the reasonableness of the claimed adverse effects on their residential amenity. An evaluation of reasonableness involves the identification of evidence that can be objectively assessed to ascertain whether it supports a factual finding of an adverse effect on their amenity. Needless to say, a fear or concern without rational or justified foundation is not a matter which by itself can be considered as an amenity or social impact: Telstra v Hornsby shire Council (2006) 146 LGERA 10 at [192-195].

While I appreciate that the resident objectors do not want a childcare centre in their residential street, after appropriate assessment it is my considered opinion that their concerns should not be given determinative weight as they are not supported by the expert evidence. Accordingly, for the reasons outlined I am satisfied that it is appropriate to make the consent orders proposed by the parties” as noted under paragraphs 69 to 71 in the decision of Liu c Council of the City of Ryde [2016] NSW LEC 1521.

2. Land use – Centre based child care facility (LEP definition) for 48 places (aged 0-5 years) with 11 at-grade car parking spaces to the front of the building.
3. Type of site and building location – R2 – Low Density Residential. The site is “approximately 60m west of Blaxland Road and to the south of Lovell Road. Existing development in the local area is predominantly characterised by a mix of single and two-storey

dwelling houses, dual occupancies and multi-dwelling house development” as noted under paragraphs 20 and 21 in the decision of *Liu v Council of the City of Ryde* [2016] NSW LEC 1521.



Image 1: Googlemap aerial photograph of Teddy Bear Early Learning Centre (source: Google)

4. Building materials and design attributes – The existing child care centre is of two storey brick construction with a pitched roof form. A direct pedestrian ramp/ pathway is provided in the centre of the building which dissects the internalised car park in front of the building as depicted below:



Image 2: Googlemap street view of Teddy Bear Early Learning Centre (source: *Google*)



Image 3: Perspective of the proposed building (source: Plan A3.00 prepared by moMA Architects)

Summary: The proposed preschool shares many similarities with the existing centre known as ‘*Teddy Bear Early Learning Centre*’ in terms of land use, site context/location, site features, building materials and design attributes. The proposed development satisfies the objectives and controls within the development control plan relevant to; presentation to the street, articulation, modulation and character as suggested by Council. The built form of the proposed development is considered to be similar of that of other child care centres within the locality and does not detract from the existing streetscape. Furthermore, the proposal is supported by expert evidence that ensure minimal impact upon the neighbouring properties.

It should be noted that there are numerous DCP controls relating to site location and suitability which conflict with the SEPP and are not applicable. The RDCP controls applicable to the development are discussed in the ‘RDCP 2014 compliance’ section of the report. It should be noted that under Section 4.15(3A)(b) of the Environmental Planning and Assessment Act 1979 (Act), the provisions of a development control plan are not statutory requirements, and the purpose of a development control plan is to provide guidance that gives effect to the aims of the applicable environmental planning instrument, facilitate development that is permissible, and achieve the objectives of land zones.

As a result, it can be concluded that there are sufficient planning grounds to justify the approval

of the proposed preschool at 21 Lovell Rd, Denistone East NSW 2112.

3 DEVELOPMENT PROPOSAL

3.1 Planning controls

The key relevant planning controls are contained in Ryde Local Environmental Plan 2014 (RLEP 2014). The subject site is within Zone R2 Low Density Residential under RLEP 2014.

It is also noted that under the current RLEP 2014, a centre-based child care facility (preschool) on the subject site are required to comply with the following LEP standards:

- has a maximum Floor Space Ratio (FSR) of 0.5:1 under the RLEP 2014 FSR map;
- has a maximum Building Height of 8.3m;
- is not affected by Acid Sulphate Soils or bushfire risk;
- is not identified as a heritage item or located within a heritage conservation area; and
- is not identified as flood prone land and is not located within a land slip or coastal area.

3.2 Overview

This report accompanies architectural plans and experts reports for the demolition of existing structures and construction of a two storey NFP preschool with a maximum fifty-five (55) places, ten (10) at-grade carparking and landscaping at 21 Lovell Road, Denistone East NSW 2112.

The proposal principally includes a two storey building on site that adapts to the site orientation and topography with front façade of the building complementing the historical context and contemporary residential character upon the streetscape of Lovell Road.

Ancillary works are also necessitated, such as at-grade car parking, associated stormwater drainage works and common pathway to delineate the vehicular and pedestrian access to the main entrance of the preschool from Lovell Road.

The proposal is detailed by the plans and supporting reports submitted with the development application.

3.3 Proposal

The development proposal is for the demolition of existing structures and construction of a two storey community based NFP preschool with a maximum fifty-five (55) places, ten (10) at-grade carparking and landscaping at 21 Lovell Road, Denistone East NSW 2112.

The proposed preschool has been designed to conform with the overarching design criteria outlines in the Child Care Planning Guidelines (CCPG) 2017 as follows:

- The design responding to the context of the surrounding area by maintaining the low-medium sized building which is consistent with the current transformation of the locality towards medium residential densities.
- Appropriate landscape embellishment works to ensure that landscape character of the area is maintained.
- The proposed indoor and outdoor playrooms provide a good mix of inclusive learning spaces for all children and educators.
- The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.

Details of the proposed development can be summarised as follows:

DEMOLITION AND TREE REMOVAL

Demolition of existing single storey brick dwelling house with attached garage and detached outbuildings, removal of on-site trees and retention of street trees on the eastern side of the Lovell Road frontage.

Tree Removal – 3 x on-site trees and a street tree are proposed to be removed due to their individual locations within the building footprint and ultimately must be removed due to long term impacts and modifications of the trees.

The proposal has been designed to ensure on-going management and measures to achieve satisfactory TRZ and SRZ for any trees in the vicinity of the site that are being protected.

- An unencumbered external/outdoor play area of 390.6m² inclusive of the simulated outdoor play area at the first floor level.
- **Front (ground floor):** Entry, office/reception with waiting area, admin/office room, staff room, unisex accessible toilet/shower, play room 1, waste room, laundry and kitchenette; and
- **Level 1:** Playroom 2, teacher's room and children's bathrooms and an outdoor play area to the front which is enclosed on all sides.

Disabled access is available from the carparking area to the front entrance of the centre and also the outdoor play area. Ramps are provided to the facility, including the outdoor play area.

In this regard the proposal is, where appropriate, to:

- Ensure an accessible path of travel to the development from the existing main entrance building in accordance with AS1428.1 and DDA Premises Standards.
- Ensure that 1:14 ramps have 9m max lengths and handrails and kerbing on both sides, compliant with AS1428.1.
- Ensure 1:20 pathways have level landings every 15m, compliant with AS1428.1.

Landscaping has been within the front setback area on the Lovell Road frontage (refer to landscape plan and details prepared moMA Architects). The proposal has a landscape setback of 6m on the northeastern corner of the front yard and behind the disabled car parking space and full length of the driveway on the western side. At-grade parking is considered most suitable and preferred over basement parking for this site (not permitted under the RDCP), due to the topography of the site that is unsuitable to achieve acceptable driveway ramp gradient for a basement.

The outdoor play area has been design to provide the following areas, equipment and facilities:

- An open flat grassed area for running;
- Quiet play areas for focussed play (including a sandpit);
- A formal quiet area for contained play (e.g. finger painting);

- An active area for busy physical play, which includes some paved surfaces for wheeled toys, and suitable play equipment with impact absorbent material beneath;
- A transition zone from indoor and outdoor areas for covered play and;
- Secure fencing.

The simulated outdoor play area at the first floor level has been design to provide the following areas, equipment and facilities:

- Skylights to give a sense of the external climate
- A combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment
- Sand pits and water play areas
- Furniture made of logs and stepping logs
- Dense indoor planting and green vegetated walls
- Climbing frames, walking and/or bike tracks
- Vegetable gardens and gardening tubs.

The outdoor play area is consistent and complies with Part 1 General Requirements and Part 2 Design Construction – Safety Aspects; AS/NZS 4422 – Playground Surfacing – Specifications, Requirements and Test Methods; and AS/NZS 472 – Playgrounds and Playground Equipment.

VEHICLE ACCESS AND PARKING

The subject development is proposed to provide a total off-street parking provision of ten (10) car spaces including 1 accessible car space within an at-grade parking area, fronting Lovell Road.

Ryde City Council provides locally sensitive parking requirements within its Ryde Development Control Plan 2014 (RDCP 2014). Part 3, Section 5.1 of RDCP 2014 specifies the following parking rates for a child care centre development:

1 car parking space per 2 employees plus 1 space per 8 children (with 1 of the spaces dedicated to people with disabilities).

Based on a proposed maximum children capacity of 55 children and 5 full time employees, the proposed preschool is required to provide a total of 10 off-street parking spaces for staff and parents/visitors (i.e. 7 spaces for 55 children and 3 space for 5 staff = 10 car spaces in total), in accordance with the above rate. The proposed on-site parking provision of 10 spaces (including one disabled parking space and 3 car spaces for staff at the end of the driveway) is therefore compliant with these numerical parking specifications.

Vehicular access is proposed to be provided via a 5.8m wide ingress/egress driveway connecting with Lovell Road along the north western side of the site.

In order to undertake an assessment of the suitability of the proposed access driveway arrangements, reference is made to AS2890.1. This Australian Standard provides driveway design specifications based on a number of site and access roadway characteristics such as the operational land-use, the number of parking spaces serviced by the driveway and the functional order of the frontage road. The site and adjoining public roadways have the following characteristics, which are pertinent in the determination of the appropriate driveway design specified within AS2890.1:

- The driveway services 10 passenger vehicle parking spaces;
- The proposed parking provision is expected to accommodate a combination of employee (User Class 1A) and short-term visitor (User Class 3) parking; and
- Lovell Road is defined as a local road under Council's road hierarchy.

Based on the abovementioned characteristics, AS2890.1 specifies, at minimum, a Category 1 type driveway to service the site, which requires the driveway to provide a combined ingress/egress width of 5.5m. The width of the proposed driveway specified above, readily complies with the minimum AS2890.1 requirements and accordingly is considered to be suitable to service passenger vehicles.

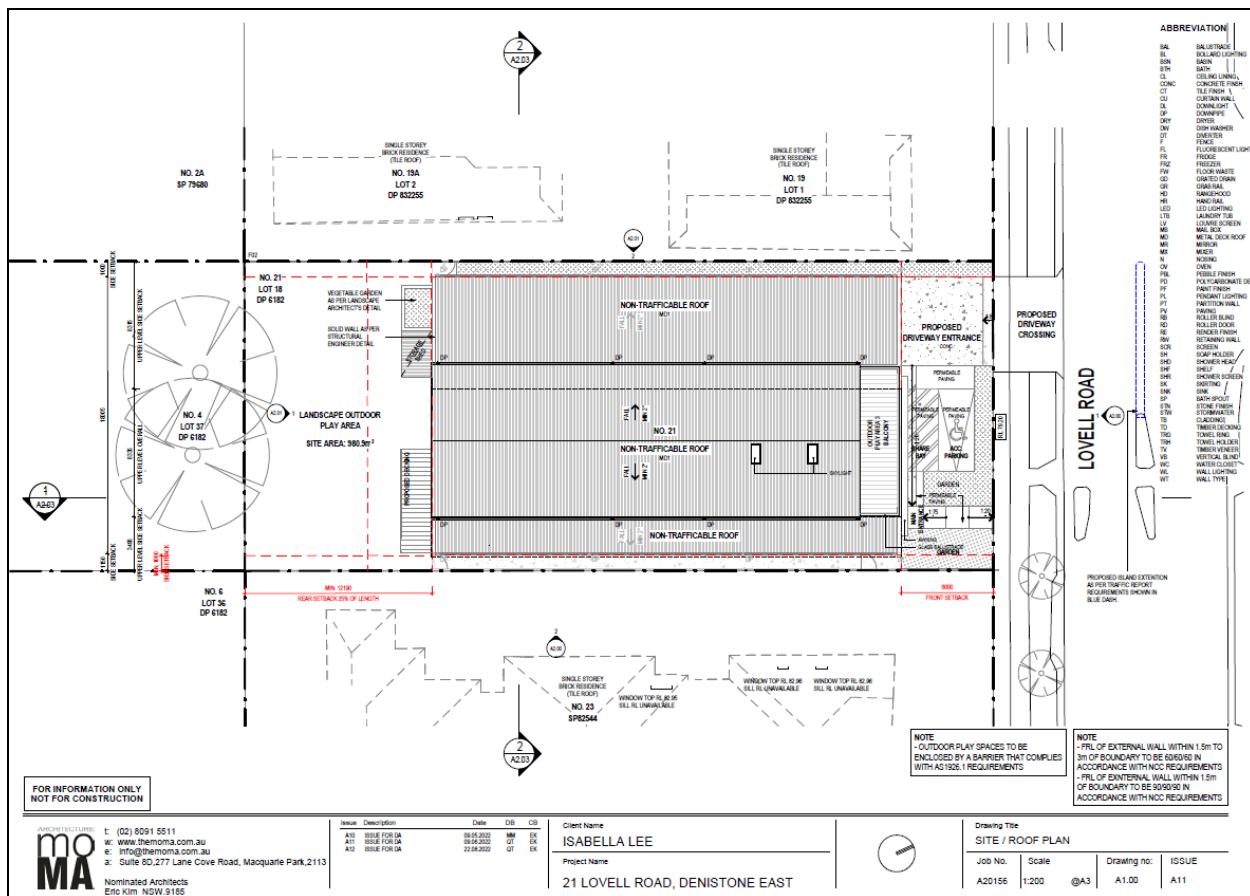


Figure 5 – Site plan (source: Plan A1.00 prepared by moMA Architects).

OPERATION

A revised Operational Plan of Management has been submitted with this application (Annexure I). A summary of the key operational elements of the proposal is provided in the following subsections.

Hours of Operation

The preschool will operate between the hours of 7.00am and 6.00pm Monday to Friday, with no operation on Saturdays, Sundays or public holidays. In respect of the operation of the facility,

The outdoor activity program is generally held for a 15mins duration in the morning and a 1 hour period during the afternoon. Outdoor play is limited to the specified playtimes between 10:45am-11am and 2:30pm-3:30pm, and would be fully supervised. No outdoor play before

9:00am or after 5.00pm as recommended by the Acoustic Assessment undertaken by Acouras Consultants.

A variety of activities will be provided throughout the day, these activities involve both indoor free-play and structured learning and play.

The times and the number of children engaged in play varies, however, conservative calculations have been based on the assumption that all children may be involved in play in the proposed play areas.

Children and Staff Numbers

The facility has been designed to operate with a capacity of 55 children. The breakdown of children by age into each playroom is provided in the table below:

Age	No. of children	No. of staff
3 years	33	3
+ 3 years	22	2

A total of 5 permanent staff will be provided, in accordance with the National Regulations.

Access and Arrival

The preschool will operate between the hours of 7.00am and 6.00pm Monday to Friday, Staff arrivals will generally be staggered between 6.45am – 7.30am. Parents arrival will generally be staggered between the hours of 7am – 10am. Similarly, for pickup, parents will start arriving from 3pm and stagger until 6pm. Parents entering on foot with their child will utilise the landscaped footpath to the front reception, where they will then meet with educators before signing the children in at the reception area and dropping the child off.

Waste management

A detailed Waste Management Plan, which has been prepared in accordance with Ryde City Council requirements, accompanies this DA. The completed checklist estimates the waste generated as part of the construction phase, as well as the envisaged reuse and recycling options.

The submitted Waste Management Plan also details the on-going management and how the child care centre will maintain waste collection(s) from the site.

Emergency procedures

Emergency Evacuation is described within the Plan of Management provided at Annexure I. The childcare centre is provided with emergency egress paths to the fire egress location outside the front boundary. A detailed fire evacuation plan is currently being prepared in consultation with an accredited fire expert.

BUILDING MATERIALS AND FINISHES

The proposed external materials and finishes are show in in detail in the Schedule of External Materials and Finishes prepared moMA architects. The proposal comprises a conservative design constituting varied materials and finishes of a high quality, throughout the building, comprising face brick, pitched metal roof, palisade fencing and the like.

The proposed building is of a bulk and scale that is appropriate for its area. As shown in the streetscape elevation at **Figure 6**, the proposed building is commensurate in size and scale to surrounding buildings. The building complies with the maximum height control and is of two storey construction, as many surrounding residential dwellings are. Appropriate front, rear and side setbacks are provided to reduce perceived bulk and to retain privacy and amenity to surrounding dwellings.

The Schedule of External Materials and Finishes numbered A prepared by moMA architects is provided in **Figure 6** below.



Figure 6 – Schedule of external finishes (source: Plan A3.00 prepared by moMA Architects).

4 SECTION 4.15 ASSESSMENT

The following discussion provides a planning assessment having regard to the relevant matters for consideration under Section 4.15 of the Environmental Assessment Act, 1979. The proposal has been assessed against the following provisions as per the following;

(1) Matters for consideration-general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),

(iiia) any planning agreement that has been entered into under section 7.4, or any

draft planning agreement that a developer has offered to enter into under section 7.4 and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

4.1 State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly SEPP 55)

The consolidated SEPP (Resilience and Hazards) 2021 transfers the former SEPPs into chapters of the consolidated SEPP without any amendment to the former SEPPs outlined below (other than renumbering and changes to consequent on the consolidation).

Chapter 4 Remediation of Land (formerly known as SEPP55)

Pursuant to Clause 2.4 of Chapter 4 of the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Contaminated land is land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

Aerial images from year 2009 to present found on Nearmap GIS system, illustrate that the site has not been developed for non-residential purposes and remain unchanged. As such there are no pre-existing uses evident that would trigger a need for further investigations.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (formerly known as SEPP (Vegetation in Non-Rural Areas) 2017 (Council permits for clearing of vegetation in non-rural areas) and SREP (Sydney Harbour Catchment) 2005)

Chapter 2, Part 2.3 of the SEPP (Council permits for clearing of vegetation in non-rural areas) - applies to any trees to be retained or removed as part of a Development Application.

The proposal is accompanied by a well balanced built/ landscape design which is consistent with the aims and intent of the Plan. The replacement trees as shown on the landscape plan would

compensate for the loss of non-significant and non-endemic trees existing on site in terms of amenity and natural habitat.

As such the proposal raises no issues as to consistency with the requirements and objectives of the planning instrument.

Chapter 10 Sydney Harbour Catchment of the SEPP

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to this proposal. The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The proposal raises no issues as to consistency with the requirements and objectives of the planning instrument.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject land is not located directly adjacent to any electricity easements/ infrastructure or railway line and accordingly is not contrary to Division 5 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

However, the subject site is located in the vicinity of a Classified Road (Blaxland Road) categorised by the Roads and Maritime Service (RMS). Pursuant to Division 17 of SEPP (Transport and Infrastructure) 2021, the following matters have been considered:

Pursuant to Section 2.119 of SEPP (Transport and Infrastructure) 2021, the following shall be addressed:

“2.119 Impact of road noise or vibration on non-road development

(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.

(4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993”.

The site is located 425m east of Blaxland Road and the average traffic volume of Lovell Road is less than 20,000 vehicles. Therefore, it is unlikely to be affected by classified road noise impacts.

Chapter 3 of the SEPP (Transport and Infrastructure) 2021 - (Educational Establishments and Child Care Facilities)

Schedule 9 Savings Provision relating to Chapter 3 of the SEPP (Transport and Infrastructure) 2021 - Educational Establishments and Child Care Facilities states “*Chapter 3 does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of Chapter 3*”. AS such Chapter 3 of the SEPP (Transport and Infrastructure) 2021 - Educational Establishments and Child Care Facilities does not apply to this application.

The proposal has been considered against the relevant provisions of SEPP (Educational Establishments and Child Care Facilities) 2017 as follows:

Sydney Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities.

The following checklist is prepared according to the applicable provisions of the SEPP.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
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Part 3 Early education and care facilities – specific development controls

Clause	Requirements	Proposed	Comment
22 - Centre-based child care facility—concurrence of Regulatory Authority required for certain development	<p>This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations</p>	<p>Regulation 107 and 108 of Educational and Care Services National Regulation specifies the following:</p> <ul style="list-style-type: none"> Indoor - 3.25m² per child Outdoor - 7.0m² per child <p>Required Indoor - (55 x 3.25) = 178.75m²</p> <p>Outdoor - (55 x 7) = 385m²</p> <p>Proposed Indoor – 183.7m²</p> <p>Outdoor – 390.6m²</p>	The proposal complies with Clauses 107 and 108 of the Educational and Care Services Regulation and Clause 22 of the SEPP does not apply.
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	Applicable provisions under the Child Care Planning Guidelines has been addressed further within this report.	Complies Based on the compliance check against the provisions of CCPG, the proposed child care centre complies with CCPG and Clause 123 of Education and Care Services National Regulations.
24 - Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities.	To minimise land use conflicts with existing industrial development	The site is in R2 – Low Density Residential zone and is not located in proximity to industrial development.	Complies

<p>25 - Centre-based child care facility—non-discretionary development standards</p>	<p>To identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters –</p> <p>a) the development may be located at any distance from an existing or proposed early education and care facility</p> <p>b) indoor and outdoor space complies with regulation 107 and 108 of the Education and Care Services National Regulations</p> <p>c) the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>d) the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>No child care centres within 300m of the site. Denistone East Public School - 0.2km from site</p> <p>Required Indoor - (55 x 3.25) =178.75m² Outdoor - (55 x 7) 385m²</p> <p>Proposed Indoor – 183.7m² Outdoor – 390.6m²</p> <p>Noted, with the development complying with site frontage and lot size requirements under the RDCP.</p> <p>The site is not listed as local heritage or state heritage.</p>	<p>Complies</p> <p>Applicable provisions under the Child Care Planning Guideline (CCPG) have been addressed further within this report.</p>
<p>26 - Centre-based child care facility—development control plans</p>	<p>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</p>	<p>Child Care Planning Guidelines associated with SEPP (Educational Establishments and Child Care Facilities) 2017) takes</p>	<p>Complies</p>

	<p>age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>operational or management plans or arrangements (including hours of operation), demonstrated need or demand for child care services, proximity of facility to other early childhood education and care facilities, any matter relating to development for the purpose of a centre-based child care facility contained in: the design principles set out in Part 2 of the Child Care Planning Guidelines, or the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p>	<p>precedence over the RDCP 2014.</p> <p>Clause 26 of the SEPP 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, groupings, number or the like, of children) does not apply to development for the purpose of a centre-based child care facility.</p> <p>As such the requirement to justify the number of children within each age group based of current and projected future needs (e.g. reference to age, age ratios, grouping, numbers of the like, of children) under the RDCP is not considered a relevant matter.</p> <p>The application is accompanied with an operational plan of management.</p> <p>The subject site is ideally situated within close proximity to various schools and establishments, namely: Denistone East Public School - 0.2km from</p>	
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		<p>site</p> <p>The subject site is within close proximity to local shopping centres, transport nodes and amenities.</p> <p>The proposed child care centre development is compliant with height standards of the RLEP 20014 and provide sufficient setbacks as well as car parking as required under the RDCP 2014.</p>	
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National Quality Framework Assessment Checklist		
Regulation	Proposed	Comment
<p>104 Fencing or barrier that encloses outdoor spaces</p> <p>Outdoor space that will be used by children will 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>Fencing has been provided around outdoor spaces used by children. The fencing will comprise the following:</p> <p>Fencing surrounding play areas:</p> <p>1.8m high acoustic barrier around the outdoor play area and 1.8m high acoustic barrier for the remaining side boundaries adjacent to the building, in accordance with acoustic assessment report prepared by Acouras Consultancy.</p> <p>Front Fencing:</p> <p>The front fence is a maximum of 1.2metres in height and comprises of solid construction to a maximum height of 900mm.</p> <p>The front fence materials and colours complements the proposed preschool and surrounding fences within the locality.</p>	<p>Complies</p>

	In addition, 1 child proof gate is proposed to the side boundaries to prevent children leaving or entering the rear play areas.	
106 Laundry and hygiene facilities The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children	Toilet is in between outdoor and indoor play room 1. Toilet is in between teacher's room and indoor play room 2 (at first floor). Laundry is adjacent to the kitchen.	Acceptable
107 Unencumbered indoor space The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child. Refer to regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.	A total of fifty-five (55) children are proposed at the child care centre. A total of 178.75m ² of indoor space is required. Unencumbered indoor play proposed is 183.7m ²	Complies
108 Unencumbered outdoor space The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child. Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.	A total of fifty-five (55) children are proposed at the child care centre. Therefore 55 children x 7m ² equates to 385m ² A total of 390.6m ² of outdoor space is provided (inclusive of the simulated outdoor play area at first floor).	Complies

<p>I09 Toilet and hygiene facilities</p> <p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>The proposed development provides for toilets and hygiene facilities that is located in between each activity room.</p> <p>No nappy change provision as the facility is for pre-school.</p>	<p>Acceptable</p>
<p>I10 Ventilation and natural light</p> <p>The proposed development includes indoor spaces to be used by children that —</p> <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children. 	<p>The proposed preschool will have access to adequate natural light using windows facing different orientations.</p> <p>Natural cross ventilation will also be available to all play rooms through windows openings and mechanical ventilation.</p>	<p>Complies</p>
<p>I11 Administrative space</p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</p>	<p>Administrative areas have been provided to facilitate conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>Submitted floor plans illustrate proposed meeting room/staff room and reception to carry out administrative tasks.</p>	<p>Complies</p>
<p>I12 Nappy change facilities</p> <p>(To be completed only if the proposed development is for a service that will care for children who wear nappies)</p>	<p>No nappy change provision as the facility is for pre-school.</p>	<p>Complies</p>
<p>I13 Outdoor space – natural environment</p> <p>The proposed development includes outdoor spaces that will allow children to explore</p>	<p>The preschool proposes an outdoor play area. The proposal incorporates high quality designed outdoor areas to enable a safe learning environment for children.</p>	<p>Complies</p>

and experience the natural environment.	The design complies with the minimum requirement for outdoor play space to also encourage the children to fully experience the landscaped areas.	
114 Outdoor space – shade The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Shade sails proposed in outdoor play area. There is a enclosed simulated outdoor play area at first floor.	Complies
115 Premises designed to facilitate supervision The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	The internal layout of the proposed preschool has been designed to allow for the supervision of children at all times when activity rooms and play spaces are in use. Toilets are located between the indoors and outdoors and are accessible.	Complies
123 Educator to child ratios—centre-based services The minimum number of educators required to educate and care for children at a centre-based service as follows; Children age between 36 months and over - 1 educator to 11 children;	Total number of staffs proposed is five (5). 55 children (3-6 years) and 5 educators proposed equating 1 to 11 children.	Complies

Determining a development application for development for the purpose of a centre-based child care facility, the following applicable provisions of the Child Care Planning Guidelines (CCPG), in relation to the proposed development. Compliance with the provisions of the CCPG are discussed with respect to the proposal as follows: -

Child Care Planning Guideline 2017		
Part 2 Design Quality Principles		
Principles	Considerations	Comment
Principle 1 – Context	Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.	<p>The proposed preschool provides a valuable and much needed service to the growing population of young families in the area.</p> <p>It is well located within the new residential and community hub, easily accessible by both public transport and car.</p> <p>It will contribute to the character of the area through its discreet central location within Denistone East.</p> <p>Refer to the Precedent Study (section 2.3) provided in the report.</p>
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.	<p>The proposed design is appropriate in its scale, bulk and height to the desired, future characteristic of the area. The building is aligned so that all the playrooms facing directly onto the outdoor play.</p> <p>The design combines natural elements and the proposed built form, articulation and materials to sensitively contribute to the character of the site whilst providing a natural, playful and harmonious setting for children's wellbeing.</p> <p>A range of natural materials, colours and textures have been incorporated within the design of the preschool to enhance learning and teaching while contributing aesthetic value to the built</p>

	<p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>form. These include natural materials, low lighting, maximised use of glazing to access natural light without glare as well as natural landscape as part of both the indoor and outdoor play areas of the centre.</p> <p>These design elements are part of a contemporary approach of connecting the indoor and outdoors seamlessly while contributing to the streetscape of the site and providing internal amenity and outlook.</p>
Principle 3 – Adaptive learning spaces	<p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	<p>The proposed preschool aims to be an exemplar centre with facilities above and beyond the code requirement. Each playroom is designed to be flexible in layout, with large glazed doors between the indoor and outdoor areas ensuring seamless access, plus generous accessible wet areas and storage.</p> <p>The playrooms layout has been designed to ensure that each room can be customised and arranged as a series of smaller play areas or be used as one open plan area or be a combination of the two. It is envisaged that the detailed fitout will include a variety of settings, technology and opportunities for interaction.</p>
Principle 4 – Sustainability	<p>Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design,</p>	<p>Sustainable design is incorporated within the proposed children's centre to provide a positive environmental, social and economic outcome for the users.</p> <p>Natural light is provided through skylights, and windows, reducing the dependence on artificial lighting. The centre has been designed for cross-ventilation, incorporating open air sections to the mezzanine outdoor play areas. Mechanical air conditioning will be kept to the minimum.</p> <p>The use of natural materials such as timber and bricks which are durable and can be recycled and re-used for future</p>

	resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.	purposes.
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, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.	<p>The central location of the outdoor play and landscaping becomes a focus point of the childcare centre, affirming the connection of indoor and outside, and contributes to the learning of children of different age groups.</p> <p>Its central location is hidden from the streetscape and is easily accessible from the surrounding playrooms.</p> <p>The outdoor play is a major learning asset for children's learning with both active and quiet play areas, landscaped and hard surfaced areas with both large trees and smaller sensory planting.</p> <p>Deep soil zones are incorporated within the outdoor play areas</p>
Principle 6 – Amenity	Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play	<p>The proposed design of the preschool has good amenity with its appropriate indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy and ease of access for all age groups and mobility. Each indoor playroom has direct solar access, utilises natural materials and has direct access to amenity facilities. These biophilic considerations enhance speed of learning, concentration, restoration and general well-being.</p> <p>The outdoor play sustains biophilic elements with its natural elements, and variety of landscaping. The various natural materials, textures and colours of the proposed childcare centre engage</p>

	and socialise.	<p>with children, creating a comfortable place to play, socialise and learn. The proposed childcare centre has been designed to be wheel-chair accessible, for ease of access for different levels of mobility. In addition, the adjacent landscape buffer and the integration of landscaping with the boundary fence increase visual and acoustic privacy of the centre.</p> <p>The proposed preschool will be an open centre, meaning that parents are welcomed and encouraged to contribute. The entry incorporates an informal parent hub area with waiting area plus a reception. As well as the parents meeting room behind the reception area.</p>
Principle 7 – Safety	<p>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).</p>	<p>The proposed preschool has been designed to optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Safety and security have been balanced with the need to create a welcoming and accessible environment.</p> <p>It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community.</p> <p>The design incorporates passive surveillance and Crime Prevention Through Environmental Design (CPTED) as discussed in the 'social impact' section of the report.</p>
3.1 Site Selection and Location		
Objective	Considerations	Comment

<p>To ensure that appropriate zone considerations are assessed when selecting a site.</p>	<p>For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context traffic and parking impacts of the proposal on residential amenity 	<p>For Council consideration</p> <p>Acoustic Impact Assessment report prepared by Acouras Consultancy, (report no: SYD2020-1167-R001D) dated September 2022 accompanies this application and acoustic treatments are recommended to mitigate potential noise emission. The acoustic assessment demonstrates that the proposal is unlikely to result in adverse impacts subject to these recommendations.</p> <p>Setbacks and siting of the development comply with the RDCP 2014.</p> <p>Traffic and Parking Impact Assessment report prepared by TTPA, (report no: 20353 Rev C) dated September 2022 accompanies this application. The traffic and parking assessment demonstrates that the proposal is unlikely to result in adverse impacts upon the surrounding development.</p>
	<p>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</p> <ul style="list-style-type: none"> the compatibility of the proposal with the operation of the institution and its users the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling proximity to sources of noise, such as places of entertainment or mechanical workshops proximity to odours, particularly at agricultural institutions previous uses of a premises such as scientific, medical or 	<p>Complies</p> <p>Centre-based child care facilities (preschool) are permissible and compatible land use within the R2 – Low Residential Density, noting the site's proximity to an established town centre and a local school.</p> <p>The proposed development is surrounded by residential zones and is not located in proximity to restricted premises such as licensed venues for service of alcohol and gambling.</p> <p>The site is not located in proximity to agricultural institutions or areas that would contain previous uses that include medical or chemical laboratories.</p>

	chemical laboratories, storage areas and the like.	
<i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i>	When selecting a site, ensure that:	Complies
	<ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use 	The site is zoned R2 and centre-based child care centres (preschool) are permitted in the zone with consent.
	<ul style="list-style-type: none"> the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 	The site is not located in a flood zone and/or bushfire prone land and is not located within a land slip or coastal area.
	<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 materials remediation is needed 	The development site has historically been utilised for residential purpose with no known potential contaminating activities being conducted on site. As such, the preparation of a Preliminary Site Investigation is not considered necessary.
	<ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> size of street frontage, lot configuration, dimensions and overall size number of shared boundaries with residential properties the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. 	Complies The site is suitable for the proposal whilst having minimal adverse impacts on the surrounding area with the development complying with site frontage and lot size requirements under the RDCP. As such the site attributes are considered suitable for the scale of the development and the future character of the area.
	<ul style="list-style-type: none"> where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use 	Not Applicable
	<ul style="list-style-type: none"> there are suitable drop off and pick up areas, and off and on street parking 	Complies The development provides car parking spaces in-accordance with the RDCP, noting appropriate car parking spaces are provided to permit the drop off and

		pick up of children as demonstrated in the Traffic and Parking Impact assessment provided.
	<ul style="list-style-type: none"> the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	Complies The adjoining road is considered safe for the proposed use as detailed in the Traffic and Parking Impact assessment provided.
	<ul style="list-style-type: none"> it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises 	The site is not in a close vicinity of restricted premises and the like.
<i>To ensure that sites for child care facilities are appropriately located.</i>	A child care facility should be located: <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 	The subject site is ideally situated within close proximity to various schools and establishments, namely: Denistone East Public School - 0.2km from site.
	<ul style="list-style-type: none"> near or within employment areas, town centres, business centres, shops 	The subject site is within close proximity to local town centres, transport nodes and amenities.
	<ul style="list-style-type: none"> with access to public transport including rail, buses, ferries 	Public buses run along Lovell Road and can be accessed via public transport. The closest bus stop is within 20m radius (walking distance) to east of the subject site at 23 Lovell Road
	<ul style="list-style-type: none"> In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	Pedestrian connectivity is considered to be suitable. The subject site is located within proposal is within an ideal location as the site has access to local amenities including educational establishments, employment opportunities, recreational activities, and public transportation.
<i>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards</i>	A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:	The site is not located in close proximity to heavy or hazardous industries, service stations, LPG tanks or water cooling systems.

	<ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> 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 	The detailed site investigation confirms the site is suitable for the development.
3.2 Local character, streetscape and the public domain interface		
<i>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i>	<p>The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape 	<p>Complies</p> <p>The building design is considered to be designed in character with the locality.</p> <p>Consistent with built form in the immediate area, being single storey construction.</p>
	<ul style="list-style-type: none"> reflect the predominant form of surrounding land uses, particularly in low density residential areas 	<p>The design has had regard to existing development in area and the streetscape. Predominant form is single and two storey dwellings with various footprints.</p> <p>The development proposes a two storey building that provides an appropriate transition between low scale residential and medium scaled (multi dwellings) residential.</p>
	<ul style="list-style-type: none"> recognise predominant streetscape qualities, such as building form, scale, materials and colours 	<p>The outer materials integrate with the existing and future streetscape.</p>
	<ul style="list-style-type: none"> include design and architectural treatments that respond to and integrate with the existing streetscape 	<p>The proposed design and architectural treatments are suitable and integrate with the existing streetscape.</p>
	<ul style="list-style-type: none"> use landscaping to positively contribute to the streetscape and neighbouring amenity 	<p>Landscaping is proposed in the outdoor play area and within the front setback of the site.</p>

	<ul style="list-style-type: none"> Integrate car parking into the building and site landscaping design in residential areas. 	Carparking on site to provide for 10 cars to comply with RDCP 2014 with landscape treatment within the front setback area to Lovell Road.
<i>To ensure clear delineation between the child care facility and public spaces.</i>	<p>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 overall design includes landscaping, fencing and windows facing the street frontage.</p> <p>There is considered to be a clear delineation between the child care facility and public 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 	Open style fencing and windows are proposed facing towards the street frontage which allow passive surveillance to the street.
	<ul style="list-style-type: none"> Integrating existing and proposed landscaping with fencing. 	Landscape plan provided which illustrates integration of landscape and fencing.
	On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	The proposed preschool provides satisfactory vehicular access into the car park and entry point of the child care centre. A separate pedestrian path is also provided and do not impede on vehicle access via Lovell Road.
	<p>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>Complies</p> <p>The pedestrian entry is clearly visible from carpark and building readily identifiable.</p>
	<ul style="list-style-type: none"> Low fences and planting which delineate communal/private open space from adjoining public open space 	<p>Not Applicable</p> <p>The proposed preschool does not adjoin parks, open space or bushland.</p>
	<ul style="list-style-type: none"> Minimal use of blank walls and high fences. 	<p>Not Applicable</p> <p>The proposed preschool does not adjoin parks, open space or bushland.</p>
<i>To ensure that front fences and retaining walls respond to and</i>	Front fences and walls within the front setback should be constructed of visually	<p>Complies.</p> <p>The site is not listed as a heritage item</p>

<p><i>complement the context and character of the area and do not dominate the public domain.</i></p>	<p>permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p> <p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>in Schedule 5 of RLEP 2014.</p>
<p>3.3 Building orientation, envelope and design</p>		
<p><i>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></p>	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas 	<p>The design is orientated towards the north-east. The positioning of the site is south west to north east.</p> <p>The external play area is proposed to the south (12.2m rear setback) and is adjacent to sites. An acoustic assessment recommended acoustically treated fence to delineate noise emissions to sensitive receptors.</p> <p>Where possible play equipment is located away from common boundaries, noting landscape embellishment works and fencing are situated along the site's side and rear boundaries.</p> <p>The building orientation of the proposed design ensures visual privacy and minimise potential noise and overlooking impacts while maintaining solar access and ventilation within the indoor and outdoor play.</p> <p>Visual privacy is achieved due to both built form and landscaping, mitigating noise pollution and overlooking impacts from the surrounding residences.</p> <p>Complies The building is designed to have solar access to the internal and external play</p>

		areas.
	<ul style="list-style-type: none"> avoid overshadowing of adjoining residential properties 	<p>Shadow diagrams provided with this application which indicate the residence to the south west of the site will experience some shadowing at 9:00am on 21 June. From 12:00pm the site to the south west is unaffected by shadow.</p> <p>There is negligible overshadowing impact to neighbouring properties. The building height is consistent and is suitable with the scale and character of the streetscape.</p>
	<ul style="list-style-type: none"> minimise cut and fill 	Minimal cut and fill required.
	<ul style="list-style-type: none"> Ensure buildings along the street frontage define the street by facing it. 	Development proposes an attractive contemporary building designed to adequately address its frontage to Lovell 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 climatic conditions. 	There is sufficient shading in the outdoor play area and therefore, children playing outdoors are unlikely to be exposed to UV rays.
<p><i>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality 	<p>The scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>Following methods are considered:</p> <p>1) The building height of 6.655m (max. HOB of 8.3m) will be consistent with the future residential dwelling on adjoining properties.</p> <p>Two storey building with a garage door matching buildings in area that contains mainly single and two storey dwellings and townhouses.</p>
	<ul style="list-style-type: none"> building height should respond to the scale and character of the street 	The building height does not exceed height limits and is within 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 	The proposed preschool is setback from surrounding residential areas.

	<p>facility</p> <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. 	<p>There is adequate access for building maintenance. Plan of management details operation matters including deliveries.</p> <p>Setbacks to boundaries comply and is consistent with the existing character of the site.</p>
<p><i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i></p>	<p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>Reference was made to the dwelling house controls in RDCP 2014 (Part 3.2 – Child Care Centres and Part 3.3 Dwelling Houses and Dual Occupancy in low density residential areas) to get an indication of acceptable setbacks.</p> <p>RDCP 2014 indicates that a dwelling house (and similarly a child care centre in low density residential) requires a front setback of 6m (Lovell Road), side setbacks of 0.9m (single storey) and rear setback of 8m or 25% of the length of the site.</p> <p>The development proposes setbacks of up to 16.6 metres from the street (lovell road given the building location and driveway), 1m – 1.15m from the side boundaries and 12.2m from the south western rear boundary. The preschool is considered to be adequately setback.</p>
<p><i>To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</i></p>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage contributes to the identity of the place retains and reinforces existing built form and vegetation where significant 	<p>The proposed design is appropriate in its scale, bulk and height to the desired, future characteristic of the area.</p> <p>The various materials, forms, colours and landscaping contribute to the identity of place while complementing the physical context of the surrounding built environment of the area.</p> <p>The proposed preschool contributes to the identity of the site through appropriate design and built form.</p> <p>Landscape plan (plan no: LPSA21-331) prepared by Conzept Landscape architects and dated September 2022 provided to illustrate proposed species</p>

		of trees.
	<ul style="list-style-type: none"> considers heritage within the local neighbourhood including identified heritage items and conservation areas 	No known heritage items and/or conservations areas within the site.
	<ul style="list-style-type: none"> responds to its natural environment including local landscape setting and climate 	Landscape plan shows variety of species that complement the local landscape setting and climate.
<i>To ensure that buildings are designed to create safe environments for all users.</i>	Entry to the facility should be limited to one secure point which is:	The proposed preschool provides direct and clear primary entry point from Lovell Road.
	<ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians 	There is direct and safe access for pedestrians from the car park as well as from Lovell Road.
	<ul style="list-style-type: none"> directly accessible from the street where possible 	There is direct access from the street to the entrance of the preschool.
	<ul style="list-style-type: none"> directly visible from the street frontage 	Windows and doors are oriented to both street frontages providing public surveillance
	<ul style="list-style-type: none"> easily monitored through natural or camera surveillance 	There is adequate surveillance to children.
	<ul style="list-style-type: none"> not accessed through an outdoor play area. 	No entrance is provided at the rear outdoor play area
	<ul style="list-style-type: none"> In a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	The proposal is not a mixed use development.
<i>To ensure that the child care facilities are designed to be accessible by all potential users.</i>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation 	<p>The proposed site is accessible for all user.</p> <ul style="list-style-type: none"> Public buses run along Lovell Road. Access for disabled and prams is provided. <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 Lovell Road.</p>
	<ul style="list-style-type: none"> linking all key areas of the site by level or ramped pathways that are accessible 	Accessible ramps are proposed and connect with the main entry of the preschool and carpark/ street.

	to prams and wheelchairs, including between all car parking areas and the main building entry	Access report prepared by Ergon Consulting and dated June 2022 provided to demonstrate compliance with the relevant legislation.
	<ul style="list-style-type: none"> 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 	Complies There is a continuous path of travel throughout the development within the building between the street entry and main building entrance.
	<ul style="list-style-type: none"> Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	As above
3.4 Landscaping		
<i>To provide landscape design that contributes to the streetscape and amenity.</i>	Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: <ul style="list-style-type: none"> reflecting and reinforcing the local context incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	Landscape design contributes to the streetscape with the following: <ul style="list-style-type: none"> Various native species have been proposed within the landscaped area. Dense planting and plant screening within the front setback area as shown on the landscape plans. Vegetation screening along the side and rear boundaries as shown on the landscape plans. <p>The proposed preschool is designed so that it is within the local context.</p> <p>The submitted Landscape plan shows a variety of tree species located within the front and rear setback of the site.</p> <p>Refer to the Landscape plan (plan no: LPSA21-331) prepared by Concept Landscape architects and dated September 2022.</p>
	Incorporate car parking into the landscape design of the site by: <ul style="list-style-type: none"> planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat 	Car parking area located in front of building as basement car parks are generally not permitted under the RDCP 2014 for child care centres (preschool) in low density residential area.

	radiating into buildings	
	<ul style="list-style-type: none"> taking into account streetscape, local character and context when siting car parking areas within the front setback 	Appropriate low level landscaping between the front setback and the car parking area is proposed to soften and screen the at-grade parking area.
	<ul style="list-style-type: none"> using low level landscaping to soften and screen parking areas. 	Landscaped areas to be embellished.
3.5 Visual and acoustic privacy		
<i>To protect the privacy and security of children attending the facility.</i>	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> appropriate site and building layout 	Development has been designed to minimize direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout, locating suitable windows and doors, building separation and compliance to side setbacks and the use of fencing and landscape works to side boundaries.
	<ul style="list-style-type: none"> suitably locating pathways, windows and doors 	Pathways, windows and doors are located in appropriate areas.
	<ul style="list-style-type: none"> permanent screening and landscape design. 	There is sufficient screening between the indoor and outdoor play areas.
<i>To minimise the impacts on privacy of adjoining properties.</i>	Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> appropriate site and building layout 	The centre-based child care facility (preschool) is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments.
	<ul style="list-style-type: none"> suitable location of pathways, windows and doors 	As above
	<ul style="list-style-type: none"> landscape design and screening. 	As above
<i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i>	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: <ul style="list-style-type: none"> provide an acoustic fence along any boundary where the adjoining property contains a residential use. 	Acoustic fencing in accordance with the acoustic report has been provided to all boundaries.

	(An acoustic fence is one that is a solid, gap free fence).	
	<ul style="list-style-type: none"> ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	For Council consideration Mechanical Plant and Equipment will be selected to ensure they do not exceed noise levels as outlined in the Acoustic Assessment.
	A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: <ul style="list-style-type: none"> identify an appropriate noise level for a child care facility located in residential and other zones 	Acoustic Impact Assessment report prepared by Acouras Consultancy, (report no: SYD2020-1167-R001D) dated September 2022 accompanies this application and acoustic treatments are recommended to mitigate potential noise emission. The acoustic assessment demonstrates that the proposal is unlikely to result in adverse impacts subject to these recommendations.
	<ul style="list-style-type: none"> determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use 	See above
	<ul style="list-style-type: none"> determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	See above
3.6 Noise and air pollution		
<i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	Adopt design solutions to minimise the impacts of noise, such as: <ul style="list-style-type: none"> creating physical separation between buildings and the noise source 	Acoustic Impact Assessment report prepared by Acouras Consultancy, (report no: SYD2020-1167-R001D) dated September 2022 accompanies this application and acoustic treatments are recommended to mitigate potential noise emission. The acoustic assessment demonstrates that the proposal is unlikely to result in adverse impacts subject to these recommendations.
	<ul style="list-style-type: none"> orienting the facility perpendicular to the noise source and where possible buffered by other uses 	Acoustic fencing in accordance with the acoustic report has been provided to all boundaries.
	<ul style="list-style-type: none"> using landscaping to reduce the perception of noise 	Landscape within the outdoor area proposed.

	<ul style="list-style-type: none"> • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) 	Acoustic report recommends acoustic treatment such as glazing.
	<ul style="list-style-type: none"> • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits 	See above.
	<ul style="list-style-type: none"> • Locating cot rooms, sleeping areas and play areas away from external noise sources. 	None provided for age group 3 + years.
	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land 	The proposed preschool is not located on industrial zoned land.
	<ul style="list-style-type: none"> • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 	The proposed preschool is not located under a flight path.
	<ul style="list-style-type: none"> • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 	The proposed preschool is not located adjacent to a rail or road corridor.
	<ul style="list-style-type: none"> • on a major or busy road other land that is impacted by substantial external noise 	The proposed preschool is not located adjacent to a major or busy road.
<p><i>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></p>	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant</p>	<p>The proposed preschool is not located adjacent to major roads or industrial development.</p> <p>Therefore, no air quality assessment report is required.</p>

	<p>legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution 	
	<ul style="list-style-type: none"> • Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway 	Refer to the Landscape plan (plan no: LPSA21-331) prepared by Concept Landscape architects and dated September 2022.
	<ul style="list-style-type: none"> • Incorporating ventilation design into the design of the facility. 	Natural cross ventilation to the child care centre is provided.
3.7 Hours of operation		
<i>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i>	<p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	The proposed hours are Monday to Friday, 7:00am to 6:00pm. No operation on Saturdays, Sundays and Public Holidays.
3.8 Traffic, parking and pedestrian circulation		
<i>To provide parking that satisfies the needs of users and demand generated by the centre.</i>	<p>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.</p> <p>A Traffic and Parking Study</p>	Traffic and Parking Impact Assessment

	<p>should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 	<p>report prepared by TTPA, (report no: 20353 Rev C) dated September 2022 accompanies this application.</p> <p>The traffic and parking assessment demonstrates that the proposal is unlikely to result in adverse impacts upon the surrounding development.</p>
<p><i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i></p>	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting: a classified road.</p> <ul style="list-style-type: none"> roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>Vehicular access to the site is considered to be suitable in the location proposed.</p> <p>The site does not front a classified road or a road which carries freight traffic or transport dangerous goods or hazardous materials.</p> <p>It is noted no new vehicular crossing is proposed with the development to utilise existing vehicle access arrangement to and from the site.</p> <p>Development site is not within a cul-de-sac or narrow lanes or road.</p>
<p><i>To provide a safe and connected environment for pedestrians both on and around the site.</i></p>	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car 	<p>Development provide separate pedestrian and vehicular access.</p> <p>Pedestrian markings are shown on the plans.</p>

	parking areas	
	<ul style="list-style-type: none"> • separate pedestrian and vehicle entries from the street for parents, children and visitors 	Vehicle and pedestrian access to the child care centre are separate.
	<ul style="list-style-type: none"> • pedestrian paths that enable two prams to pass each other 	Pedestrian's path is 1.49m wide and is able to accommodate two prams to pass each other.
	<ul style="list-style-type: none"> • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities 	Plan of Management submitted to manage deliveries to the centre.
	<ul style="list-style-type: none"> • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas 	The proposed preschool is not located in a commercial or industrial zoned land.
	<ul style="list-style-type: none"> • Vehicles can enter and leave the site in a forward direction. 	Vehicles can enter and leave the site in a forward direction.
	Car parking design should: <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas • include wheelchair and pram accessible parking. 	Car parking area is sufficiently separated from the building entrance and outdoor play area. Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.

Any other matters prescribed by the Regulations

The Regulations prescribe the following matters for consideration for development as follows:

National Construction Code

Safety standards for demolition and compliance with AS 2601-2001 apply to the demolition of existing structures affected by the proposed development. In addition, applicable regulation consideration including construction compliance with the NCC/BCA and compliance with the relevant Australian Standards as part of this application.

4.2 Ryde Local Environmental Plan 2014 (as amended)

The subject site is zoned R2 – Low Density Residential within the Ryde LEP 2014. The proposal is considered to reasonably satisfy the relevant applicable zone objectives as follows;

Zone objectives

- 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

Comment: The following design objectives were considered in formulating the proposed development submitted to achieve the above zone objectives;

- the development is complementary to the surrounding development. Specific regard has been given to the proximity of neighbouring residential properties.
- The proposed child care centre is consistent with the above objective with meeting the needs of the existing and future population with a centre-based child care facility. Overall the proposed development will provide for a variety of needs of the community within a low density residential environment, and satisfy the day to day needs of the residents.
- The proposal is consistent in meeting the educational needs of the children, with 48 places available for the existing and future population.

The proposed development will provide access to services and facilities, provide for a suitable visual transition between lower to medium density areas, and ensure a high level of residential amenity is achieved.

Ryde 2014 LEP Compliance table

A summary of key RLEP 2014 standards is provided in the table below;

Clauses	Proposal	Compliance
2.2 Zone		

Clauses	Proposal	Compliance
R2 – Low Density Residential	The proposal is defined as a 'Centre-based Child Care Facility' (Preschool) which is a permissible use within the R2 Low Density Residential zone.	Yes
2.3 Objectives		
R2 Zone objectives	Consistent with the zone objectives	Yes
4.3 Height of Buildings (HOB)		
<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map</p> <p>The maximum building height specified is 9m.</p>	<p>Ridge level is RL (datum to AHD)</p> <p>Existing Ground Level is RL78.97 (datum to AHD)</p> <p>HOB = 8.3m (max) to EGL at lowest point.</p> <p>Refer to the architectural drawings for further details.</p>	Yes
4.4 Floor Space Ratio		
<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The FSR LEP Map indicates a max. FSR = 0.5:1.</p>	<p>R2 Low Density Residential</p> <p>Site area = 980.9m²</p> <p>Total GFA = 489.6m²</p> <p>FSR = 0.5:1</p>	Yes
4.6 Exception to Development		
<p>(4) Development consent must not be granted for development that contravenes a development standard unless—</p> <p>(a) the consent authority is satisfied that—</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).</p>	No variations sought for the relevant development standards contained in RLEP 2014.	Not Applicable
5.1 and 5.1A Development on land intended to be acquired for public purpose		
(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column I of the table to this clause that has	The development site is not identified as being affected by the Land Reservation Acquisition Map	Not Applicable

Clauses	Proposal	Compliance
not been acquired by the relevant authority of the State specified for the land in clause 5.1.	under RLEP 2014.	
5.6 Architectural Roof Features		
<p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</p> <p>(a) the architectural roof feature—</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing</p>	Architectural features are not proposed with this application.	Not Applicable
5.10 Heritage Conservation		
<p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area.</p>	The subject site is not listed as an item of local or state heritage significance and heritage conservation area.	Not Applicable
6.2 Earthworks		
<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p>	<p>Clause 6.2 Earthworks does not technically apply to the proposal noting the minimal earthworks are ancillary to the proposed development.</p> <p>Refer to the architectural drawings</p>	For Council consideration

Clauses	Proposal	Compliance
<p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>for further details.</p>	
6.3 Flood Planning		
<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	<p>The development site is not identified as being flood affected.</p>	<p>For Council consideration</p>
6.4 Stormwater Management		
<p>Development consent must not be granted to development on land to which this clause</p>	<p>The proposed development appropriately addressed the</p>	<p>For Council consideration</p>

Clauses	Proposal	Compliance
<p>applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>characteristics of the site and will allow for the efficient management of stormwater.</p> <p>In addition, provision of water, electricity, access to Council's stormwater drainage system and sewer provided with the existing single dwelling house.</p>	

Refer to **Figure 7** showing the LEP zoning map below.

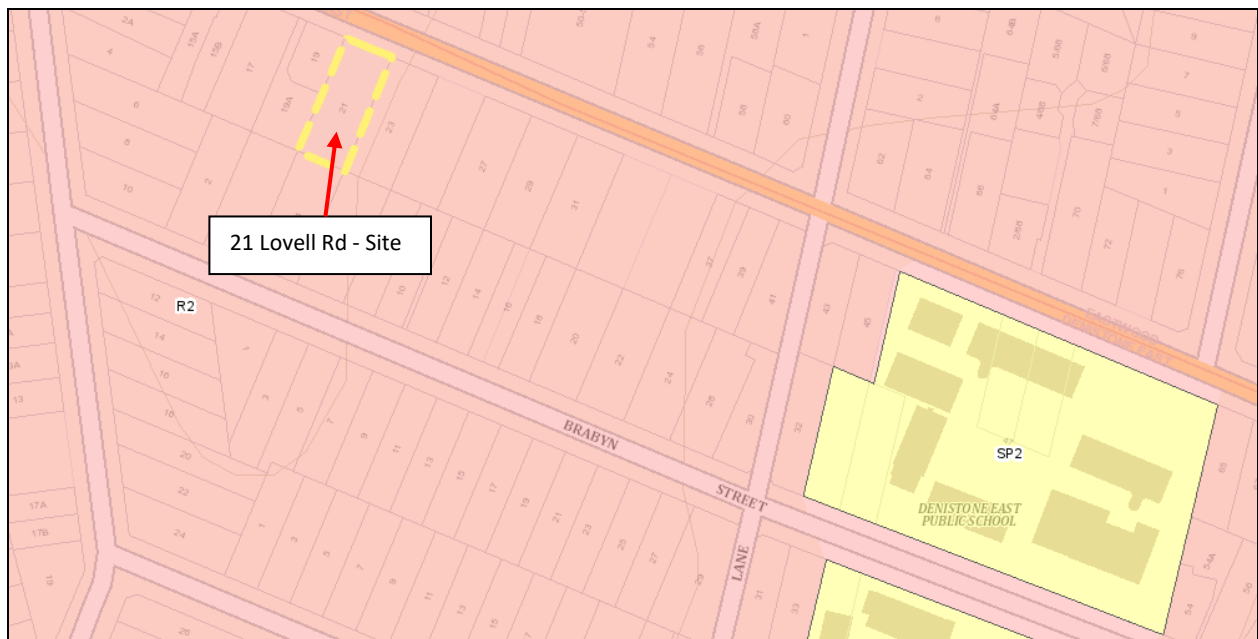


Figure 7: LEP Zoning map (source: NSW Legislation)

Refer to **Figure 8** showing the LEP FSR map below.

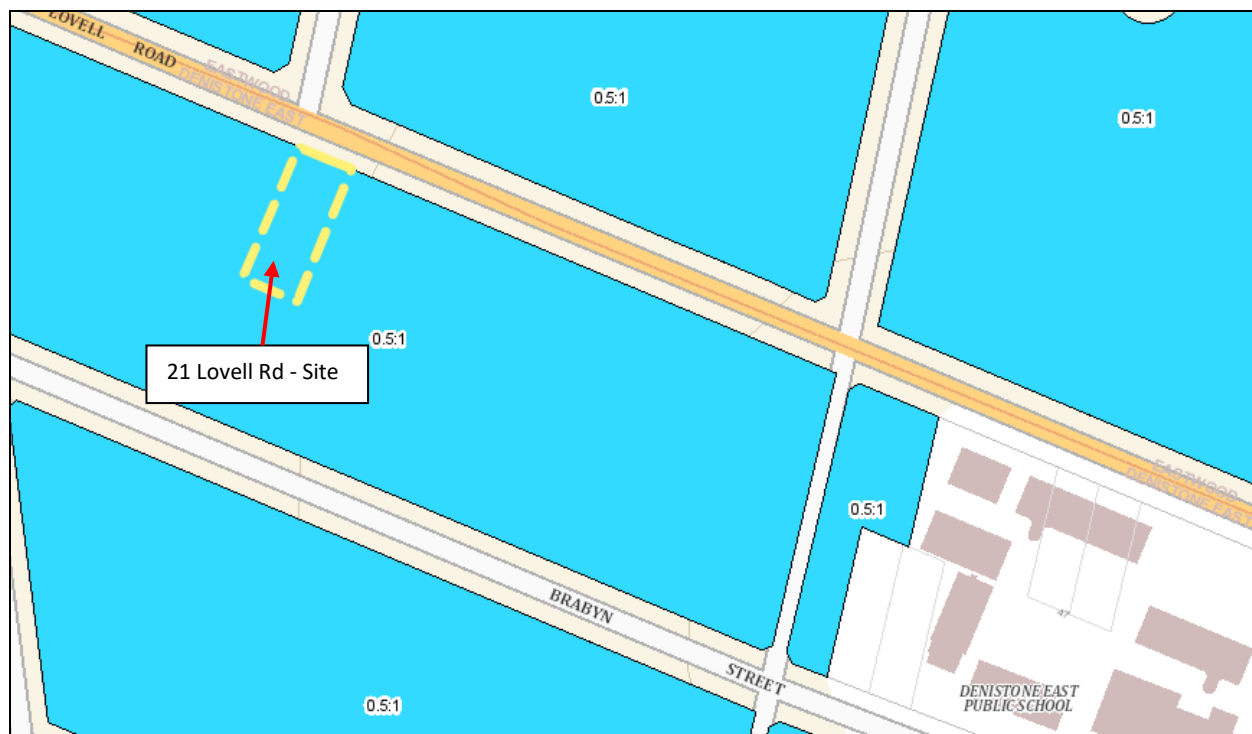


Figure 8: LEP FSR map = max. FSR of 0.5:1 (source: NSW Legislation)

Refer to **Figure 9** showing the LEP HOB map below.



Figure 9: LEP Height of Building map = max. 9.5m (source: NSW Legislation)

4.3 Ryde Development Control Plan 2014 (as amended)

The following is an assessment of the proposed development under the heads of consideration in Section 4.15 of the Act.

The provisions of this section of the Act include:

- Section 4.15(a) (iii) –any development control plan, and*
- Section 4.15 (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The proposal has been further assessed against the relevant provisions of the Ryde DCP 2014 which provides guidance for the design and operation to achieve the aims and objectives of the Ryde 2014.

There are numerous DCP controls which conflict with the SEPP (Educational Establishments and Child Care Facilities) 2017 and are not applicable. The RDCP controls applicable to the development are provided compliance table below.

The following table also highlights a non-compliance with the DCP, which relates primarily to the landscaped front setback requirement, and the variation sought is generally considered satisfactory on merit in this instance.

Ryde 2014 DCP Compliance table

RYDE DCP 2014	PROPOSED	COMPLIANCE
Part 3.2 – Child Care Centres		
Child Care Centre Design		
A child care centre development is to be designed and drawn by a person who is an architect within the meaning of the Architects Act 2003 or who is accredited	The proposed development has been designed and drawn by moMA Architects who is a registered architect (Reg No.	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
by the Building Designers Association of NSW Inc. in relation to the design of the class of buildings concerned (refer also Clause 16 of the Children's and Young Persons (Care and Protection) Act 1998.	9185) under the NSW Architects Registration Board.	
The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for child care centres due to the particular nature of the requirements (refer in particular the requirements in Section 6 Landscaping and Play Spaces under this Part)	Landscape plan (plan no: LPSA21-331) prepared by Conzept Landscape architects and dated September 2022 provided with this application.	Yes
Technical Assessment Requirements		
Technical assessments may also be required to be prepared and submitted with the development application, or while the development application is under assessment, to demonstrate support for the proposal and compliance with this DCP.	The documents provided as part of the DA package include technical Assessments as required.	Yes
Suitability of Location and Site for Child Care		
Preferred Locations		
– Single use developments street frontage and width > 20m. Corner allotments > 17m	The proposed preschool is not located on a corner allotment. The street frontage is 20.115m (by survey)	Yes
– Single use – minimum site area of 800m ² – regular in shape	The site area is 980.9m ² (by survey)	Yes
– Not located on arterial or sub-arterial roads, refer Schedule 2	The proposed preschool is not located on an arterial or sub-arterial road as detailed in schedule 2 of Part 3.2 of Ryde DCP 2014.	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
– Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road	Not within a mixed use development.	Not Applicable
– No battle-axe allotments	Not a battle axe allotment	Not Applicable
– Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided	Lovell Road is not a cul-de-sac	Not Applicable
– Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006)	The subject site is not located within close proximity to a brothel.	Not Applicable
– Site flat or gently sloping and well drained i. Assist design of useable indoor and outdoor areas at same grade ii. Provide accessibility to all areas iii. Assist drainage after rain	<p>The subject site generally flat with a gentle slope from the centre of the site to the rear and front of the site (the south eastern rear boundary (RL78.51 to AHD) and the north western front boundary (RL79.41 to AHD). This fall is approximately 0.9m over a distance of 21m equating to an average gradient of 0.04:1.</p> <p>It is considered that the site is sloping steadily from the rear to the front providing for effective draining whilst still promoting accessibility to all areas.</p>	Yes
– Aspect permits maximum solar access and natural ventilation	The site and proposed building faces north east and is consistent with the existing building alignments along Lovell Road. It is considered that the proposed building permits maximum solar access and ventilation.	Yes
– Located on land not affected by adverse overshadowing by existing or future development, undue heat loads from reflective surfaces of existing or future approved buildings on neighbouring sites	The proposed preschool is not likely to be affected by adverse overshadowing by existing or future development on neighbouring sites given its location within the R2 Low	Not Applicable

RYDE DCP 2014	PROPOSED	COMPLIANCE
	Density Zone. Existing development is predominantly residential on all sides.	
– Site not subject to undue overlooking from existing or future adjoining development	As above, the surrounding development is predominantly residential. It is not considered that the site is subject to undue overlooking from existing or future adjoining development.	Yes
<ul style="list-style-type: none"> – Preferred locations for larger centres in residential areas; – Sites located on street corners – Sites share common boundaries with compatible non-residential uses – Compatible land uses subject to acceptable traffic and parking 	The proposed preschool is not located on a street corner and is not classified as a 'larger centre' pursuant to Ryde DCP 2014, being 55 preschool places.	Not Applicable
– In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties.	The proposed preschool for 55 children is not considered to be a 'larger scale' centre.	Not Applicable
– Work based centres in mixed use developments adjacent to non commercial / non-residential components to protect privacy and amenity of centre and neighbouring workers/residents.	The site is not located in a mixed use building.	Not Applicable
Environmental Risks/Hazards		
– Not to be located on land affected by overland flow	Not shown to be within land affected by overland flow	Not Applicable
– On land affected by overland flow any alterations or additions are not to pose a safety or health risk. Overland Flow Study/Stormwater Drainage Plan required	Refer above	Not Applicable
– Consideration may be given to sites affected by overland flow in front setback area. Must not constitute a flood hazard and supported by Overland Flow Study/Stormwater Drainage Plan	Refer above	Not Applicable
– Developments not to be located on Bush Fire Prone Land	Not located on land identified as	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
	Bush Fire Prone	
<ul style="list-style-type: none"> - The location is to take into consideration any other environmental health hazard including - i. Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads); - ii. Existing and potential on and off-site electromagnetic fields; - iii. Contaminated land; - iv. Lead in painted surfaces, carpets, furnishings and roof void in existing buildings; - v. Asbestos or other contamination or poisoning in existing buildings; - vi. Proximity to service stations; - vii. Proximity to LPG tanks; - viii. Proximity to significant noise, odour and other pollutant generating sources, or sites which (due to prevailing land use zoning) may in future accommodate noise or odour generating uses; - ix. Proximity to transmission lines, railway lines, mobile phone towers or other sources of electromagnetic energy; - x Mould and mildew in existing buildings; - xi. Proximity to water cooling and water warming systems; - xii. Any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. 	<p>Applicable provisions under the Child Care Planning Guideline (CCPG) have been addressed within this report.</p> <p>Child Care Planning Guidelines associated with SEPP (Educational Establishments and Child Care Facilities) 2017) takes precedence over the RDCP 2014.</p>	Yes
<ul style="list-style-type: none"> - Where sites are proposed within 125 metres of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required. 	<p>Applicable provisions under the Child Care Planning Guideline (CCPG) have been addressed within this report.</p> <p>Child Care Planning Guidelines associated with SEPP (Educational Establishments and Child Care Facilities) 2017) takes precedence over the RDCP 2014.</p>	Yes
<ul style="list-style-type: none"> - The site must not have been previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances, 	Based on available online information, the site has not been developed for non-residential	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
unless a soil analysis has been conducted	purposes and remain unchanged. As such there are no pre-existing uses evident that would trigger a need for further investigations	
– The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.	The site is located within 425m of a main road as per schedule 2 of DCP2014, and therefore will unlikely be affected by emissions of dust, fumes and noise created by the cars passing through Blaxland road each day.	Yes
– Consideration is to be given to the requirements of SEPP 55 and any land contamination policy adopted by Council.	See SEPP 55 assessment within this report. It was found that the historic and current use of the land is that which would not give rise to potential for contamination and is deemed suitable for the proposed use.	Yes
Assessing Child Care Needs and Size of Facility		
All development applications for child care centres are required to identify:	Applicable provisions under the Child Care Planning Guideline (CCPG) have been addressed within this report. Child Care Planning Guidelines associated with SEPP (Educational Establishments and Child Care Facilities) 2017) takes precedence over the RDCP 2014.	
i. Proposed total number of child care places.	The development application proposes 55 Child Care Spaces.	For Council consideration
ii. Proposed number of children by age group;	The proposed age group breakdown for the child care centre is as follows 3-6 years – 55	For Council consideration

RYDE DCP 2014	PROPOSED	COMPLIANCE
iii. Proposed number of staff including all full time and part time staff, and role of each staff member	<p>Total – 55 Children</p> <p>The number of educators to children ratios is regulated by the Education and Care Services National Regulations.</p> <p>The proposal complies with this requirement under the Education and Care Services National Regulations.</p>	Yes
– justification that the proposed number of children within each age group is consistent with current and projected future needs in the area	The proposed preschool would provide a service that is generally consistent with the current and future needs of the area.	Yes
Site Analysis		
– A site analysis to be submitted for new child care centre developments including developments that involve the conversions of existing dwellings/other buildings	A site analysis plan has been provided with this application.	Yes
– A site analysis drawing must be based on a survey drawing produced by a qualified surveyor and contain a reference number and date. All levels are to be provided to AHD	Site analysis is based on the Survey Plan provided by moMA Architects.	Yes
Design and Character		
<p>• All Child Care Centres</p> <p>– Designed in accordance with CPTED</p> <p>– orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces</p> <p>– design to take advantage of natural lighting and opportunities to maximize solar access and natural ventilation</p>	<p>The proposed preschool is designed to address CPTED principles as detailed in the ‘Social Impact’ section of this report.</p> <p>The building orientation of the proposed design ensures solar access and ventilation within the indoor and outdoor play.</p> <p>The building is designed to have solar access and ventilation to the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> – avoid the proximity to and use of large expanses of UV reflective surfaces 	<p>internal and external play areas.</p> <p>The site is not located in proximity to large expanses of UV reflective surfaces.</p>	Yes
<ul style="list-style-type: none"> – maximize energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP 	<p>Applicable provisions under the Child Care Planning Guideline (CCPG) have been addressed within this report.</p> <p>Child Care Planning Guidelines associated with SEPP (Educational Establishments and Child Care Facilities) 2017) takes precedence over the RDCP 2014.</p>	For Council consideration
<ul style="list-style-type: none"> – building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements 	<p>The proposed building will be consistent with the requirements of the Energy Efficiency Report prepared by LC consulting to meet the deemed to satisfy provisions of Section J of the BCA</p>	For Council consideration
<ul style="list-style-type: none"> – appliances to be used/installed in the centre should have a minimum 3.5 star rating 	<p>Compliance with Section J of the BCA is considered sufficient to ensure the development will achieve an appropriate level of sustainability.</p>	For Council consideration
<ul style="list-style-type: none"> – designed to reflect desired/expected character of buildings in the area 	<p>The design combines natural elements and the proposed built form and materials to sensitively contribute to the character of the site whilst providing a natural, playful and harmonious setting for children's wellbeing.</p>	Yes
<ul style="list-style-type: none"> – frontages and entries are to be designed to be readily apparent from the street frontage 	<p>The proposed preschool provides direct and clear primary entry point from Lovell Road.</p> <p>There is direct and safe access for pedestrians from the car park as</p>	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
	well as from Lovell Road.	
- To avoid mosquito bite infections all doors and windows should be screened	Can be provided.	For Council consideration
- where fill is proposed to be used, clean fill must be used.	Minimal fill required and can be provided at C.C Stage.	Yes
Detached Centres and Centres in Residential Areas		
- bulk, height, scale and appearance which is compatible with the surrounding development	The scale of the preschool is compatible with adjoining development and the impact on adjoining buildings is minimised. The height is well below the LEP2014 height limit of (9.5m) at 8.3m. The floor space ratio is also below the FSR of (0.5:1) at 0.5:1.	Yes
- streetscape and character of the locality should be maintained	Streetscape and character of the locality has been maintained and setback is consistent with the broader streetscape.	Yes
- In low density residential areas, encouraged to be single storey in height for safety and access. If 2 storey, second storey should only be used for the purposes of storage and staff facilities.	The proposal is two storey construction with an indoor play room at the first floor level as suggested by Council.	Yes
- designed to comply with the built form controls under Part 3.2 Dwelling Houses and Duplexes of this DCP, for example, FSR, height, setbacks	An assessment against these built form controls is provided below.	Refer below
- bulk and scale of building form is to be compatible with existing and expected future desirable character of the context of the site.	Refer above	
- Where lot consolidation is required must reflect existing subdivision pattern and building bulk	No lot consolidation is proposed.	Not Applicable
Floor Space Ratio		

RYDE DCP 2014	PROPOSED	COMPLIANCE
FSR (max 0.5:1) Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.5:1	Yes
Height		
<ul style="list-style-type: none"> – 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). – 1 storey maximum above attached garage incl semi-basement or at-grade garages. 	2 storeys	Yes
Wall plate (Ceiling Height) <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. - 9.5m Overall Height 	Not Applicable	Not Applicable
<ul style="list-style-type: none"> - NB: EGL – Existing ground Level 	Max. 5.6m 8.3m Top of ridge RL EGL – 78.97	Yes
<ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	2.7m	Yes
Setbacks		
<ul style="list-style-type: none"> • Side Two storey dwelling – 900mm to wall, includes balconies etc at ground floor. – 1500mm to wall, includes balconies etc at first floor. 	The proposal is 2 storeys. Western boundary (ground) = 6.89m Eastern boundary (ground) = 1m (adjoins the eastern neighbour's driveway) Western boundary (first) = 7.18m Eastern boundary (first) = 3.495m	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> Front <ul style="list-style-type: none"> 6m to façade (generally) Front setback free of ancillary elements e.g. RWT,A/C Rear <ul style="list-style-type: none"> 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 12.19m is 25% of site length (48.76m average length) 	<p>6m front setback to building façade.</p> <p>Front setback free of ancillary elements.</p> <p>The rear elevation is setback from 12.2m from the south western rear boundary.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Fencing, Gates and Security		
<ul style="list-style-type: none"> For child care centres in low density residential areas, consideration is to be given to requirements under Part 3.2 Dwellings and Duplexes. use of appropriate building materials and finishes to complement the streetscape and desired character of the locality Designated outdoor play areas must be fenced on all sides. Gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems All raised areas, including any stairs, are to be enclosed to prevent a child from falling or crawling through gaps Adequate safety provision is to be made to prevent children gaining access to other parts of the building/site unsupervised 	<p>1.8m high acoustic barrier for the first floor level and side boundaries adjacent to the building, in accordance with acoustic assessment report prepared by Acouras Consultancy.</p> <p>The front fence materials and colours complements the proposed childcare centre and surrounding fences within the locality.</p> <p>As above.</p> <p>1 child proof gate is proposed to the side boundaries to prevent children leaving or entering the rear play areas.</p> <p>Appropriate measures provided for all raised areas.</p> <p>Refer above</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> Fencing and gates are to be designed to ensure adequate sightlines for vehicle and safety 	Fencing and gates have been designed to ensure adequate sightlines for vehicle and safety.	Yes
Privacy		
Acoustic Privacy – for children in the centre		
<ul style="list-style-type: none"> Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. Noise amelioration incorporated into design 	<p>Acoustic Impact Assessment report prepared by Acouras Consultancy, (report no: SYD2020-1167-R001D) dated September 2021 accompanies this application and acoustic treatments are recommended to mitigate potential noise emission. The acoustic assessment demonstrates that the proposal is unlikely to result in adverse impacts subject to these recommendations.</p> <p>The Acoustic Report has detailed a number of noise amelioration measures including acoustic barrier, façade glazing and management of outdoor play area to be incorporated into the design.</p> <p>It is considered that satisfactory noise amelioration has been incorporated into the design of the proposed child-care centre and that the location of the cot room and play areas will not be affected by noise generated from Lovell Road.</p>	Yes
<ul style="list-style-type: none"> Design measures to minimize internal noise levels should meet sound levels equivalent to Australian Standards AS/NZS 2107 (eg sleep areas 30dBa, internal activity areas 40dBa) 	The Acoustic Assessment report provide recommendations to minimise internal noise levels	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
	equivalent to Australian Standards.	
Acoustic Privacy – for adjoining residents		
<ul style="list-style-type: none"> Noise impacts on neighbouring properties are to be minimised by design measures including: <ul style="list-style-type: none"> i. Orientating the facility having regard to neighbouring property layout ii. Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas iii. Using laminated or double glazing where necessary; iv. Designing fencing which minimises noise transmission and loss of privacy child care centres in residential areas with a side boundary set back of less than 3 metres, noise buffering measures should be considered 	<p>An Acoustic Assessment report has been submitted which takes into account the impact on neighbouring properties.</p> <p>The building orientation of the proposed design to minimise potential noise impacts adjoining properties.</p> <p>The southern, eastern and western side setbacks will include a 1.8m high acoustic barriers to minimise noise transmission and loss of privacy to adjoining dwellings.</p> <p>As noted previously the proposed site setbacks are 6.89-7.18m to western boundary and 1-3.495m to the eastern side boundary which is less than 3 metres which requires noise amelioration measures to be considered as stated in the RDCP2014.</p> <p>Noise amelioration measures such as façade glazing and management of outdoor play area have been recommended to prevent noise being expelled from the site. Another noise amelioration measure put in place is the 1.8m noise barrier placed on the southern, eastern and western boundary to prevent noise</p>	<p>Yes</p> <p>Yes</p>

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> – Acoustic report submitted including recommendations for noise attenuation measures and specifies pre and post development noise levels. 	<p>impacts on adjoining properties.</p> <p>An Acoustic report has been submitted and has provided an assessment of the current background noise levels and the predicted noise levels of the proposed child care centre.</p>	Yes
<ul style="list-style-type: none"> – Roof and walls of the child care centre should be sound insulated. 	<p>The acoustic report does not specify if the roof or walls are sound insulated, because compliance is already achieved and therefore is not considered necessary.</p>	Yes
<ul style="list-style-type: none"> – Information about practical design measures incorporated in the design to minimise potential noise impact included. 	<p>Noise measures from the Environmental Noise Impact Assessment report have been incorporated into the design of the new outdoor area.</p>	Yes
<ul style="list-style-type: none"> – Location details of noise sources provided 	<p>Acoustic Assessment report provides recommended locations and amelioration measures.</p>	Yes
<ul style="list-style-type: none"> – Information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent, group sizes and how rotated 	<p>Information is provided regarding how groups will be managed in the outdoor play spaces, where time will be spent and group sizes and the rotation of groups.</p>	Yes
Visual Privacy – for children in the centre		
<ul style="list-style-type: none"> – Indoor areas adjacent to public areas shall be screened to prevent direct sight lines. 	<p>There are no direct sightlines to the indoor play areas as they are not adjacent to any public areas.</p>	Not Applicable
<ul style="list-style-type: none"> – Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including:- <ul style="list-style-type: none"> i. Appropriate site and building layout; 	<p>The preschool is designed to minimise direct overlooking of main internal living areas and private open space in adjoining developments.</p>	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> ii. Suitable location of pathways, windows and doors; iii. Permanent screening and landscaping. <ul style="list-style-type: none"> – design features in walls, screens, fencing (such as peeping holes of varying heights) to suit viewing out to public areas by children 	<p>The outdoor play area is not located adjacent to a public area. The outdoor play area shares boundaries with residential properties to the south, west and east. Accordingly such design features are not appropriate.</p>	Not Applicable
<ul style="list-style-type: none"> – Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre. 	<p>The proposed windows of the indoor play areas allow for this opportunity whilst still being appropriately set back from the front boundary to maximise security.</p>	Yes
Visual Privacy – for adjoining residents		
<ul style="list-style-type: none"> – Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:- <ul style="list-style-type: none"> i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; iii. Landscaping and screening. 	<p>The proposed preschool does not overlook directly into any residential properties from outdoor and indoor play areas.</p>	Yes
<ul style="list-style-type: none"> – Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences 	<p>The outdoor areas are screened by a 1.8m high acoustic barrier and the windows facing the side boundaries are placed below the fence level, therefore direct overlooking to the adjoining dwellings is prevented.</p> <p>Windows and doors are appropriately located with no windows directly opposite the neighbour's windows as well as boundary fences will minimise loss of privacy to adjoining residences from the operational areas.</p>	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
5.0 Car Parking, Traffic and Access		
Car Parking		
<ul style="list-style-type: none"> – All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2. 	<p>Traffic and Parking Impact Assessment report prepared by TTPA, (report no: 20353 Rev C) dated September 2022 accompanies this application. The traffic and parking assessment demonstrates that the proposal is in compliance with the relevant Australian Standards.</p>	Yes
<ul style="list-style-type: none"> – Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack parking for staff only and max 2 spaces 	<p>55 Children – 7 spaces required</p> <p>5 Staff - 3 Spaces required</p> <p>Total required = 10 car spaces required. 10 car spaces provided for the preschool.</p>	For Council consideration
<ul style="list-style-type: none"> – 1 accessible space located close to the continuous path of travel and where a minimum height clearance of 2.5 metres can be achieved 	<p>Accessible car parking space designed in accordance with Australian Standard is clearly marked and situated near the entry point.</p>	Yes
<ul style="list-style-type: none"> • Low Density Residential – Underground parking is not permitted – not to dominate the streetscape 	<p>No basement parking proposed.</p>	Not Applicable
<ul style="list-style-type: none"> – Consideration may be given to reducing the on-site parking requirements, in terms of drop off/pick up component, where convenient and safe on-street parking is available. 	<p>Appropriate car parking spaces are provided to permit the drop off and pick up of children as demonstrated in the Traffic and Parking Impact assessment provided.</p>	Yes
<ul style="list-style-type: none"> • Work based child care centres, and centres in mixed use facilities 	<p>The proposed preschool is not work based child care nor located within a mixed use facility.</p>	Not Applicable
<ul style="list-style-type: none"> – Parking spaces and pick up/drop off a max 30m to centre main entrance, 	<p>Refer above</p>	Not Applicable

RYDE DCP 2014	PROPOSED	COMPLIANCE
preferably at floor level. Direct access provided for those not at floor level,		
– the drop off/pickup zones are to be exclusively available for use in conjunction with the child care centre throughout operating hours, spaces are to be clearly marked	Refer above	Not Applicable
– Driveway access, manoeuvring areas and parking areas are not to be shared with access, parking, manoeuvring areas used by other uses or truck movements.	Refer above	Not Applicable
On Site Manoeuvrability		
– The site must be able to accommodate a “U” shaped one-way driveway system with sufficient driveway turning area in addition to the parking spaces to enable vehicles to enter and leave in a forward direction	A ‘U’ shaped driveway is not proposed. Vehicles can enter and leave the site in a forward direction.	Not Applicable
<ul style="list-style-type: none"> – Variation on the requirement for a “U” shaped driveway meets following criteria – i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other – ii. To enable vehicles to leave the site in a forward gear; – iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; – iv. To ensure the front setback is not given over to traffic circulation and parking – requirements which may unduly impact on streetscape and impact on the opportunity for landscaping to meet the requirements of Section 6 of this Part. 	Traffic and Parking Impact Assessment report prepared by TTPA, (report no: 20353 Rev C) dated September 2022 accompanies this application. The traffic and parking assessment demonstrates that the driveway design is in compliance with the relevant Australian Standards.	Yes
– Separation - Not < 9m on turning circle of 15m and a	A ‘U’ driveway is not proposed.	Not Applicable
– Separation - Minimum width of 12m between driveway laybacks.	Single layback proposed.	Not Applicable
– Vehicle’s not to encroach on pedestrian access ways. Barriers etc. do not block accessible paths of travel	The proposed new car parking area does not encroach on the pedestrian access ways or	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Separate pavement treatment to distinguish driveway from parking spaces 	<p>obstruct the accessible path of travel.</p> <p>Landscaped strips are proposed within the front setback area where there is no driveway or pathway.</p>	Yes
Impact on Traffic Flow		
<ul style="list-style-type: none"> - Vehicles enter and leave the site in a forward direction. Drop off/pick up area designed separate to manoeuvring area 	<p>A 5.8m ingress/egress driveway is proposed. Internal manoeuvrability to facilitate vehicles entering and existing the site is in a forward direction.</p>	Yes
<ul style="list-style-type: none"> - SEE addresses likely impacts on amenity of existing streets. 	<p>This report is supported by an accompanying Traffic and Parking Impact Report which has been provided by TTPA, (report no: 20353 Rev C) dated September 2022. Furthermore, the Acoustic Assessment Report addresses traffic noise issues. The Acoustic report addresses the likely impacts on amenity.</p>	Yes
<ul style="list-style-type: none"> - No to be located on high volume roads, centres located on high volume roads incorporate measures to alleviate associated traffic problems 	<p>The site does not front a classified road or a high volume road.</p>	Not Applicable
<ul style="list-style-type: none"> - Road Safety Audit required for applications on collector roads where volume exceeds 5000(AADT) 	<p>Not listed in Schedule 2 of DCP 2014 as a collector road.</p>	Not Applicable
Pedestrian Safety		
<ul style="list-style-type: none"> - Segregated from vehicle access with clearly defined paths 	<p>A separate pedestrian path is provided and do not impede on vehicle access via Lovell Road.</p>	Yes
<ul style="list-style-type: none"> - Drop off/pick up points provided no more than 30m from main entrance, well lit, allows safe movement, 	<p>Drop off/pick up points are located no more than 30m from the main entry of the building.</p>	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
- Vehicle movements separated from pedestrian access by safety fencing, gates etc.	Vehicle movements are separated from pedestrian access by safety fencing.	Yes
Accessibility		
- Access provided in accordance with AS1428.1 and Part D of NCC.	Access report prepared by Ergon Consulting and dated June 2022 provided to demonstrate compliance with the relevant legislation.	Yes
- Minor alterations must not reduce accessibility, improvements must be made where possible,	Refer above, the proposed development is for a new child care centre	Not Applicable
- Other matters to be considered include:		
- i. Continuous path of travel from street/parking area into and within every room and outdoor area,	Continuous path has been provided	Yes
- ii. Hard paved surfaces into play areas and inside to accommodate mobility aids and strollers,	Refer above	Yes
- Car parking areas eliminate barriers for prams and mobility aids (kerb cuts etc.)	Refer above	Yes
- Pathways 1200mm-1500mm and grades no steeper than 1:14	Refer above	Yes
- One onsite parking space 3.6m wide with 2.5m height clearance	1 accessible space has been provided.	Yes
Landscaping and Play Spaces		
General Landscaping Requirement		
<ul style="list-style-type: none"> Landscape plan provided 		
- Significant trees/vegetation to be retained and protection program during construction.		
- Hazardous plants avoided (poisonous, choking etc.)		
- Show landscaping of outdoor play spaces in accordance Section 6.2.2		
- Considers effect of outdoor play on soil		
	Landscape plan (plan no: LPSA21-331) prepared by Conzept Landscape architects and dated September 2022 provided to illustrate proposed species of trees, retention of existing on-site trees that are outside the affected area by the proposal and integration of these trees as part	For Council consideration

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> – Considers potential of tree roots to up-lift outdoor surfaces 	<p>of the outdoor play area.</p> <p>Appropriate landscaping is to be provided within the outdoor play area.</p>	Yes
<ul style="list-style-type: none"> – Identify opportunities for deep soil planting and appropriate tree species – Shrubs and trees that offer range of textures, colours and scents, for children's learning experience – Irrigation utilises rainwater or recycled water 	<p>The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of utilising local native plantings.</p>	Yes
<ul style="list-style-type: none"> – Landscaping setback of 2m along front boundary 	<p>The proposal has a landscape setback of full 6m length within the front setback area where there is no driveway or pathway.</p>	For Council consideration
<ul style="list-style-type: none"> – Landscape buffer provided along side and rear boundaries in residential zone, minimum width 1m 	<p>Landscape buffer has been provided within the rear outdoor play space.</p>	Yes
<ul style="list-style-type: none"> – Landscape/setback buffers for centres in commercial and industrial zones depending on context, 	Not Applicable	Not Applicable
Play Spaces		
Size and Functionality of Play Spaces		
<ul style="list-style-type: none"> – New centres to provide indoor, outdoor play spaces and transition areas 	<p>The proposal provides approx. 183.7m² of indoor and approx. 390.6m² of outdoor play areas (including simulated outdoor play area)</p>	Yes
<ul style="list-style-type: none"> – Regular shapes with convenient access 	<p>The proposed internal and external play areas are regularly shaped.</p>	Yes
<ul style="list-style-type: none"> – Avoid location of play spaces in front setback 	<p>Not located within front setback</p>	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>– New centres – 10m² of unencumbered outdoor play space /child care place inclusive of transition area</p>	<p>It is noted that the outdoor play area does not comply with DCP2014, however it complies with the Child Care Centre Guidelines from the SEPP for outdoor play space (see SEPP compliance table) which prevails over the RDCP2014. The SEPP requirement is consistent with the requirement of Clause 108 of the <i>Education and Care Services National Regulations</i>.</p> <p>Number of Children: 55</p> <p>Required Area: 385m²</p> <p>Provided Area: 390.6m²</p> <p>The proposed development includes 7m² of unencumbered outdoor space for each child.</p>	<p>Not Applicable</p> <p>SEPP Guidelines Prevail</p>
<p>– New centres – at 4.5m² of unencumbered indoor play space for each / child care place exclusive of transition areas.</p>	<p>It is noted that the outdoor play area does not comply with RDCP2014, however it complies with the Child Care Centre Guidelines from the SEPP for outdoor play space (see SEPP compliance table) which prevails over the RDCP2014. The SEPP requirement is consistent with the requirement of Clause 107 of the <i>Education and Care Services National Regulations</i>.</p> <p>Number of Children: 55</p> <p>Required Area: 178.75m²</p> <p>Provided Area: 183.7m²</p> <p>The proposed development includes 3.25m² of unencumbered</p>	<p>Not Applicable</p> <p>SEPP Guidelines Prevail</p>

RYDE DCP 2014	PROPOSED	COMPLIANCE
	indoor space for each child.	
Outdoor Play Spaces		
– Shaped to maximise supervision and useability and stimulates early learning	The proposed outdoor play area is shaped to maximise supervision and useability.	Yes
Designed to		
– Be well drained	The proposed development appropriately addressed the characteristics of the site and will allow for the efficient management of stormwater.	Yes
– Takes advantage of existing natural features and vegetation	The existing and proposed landscaping treatments are integrated well with the outdoor playarea, namely to the rear of the site.	Yes
Designs aim for Outdoor Play Spaces		
– 30% natural planting area	Natural planting provided (approx. 30%) Refer to the Landscape plan (plan no: LPSA21-331) prepared by Conzept Landscape architects and dated September 2022.	For Council consideration
– 30% turfed area	New turf provided min. 30%	For Council consideration
– 40% hard surfaces (sand, paving, timber platforms)	Hard Surfaces provided max. 40%	For Council consideration
Distinct areas within the outdoor play space design must include		
– Open grassed area for gross motor skills	Open area of artificial turf has been provided.	Yes
– Formal quiet areas for focused play (must include a sandpit and a minimum	The outdoor play area has sufficient size and dimension to	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
of 2 formal quiet areas for activities)	provide quiet play areas for focussed play (including a sandpit) and a formal quiet area for contained play (e.g. finger painting).	
– An active area (climbing structure)	An active area in the form of a climbing structure with soft fall can be provided.	Yes
– A transition area	The proposed outdoor play area includes covered transition area which is directly accessed from all internal play areas.	Yes
– Storage area(s)	Storage facilities are located in areas of the development which do not hinder supervision of the children as they are located near the play areas.	Yes
With respect to distinct areas		
– Sandpits , irregular shape 500-600mm in depth, wide paved sweeping edge (apprx 750mm wide. Size based on number children to use it (15m ² /20users)	One sandpit provided and shaped irregularly.	Yes
– Formal Quiet Areas , 12-25m ² each, minimum requirement of two (2). Close to transition area	Formal quiet areas provided close to transition areas.	Yes
– Secret places included where possible	Secret places included within outdoor play space.	Yes
– Active areas sited away from building, climbing equipment etc. Digging patches 20-50m ²	Climbing equipment (bridges) included within outdoor play space.	Yes
– Surfaces , natural surfaces preferable, hard surfaces to be non slip and drained. Soft fall located under climbing structures.	The outdoor play area is consistent and complies with Part 1 General Requirements and Part 2 Design Construction – Safety Aspects; AS/NZS 4422 – Playground Surfacing –	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
	Specifications, Requirements and Test Methods; and AS/NZS 472 – Playgrounds and Playground Equipment.	
– Access corridors from the major entry to all areas	Access provided from all internal play areas to the outdoor play area as well as the administration and storage room.	Yes
– slowdown features between certain activities to prevent children running straight through (mounds etc.)	Obstacles provided within the outdoor play area as shown on the landscape plan (sandpits, climbing structures/ bridges).	Yes
– Elevated areas , eg decks, mounds and embankment adds interest	Elevated areas included within outdoor play space.	Yes
– Linkages : provide linkage between activities eg pathways, bridges, flying fox.	Series of bridges provides linkages between play spaces.	Yes
– Planting should be the dominant element providing shade, wind protection, and sensory richness	Perimeter planting provided	Yes
– Storage structures are to be located in areas which do not hinder supervision, must be lockable and childsafe –	Storage facilities are located in areas of the development which do not hinder supervision of the children as they are located near the play areas.	Yes
– canopy cover of 50-60% of the outdoor play area within 5 years of planting	Provided with the existing trees that area retained with this application.	Yes
– Outdoor play spaces are to be adequately shaded	Outdoor play spaces are adequately shaded.	Yes
The outdoor play space should relate directly to the indoor play space for the – relevant age group of children. The shape of the play space must allow for	The internal play areas for each age group have direct access to the outdoor play area. There is no segregation of space	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> – uninhibited supervision of children at all times. <p>The siting of the outdoor play area shall</p> <ul style="list-style-type: none"> – allow the provision of adequate supervision from internal and external areas. – Separate play areas are encouraged to be provided for 0-2 year olds. The – landscape plan is to identify how play spaces are designed for each age group 	<p>between the different age groups.</p> <p>The mainly rectangular shape of the outdoor play area will allow for maximum supervision of children from both the internal and external areas.</p>	
<ul style="list-style-type: none"> – access opportunities for maintenance of outdoor play not to be occupied by any service vehicles during the centre's operating hours 	<p>No vehicle access is proposed to the outdoor play area.</p>	<p>Yes</p>
Work based child care centres, and centres in mixed use facilities		
<ul style="list-style-type: none"> – Where outdoor spaces are provided externally above ground level (refer section 3.4 of this Part): 	<p>The proposed preschool is not work based child care nor located within a mixed use facility</p>	<p>Not Applicable</p>
<ul style="list-style-type: none"> – i. make outdoor space of a similar quality to that achievable at ground floor level. designed to comply with requirements of section 6.2.2. 	<p>Refer above</p>	<p>Not Applicable</p>
<ul style="list-style-type: none"> – ii. measures implemented for protection from excessive wind and other adverse climatic conditions 	<p>Refer above</p>	<p>Not Applicable</p>
<ul style="list-style-type: none"> – iii. Adequate fencing is to be provided for the safety of the children and to prevent objects from being thrown 	<p>Refer above</p>	<p>Not Applicable</p>
<ul style="list-style-type: none"> – Outdoor storage space does not impede supervision of the play areas. 0.5m² of space per child who will be using the area. 	<p>Refer above</p>	<p>Not Applicable</p>
Indoor Play Spaces		
<ul style="list-style-type: none"> – a. Indoor play spaces shall be designed to: – i. Achieve passive surveillance from all rooms; – ii. Provide direct access to play areas; – iii. Allow maximum supervision of the 	<p>The proposed new indoor play spaces are regularly shaped and encourage passive surveillance from all rooms. Direct access is provided from indoor play rooms</p>	<p>Yes</p>

RYDE DCP 2014	PROPOSED	COMPLIANCE
indoor and outdoor play spaces; - iv. Allow subspaces to be set up with discernible divisions to offer a variety of play areas.	to the adjoining outdoor play area. The proposed internal viewing windows allow for maximum supervision from internal common areas to the outdoor play areas.	
Transition Areas		
- i. Be located between the indoor and outdoor areas	Transition area located between indoor and outdoor areas.	Yes
- ii. Be designed to allow for indoor and outdoor activities to be conducted under cover.	The transition area will allow for indoor and outdoor activities to be conducted undercover as it has been shaded by a roof.	Yes
- iii. Be designed to offer protection from unfavourable weather conditions, and so that the transition area does not heat up excessively in summer.	The roof over the transition area will effectively provide protection in unfavourable weather conditions	Yes
- iv. Incorporate facilities for educational experiences and appropriate storage areas.	Adequate facilities for educational experiences as well as a storage area located in indoor playrooms.	Yes
Miscellaneous Controls		
Centre Facilities		
- Each new child care centre must provide rooms, not areas, for the following specific uses: - i. Office areas for administration of the service; and - ii. Staff respite	The proposal provides rooms for office, administration and staff respite are provided.	Yes
- Offices adjacent to entry area, minimum floor space of 10m ² / person occupying the office	Office located adjacent to the entry has an area of 10m ² .	Yes
- Staffroom – minimum 20m ²	A staff room (meeting) is provided within the development on the first floor with an area of approximately min. 20m ² .	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
- In centres where children under the age of 2 years are proposed to be cared for the following are to be provided:	The proposed preschool will provide no child care spaces for children under 3 years.	Not applicable
- i. A sleeping room with 2.5 m ² of floor space per cot and a maximum of 10 cots per room;		
- ii. A nappy change area adjacent to the cot room with good vision from the change area to the play room with suitable storage	No nappy change provision as the facility is for pre-school.	Not applicable
- All child care centres are to provide laundry facilities.	Laundry is adjacent to the kitchen.	Yes
- Where possible provision of a pram storage area	Not provided, but it can be provided within the waiting area.	For Council consideration
Signage		
- All advertising and signage must be designed to comply with Part 9.1 Advertising Signs.	No signage proposed.	Not Applicable
Waste Storage and Management		
- Waste management plan submitted	Waste management plan is provided with this application.	For Council consideration
- Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP.	Adequate provision for storage and collection of waste and recycling is provided with this application.	For Council consideration
- special removal service required for the removal/disposal of nappies	The submitted Waste Management Plan also details the on-going management and how the child care centre will maintain waste collection(s) from the site.	Refer above
- frequency of removal of waste to ensure regular removal and avoid undue build up of garbage	Refer above	Refer above
- opportunities for avoidance, reuse and recycling of waste	Refer above	Refer above

RYDE DCP 2014	PROPOSED	COMPLIANCE
- convenience for staff of the location of bins	The lockable waste storage area is also integrated within the development with ease of access to the bin collection point.	Yes
- security of waste from access by children	Refer above	Refer above
- likely requirements for waste from kitchen facilities	No additional requirement expected from kitchen waste.	Not Applicable
- Impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise	Dedicated waste storage area is provided on the north eastern side of the building.	Yes
- new centre – integrated into design of building and not located in front setback.	Refer above	Refer above
- Expansion – as far as possible to be visually and physically integrated into the design. Screening required for areas visible from street.	Proposal is for a new preschool	N/A
- Where food preparation is carried out, waste area is to be covered and floor graded and drained, easily accessible and suitably screened	Dedicated waste storage area is provided on the north eastern side of the building.	Yes
- Residential areas - not to be designed to store waste facilities of a size and scale which can only be managed by side arm waste collection vehicles. - There is to be no on-site access by waste collection vehicles	Refer above	Refer above
- Composting must not impact on amenity of adjoining premises or the centre	Refer above	Refer above
- Separate waste collection services including frequency and times must minimise noise impact on neighbouring properties	Refer above	Refer above
Emergency Evacuation		
- Fire Safety and Evacuation Plan complying with AS3745 prepared for all new centres and for developments resulting in an increase in places	Emergency Evacuation prepared by moMA Architects is provided.	Yes
The Fire Safety and Evacuation Plan is to	Refer above	Refer above

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>address:</p> <ul style="list-style-type: none"> - i. The mobility of children and how this is to be accommodated during an evacuation; - ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and - iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios. 		
Out of School Hours Care		
<ul style="list-style-type: none"> - Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities. 	No out of school hours care is proposed.	Not Applicable
<ul style="list-style-type: none"> - Operational elements which are to be provided separately for each service include: <ul style="list-style-type: none"> - i. amenities (toilet facilities) - ii. indoor play spaces, and - iii. outdoor play areas (especially where vacation care is proposed). 	Refer above	Not Applicable
<ul style="list-style-type: none"> - Access to staff facilities should also be provided for staff of the OOSH facility 	Refer above	Not Applicable
<ul style="list-style-type: none"> - The operational elements are to be designed in accordance with any relevant controls under this Part (for example minimum area requirements for outdoor play areas, indoor play areas) 	Refer above	Not Applicable
<ul style="list-style-type: none"> - Proposed number of staff and child care places are to be provided in accordance with section 2.2 of this Part 	Refer above	Not Applicable
<ul style="list-style-type: none"> - Parking requirements will be assessed in accordance with section 5 of this Part 	Refer above	Not Applicable
<ul style="list-style-type: none"> - Child care centres that include out of school hours care are not to result in an overdevelopment of the site. 	Refer above	Not Applicable
<ul style="list-style-type: none"> - The total number of places approved for the centre will include places approved for out of school hours care where this is 	Refer above	Not Applicable

RYDE DCP 2014	PROPOSED	COMPLIANCE
proposed		

4.4 Section 4.15(1)(b) – Natural Environment Impact

The proposed development requires the removal of on-site and street trees, to be replaced by a mix of ground cover, small shrubs to medium sized trees and is otherwise unlikely to cause detrimental impact to any endangered and non-endangered species of flora and fauna. The proposed development shows satisfactory planting opportunities along fences, and provide for trees and vegetative screening of the fence in the periphery of the site.

A waste management plan, sediment and erosion control plan and drainage plans have been considered and addressed any potential impacts.

4.5 Section 4.15(1)(b) – Built Environment

The proposed development is not considered to result in any unacceptable built environment impacts as the proposal forms permissible use. The extent of works does not involve any significant changes to the existing streetscape.

4.6 Section 4.15(1)(b) – Economic and Social Impacts

The proposal is not considered to result in any unacceptable economic impacts given the preschool purpose. The proposal would result in a positive economic impact in the locality through the capital investment value of the development.

The proposal results in an appropriate design which allows for natural and passive surveillance to and from the street. The proposal adequately satisfies the following Crime Prevention Through Environmental Design (CPTED) principles:

Development Criteria	Provisions
Surveillance <i>Surveillance is providing human observation of public space. Natural surveillance does not have to</i>	Reception area: located in a prominent location of the subject premises to allow natural surveillance.

<p><i>compromise privacy.</i></p>	<p>Proactive measures such as surveillance cameras have been identified as well as careful design of the layout and access to the facility.</p> <p>Lighting: Lighting will be checked and maintained on a regular basis to ensure that it is operating effectively.</p> <p>Refer to 'Operational Plan of Management'</p>
<p>Territorial Reinforcement</p> <p><i>Areas that are well protected and look as if they are owned and cared for, give an impression that it is harder to conduct anti-social behaviour.</i></p>	<p>Street number: prominently displayed at the front of the entry to comply with the Local Government Act, 1993.</p> <p>Warnings sign: Strategically posted around the business to warn intruders of what security measures have been implemented to reduce opportunities for crime.</p> <p>I.“Warning – these premises are under electronic surveillance/CCTV” at the principle entrance to the premises, in lettering not less than 50mm in height.</p> <p>Directional signage: to be posted at decision making points (e.g entry/egress points) to provide guidance to visitors.</p> <p>This can also assist in access control and reduce opportunities to intruders.</p>
<p>Space/Activity Management</p>	<p>Refer to 'Operational Plan of Management'</p>
<p>Access Control</p> <p><i>The ease with which intruders can get in and out of an environment uncontrolled or undetected or the extent to which they are compelled to use shared entries has a significant bearing on crime risk.</i></p>	<p>Glazed surfaces: will be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass, or by having quality metal security grilles or shutters installed to restrict access.</p> <p>There will be fencing around outdoor spaces as per the Education and Care Services National Regulation (Ministerial Council for Education, Early Childhood Development and Youth Affairs, 2011)</p>

	designed to a specific height and specifications that will stop children from leaving the grounds.
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A planning consideration of the proposal would conclude that the proposal will have a negligible social impact at the proposed scale and frequency of operation and as such complies with this requirement of the EPAA Act 1979 (as amended).

4.7 Section 4.15(1)(c) – Suitability of the site

All care has been taken to ensure that the design does not give rise to significant amenity impacts upon adjoining residential development and will contribute positively to the streetscape of the immediate locality and the cityscape of the wider Denistone East area. The site is considered suitable to accommodate the proposed development, as demonstrated by the following:

Location and Context

The site presents an opportunity for a preschool close to the population. The site is located close to urban services such as schools, shops and recreational areas.

Access

Frontage to Lovell Road provides adequate opportunities for vehicular access to the site. The surrounding road system has capacity to cater for the increased traffic movements, as detailed in the traffic assessment. Lovell Road provides good road connection to Blaxland Road and other roads within the area.

Availability of services

Water, sewer, electricity and gas services are all provided to the site.

Relationship to neighbouring properties and streetscape

The proposed preschool is not expected to be a very prominent element of the locality as it is located between dual occupancy and multi-dwelling housing development and within a residential area. The scale of the centre is consistent with that in the immediate area.

The subject site is zoned to permit the proposed development. The proposal is considered to be appropriate as the proposal adequately satisfies the objectives of the applicable planning controls. No unacceptable material unreasonable impacts are generated by this proposal.

There are no known risk or site constraints that restrict the proposed development on the subject site.

4.8 Section 4.15(1)(e) – Public interest

The public interest is an overarching concept. The proposal could be considered to be in the public interest if pursued in accordance with the approval as sought; particularly having regard to the employment opportunities the development will create and the child minding services it will provide.

(3A) STANDARDS

The proposal has been considered against Section 4.15 Evaluation Clause (3A)(a)(b) which states that;

“(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards-is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards-is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.”

In relation to the above, the proposal complies with the objectives of the controls and results in a reasonable development which forms part of the desired and future character of the zone which adequately satisfies the objectives of the zone.

5 CONCLUSION

The proposal is considered to be appropriate as the considerations against the statutory provisions have been met. The proposal satisfies the Environmental Planning and Assessment Act 1979 (as amended), Environmental Planning and Assessment Regulation 2021 (as amended), Environmental Planning Instruments (EPIs) and Development Control Plan (RDCP 2014) as detailed in the report. The proposal is permissible with the consent of Council.

It has been demonstrated in this Statement that the proposal is satisfactory and is generally consistent with the SEPP, CCPG and Council's controls that are relevant and applicable to the site under the RLEP 2014 and RDCP 2014.

The proposed development will result in high-quality building which will upgrade the appearance of the streetscape along this section of Lovell Road, Denistone East.

The development provides for new community based NFP preschool in a location that has excellent proximity to transport modes and local amenities. The development is compatible with the regeneration of the local area.

All significant issues have been resolved through the concept process based on a very thorough site analysis as supported by the numerous expert reports.

The proposal is considered to adequately satisfy the intent of the applicable planning controls as detailed within this report. There are no discernible adverse environmental impacts that prevent Council's favourable consideration and determination of the application.

In conclusion, the proposal satisfies the objectives of the controls and no unreasonable unacceptable natural, built environment, economic or social impacts arise from the proposal. In this regard, the proposal is considered to be worthy for approval for consideration by Ryde City Council, as the Consent Authority.