

Assessment Tables

State Environmental Planning Policy (Transport & Infrastructure) 2021

Table 1

Chapter 3 Educational establishments and child care facilities

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
3.22 Concurrence of Regulatory Authority required for certain development. (1) This section applies to a centre-based childcare facility if: a) The floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or b) The outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	The development complies with the indoor and outdoor unencumbered space requirements of the Regulation (see Clause 3.26(b) in this table).	Yes
3.23 Matters for consideration by consent authorities. Before determining a development application for a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline.	The application has been considered against the applicable provisions of the <i>Child Care Planning Guideline</i> . Refer to Table 2 .	Yes
3.24 Additional matters for consideration by consent authorities. (2) The consent authority must consider the following matters before determining a development application for a centre-based childcare facility on land in a <i>prescribed zone</i> : a) Whether the proposed development is compatible with neighbouring land uses, including its proximity to	Not applicable. The site is not located within a prescribed zone (see note).	N/A

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
<p>restricted premises, sex services premises or hazardous land uses,</p> <p>b) Whether the proposed development has the potential to restrict the operation of existing industrial land uses,</p> <p>c) Whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p>Note: A 'Prescribed zone' is:</p> <ul style="list-style-type: none"> • E4 General Industrial. • E5 Heavy Industrial. • IN1 General Industrial. • IN2 Heavy Industrial. 		
<p>3.25 Floor Space Ratio.</p> <p>(1) Development consent must not be granted for a centre-based childcare facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.</p>	<p>Not applicable as per (2). The site is not located in a R2 Low Density Residential zone.</p>	N/A
<p>3.26 Non-Discretionary Development Standards.</p> <p>(1) The object of this section is to identify development standards for particular matters relating to a centre-based childcare facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based childcare facility:</p>		
<p>a) Location.</p> <p>The development may be located at any distance from an existing or proposed early education and care facility,</p>	<p>Noted.</p> <p>The proposed centre is located 120m south-west of Jessica's Early Learning Centre at 5 Blaxland Road, Ryde, 350m south-east of Ryde After School Care at the Argyle Avenue, Ryde and 430m south-east of Lilypad Early Learning Centre at the Top Ryde Shopping Centre, Ryde.</p>	Yes
<p>b) Indoor or outdoor space.</p> <p>(i.) For development to which regulation 107 (indoor unencumbered space requirements) or 108</p>	<p><u>Indoor Unencumbered Space</u></p> <p>Required: 390m²</p> <p>Provided: 406m²</p>	Yes

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
<p>(outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies - the unencumbered area of indoor space and the unencumbered area of outdoor space complies with the requirements of those regulations, or</p> <p>(ii.) For development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies - the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause.</p> <p>Notes: 3.25m² unencumbered indoor area/child required. 7.0m² unencumbered outdoor area/child required.</p>	<p>Note: The following areas are excluded from unencumbered space:</p> <ul style="list-style-type: none"> Any passageway or thoroughfare (including door swings); Any toilet and hygiene facilities; Any nappy changing area or area for preparing bottles; Any area permanently set aside for the use or storage of cots; Any area permanently set aside for storage; Any area or room for staff or administration; Any other space that is not suitable for children; The area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service. <p><u>Outdoor Unencumbered Space</u> Required: 840m² Provided: 871m²</p> <p>Note: The following areas are excluded from unencumbered space:</p> <ul style="list-style-type: none"> Any pathway or thoroughfare, except where used by children as part of the education and care program; Any car parking area; Any storage shed or other storage area; Any other space that is not suitable for children. 	
<p>c) Site area and site dimensions. The development may be located on a site of any size and have any length of street frontage or any allotment depth.</p>	Noted.	Yes
<p>d) Colour of building materials or shade structures. The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	Noted.	Yes
<p>3.27 Development Control Plans. A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p>		
<p>a) Operational or management plans or arrangements (including hours of operation).</p>	The RDGP does not include requirements for operational or management plans or arrangements (including hours of operation).	N/A

Relevant Clauses	Proposed	Compliance
Part 3 Early education and care facilities – specific development controls		
b) Demonstrated need or demand for child care services.	The RDCP does not include a requirement to demonstrate the need or demand for child care services.	N/A
c) Proximity of facility to other early education and care facilities.	The RDCP does not include a provision which relates to the proximity of the facility to other early education and care facilities.	N/A
d) any matter relating to development for the purpose of a centre-based child care facility contained in: (i.) The design principles set out in Part 2 of the Child Care Planning Guideline, or (ii.) The matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).	Noted. Refer to Table 2 below. Refer to Table 2 below.	Yes

Table 2

Child Care Planning Guideline (September 2021)

Note: The following only addresses the child care centre component of the development and not the development as a whole.

Guideline	Compliance/Comment
Part 2 Design Quality Principles Note: The following Principles generally relate to stand-alone child care centres (CCCs) and not CCCs within mixed-use developments (as proposed). The following therefore attempts to consider the CCC in its context as a separate use only. Consideration of the mixed-use development as a whole is undertaken separately pursuant to the following: <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing) 2021. • Ryde Local Environmental Plan 2014. • Ryde Development Control Plan 2014. 	
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 childcare facilities respond to and enhance the qualities and identity of the area	Consistent The local area (being a town centre) predominantly comprises a mix of residential flat buildings and commercial buildings. The subject site (being at the edge of the town centre) is therefore contextually regarded as a transitional area.

<p>including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed childcare facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The CCC is considered to respond to this transitional nature of the site as it provides a facility which is of a scale that blends with the scale of surrounding development.</p> <p>The site is located within proximity to bus routes on Victoria Road which provide access to West Ryde, Top Ryde, Macquarie Centre (and then on to Chatswood) and Parramatta.</p>
<p>Principle 2. Built Form</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Good design also uses a variety of materials, colours and textures.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> <p>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>Not Consistent</p> <p>The CCC is of a part single/part double storey structure at the ground floor of the mixed-use development. The CCC in itself therefore achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>The scale of the CCC achieves an appropriate built form for the site in terms of building proportions, building type, articulation and the manipulation of building elements.</p> <p>However, concern is raised regarding the proposed building alignments of the CCC, its central and boxed-in location within the development, and its proximity to the neighbouring residential properties along Hatton Street (see Principle 6) and Victoria Road (see Principle 4 – Natural Ventilation). In this respect it is not considered that the proposed alignments are appropriate and that, if the CC was a stand-alone development, should be located in a less impactful area of the site.</p> <p>The CCC responds to the public domain and the character of the streetscape and provides outlook to Victoria Road.</p>
<p>Principle 3. Adaptive learning spaces</p> <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.</p> <p>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>Consistent</p> <p>The CCC provides 5 internal learning spaces and 2 defined outdoor learning/active spaces.</p> <p>With exception to the access between outdoor play areas due to the difference in site levels, all other areas are accessible, open plan, and navigable which can be adapted to the particular needs of the children attending the facility.</p> <p>Given the open plan aspect of each learning/active space, this achieves a sufficient mix of inclusive learning spaces to cater for all students and different modes of learning.</p>
<p>Principle 4. Sustainability</p>	<p>Not Consistent</p>

<p>Combines positive environmental, social and economic outcomes.</p> <p>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p> <p>Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> <p>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p>	<p><u>Natural Ventilation</u> Adequate natural ventilation would not be able to be achieved given the recommendations included in the Air Quality Impact Assessment.</p> <p>The Air Quality Impact Assessment submitted with the application acknowledges that the site is subject to significant pollution and includes recommendations which require considerable mechanical and physical management to avoid impacts upon health.</p> <p><u>Sunlight Access</u> Due to the orientation of the site and the location, distance and height of surrounding buildings, the proposed CCC is not unreasonably affected by overshadowing from existing neighbouring buildings along Hatton Street.</p> <p>However, the neighbouring residential land along Hatton Street may be developed into the future and which could include buildings heights of up to 15.5m. Given the narrowness of those neighbouring properties, buildings at the permitted height will cause significant (likely total) overshadowing of the CCC and its outdoor play areas. This would be exacerbated by the shadows cast by the proposed Building A.</p> <p>The development includes provision through the submitted Waste Management Plan for recycling.</p>
<p>Principle 5. Landscape</p> <p>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.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>Consistent</p> <p>The CCC includes landscaping which is consistent with the landscaped setting of the local area and with the requirements of the facility.</p> <p>The outdoor play areas each include spaces for play and learning for all attending age groups.</p>
<p>Principle 6. Amenity</p> <p>Good design positively influences internal and external amenity for children, staff and</p>	<p>Not Consistent</p> <p>The CCC, by virtue of its location within the mixed-use development, does not exhibit a</p>

<p>neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.</p> <p>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.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	<p>satisfactory response to the amenity of the users of the CCC, and to both the future internal and existing/future external residential neighbours.</p> <p>Internally, the CCC does not provide appropriate and efficient indoor and outdoor learning spaces which have good levels of access to sunlight, natural ventilation, outlook, visual and acoustic privacy, and ease of access for all age groups and degrees of mobility.</p> <p>As noted earlier, the centre is located within a mixed use development and immediately adjacent to the property boundary where the CCC will have an acoustic impact upon the future residents of the development and the neighbouring residents along Hatton Street due to the resonating effect of its internalised location.</p>
<p>Principle 7 - Safety</p> <p>Well-designed childcare facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Good childcare 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.</p> <p>Well-designed childcare facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>Consistent</p> <p>The CCC provides passive surveillance to Victoria Road, includes well supervised areas and responds to the principles of CPTED.</p>
<p>Part 3 Matters for Consideration</p>	
<p>3.1 Site Selection and Location</p>	
<p>C1. 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. • Visual amenity impacts (e.g. additional building bulk and overshadowing, local character. • Traffic and parking impacts of the proposal on residential amenity. <p>For proposed developments in commercial and industrial zones, consider:</p>	<p>Not Consistent</p> <p>The site is located within a MU1 Mixed Use zone which includes residential uses (particularly along neighbouring Hatton Street).</p> <p>Concern is raised regarding the acoustic impact resulting from the proposed building alignments of the CCC due to its central and boxed-in location within the development, and its proximity to the neighbouring residential properties along Hatton Street. In this respect it is not considered that the proposed location and setbacks (including the locating of the outdoor play areas immediately adjacent to</p>

<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"> ○ length 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. • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item. • There are suitable drop off and pick up areas, and off and on street parking. • The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. • It is not located closely to incompatible social activities and uses such as restricted 	<p>application which concludes that the site is suitable for the proposed development subject to conditions related to the removal of soil off-site, and an unexpected finds protocol being followed during the excavation phase.</p> <p>The characteristics of the site are suitable for the CCC however, the location of the CC within the proposed mixed-use development is not considered to be satisfactory as it results in unreasonable impacts to the residents of the neighbouring properties along Hatton Street as well as to the future residents within the proposed mixed-use development.</p> <p>Concern is raised regarding the acoustic impact resulting from the proposed building alignments of the CCC, and its central and boxed-in location within the development, and its proximity to the neighbouring residential properties along Hatton Street. In this respect it is not considered that the proposed location and setbacks (including the locating of the outdoor play areas immediately adjacent to the property boundaries abutting 4, 6 & 8 Hatton Street), are appropriate and that, if the CCC was a stand-alone development, should be located in a less impactful area of the site.</p> <p>Not applicable. The development does not involve the retrofitting of an existing premises.</p> <p>The development provides designated car parking within the basement of the mixed-use development.</p> <p>Victoria Road is a classified road which has an operating speed of 60km/h. No other secondary road access is available. Transport for NSW and Council's Traffic Engineer have reviewed the proposal and do not raise any objection to the proposal subject to conditions.</p> <p>The site is accessed from Blaxland Road which is located within proximity to Victoria Road. Access is unavoidable given the only means of access is via Blaxland Road.</p> <p>The site is not located adjacent or near to incompatible social activities and uses.</p>
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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.	
<p>C3. A childcare facility should be located:</p> <ul style="list-style-type: none"> • Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship. • Near or within employment areas, town centres, business centres, shops. • With access to public transport including rail, buses, ferries. 	<p>Consistent</p> <p>The centre is located adjacent to Ryde Park (on the opposite side of Blaxland Road).</p> <p>The site is located within the Ryde Town Centre.</p> <p>Victoria Road has access to bus routes (551, 544 and 545) to West Ryde, Top Ryde, Macquarie Centre, and Parramatta.</p>
<p>C4. A childcare facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • 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. ○ extractive industries, intensive agriculture, agricultural spraying activities. • Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<p>Not Consistent</p> <p>The site is located adjacent to a classified road (Victoria Road) which has been assessed as generating a high level of pollution and which will require considerable management to avoid health issues.</p> <p>The Air Quality Impact Assessment submitted with the application acknowledges that the site is subject to significant pollution and includes recommendations which require considerable mechanical and physical management to avoid impacts upon health.</p>
3.2 Local Character, streetscape and the public domain interface	
<p>C5. 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. • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place. • Reflect the predominant form of surrounding land uses, particularly in low density residential areas. • Recognise predominant streetscape qualities, such as building form, scale, materials and colours. • Include design and architectural treatments that respond to and integrate with the existing streetscape. 	<p>Consistent</p> <p>This has been discussed earlier in this table (see C1).</p> <p>This has been discussed earlier in this table (see C1).</p> <p>This has been discussed earlier in this table (see C1).</p> <p>This has been discussed earlier in this table (see C1).</p> <p>The development includes architectural treatments which respond to and integrate with the residential and features of the streetscape.</p>

<ul style="list-style-type: none"> • Use landscaping to positively contribute to the streetscape and neighbouring amenity. • Integrate car parking into the building and site landscaping design in residential areas. • in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence except when good design solutions can be achieved 	<p>The development includes sufficient landscaping to contribute towards the landscaped character of the streetscape.</p> <p>Car parking is located within the ground level car parking area and is not visible from the street. Not applicable.</p>
<p>C6. Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • Fencing to ensure safety for children entering and leaving the facility. • Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • Integrating existing and proposed landscaping with fencing. 	<p>Consistent</p> <p>The development includes walls/fencing and street-facing windows which provide passive surveillance to the street as a safety measure and connection between the facility and the community.</p>
<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the childcare facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Consistent</p> <p>The CCC is contained within a proposed mixed-use development. The CCC is accessed via separate areas which are differentiated to improve legibility for visitors and children.</p>
<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • Clearly defined street access, pedestrian paths and building entries • Low fences and planting which delineate communal/ private open space from adjoining public open space • Minimal use of blank walls and high fences. 	<p>Consistent</p> <p>The site is adjacent to a public park (on the opposite side of Blaxland Road).</p> <p>The CCC is contained within a proposed mixed-use development which includes clearly defined street access, pedestrian paths and building entries.</p>
<p>C9. Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Consistent</p> <p>The street-facing fencing is picket style which is retained as a feature of the site and of the local area.</p>
<p>C10. High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>Able to achieve consistency</p> <p>The development may be able to include fencing which could mitigate acoustic impact. However, it is unclear if such fencing could completely address acoustic impact as this would require additional study.</p>

3.3 Building orientation, envelope and design	
<p>C11. Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <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. • Avoid overshadowing of adjoining residential properties. • Minimise cut and fill. • Ensure buildings along the street frontage define the street by facing it. • Ensure that where a childcare facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Consistent</p> <p>The development may include appropriate acoustic barriers to the outdoor play areas to mitigate acoustic impact and overlooking.</p> <p>Because of the orientation of the site relative to its residential neighbours, sunlight access</p>
<p>C12. The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • Building height should be consistent with other buildings in the locality. • Building height should respond to the scale and character of the street. • Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility. • Setbacks should provide adequate access for building maintenance. • Setbacks to the street should be consistent with the existing character. • Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone. 	<p>Consistent</p>
<p>C13. Where there are no prevailing setback controls minimum setback to a classified road should be 10m.</p> <p>On other road frontages where there are existing buildings within 50m, the setback should be the average of the 2 closest buildings. Where there are no buildings within 50m, the same setback is required for the predominant adjoining land use.</p>	<p>Consistent</p> <p>The CCC is setback from Victoria Road by 7.0m. This corresponds to the setback requirements in Clause 8.6 in Part 4.4 of the RDCP.</p>

<p>C14. On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>Consistent</p> <p>The CCC includes side setbacks which respond to the requirements of the RDCP.</p>
<p>C15. Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians. • directly accessible from the street where possible. • directly visible from the street frontage. • easily monitored through natural or camera surveillance. • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Consistent</p> <p>Entry is located at two secure points at the front of the building and from within the car park.</p> <p>The entry is accessible via a level footpath and is directly visible from the street frontage.</p> <p>The entry is not accessed through an outdoor play area.</p>
<p>C16</p> <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. • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry. • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible. • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Consistent</p> <p>The development has been designed to enable accessibility to all levels via the platform lift and ramp.</p>
<p>3.4 Landscaping</p>	
<p>C17. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context. • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Consistent</p>
<p>C18. Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings. • Taking into account streetscape, local character and context when siting car parking areas within the front setback. • Using low level landscaping to soften and screen parking areas. 	<p>Consistent</p> <p>The car park is located at the lower ground level.</p>

3.5 Visual and acoustic privacy	
C19. Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not Consistent The proposed mixed-use development includes residential uses (including balconies) which are located adjacent to and directly above the outdoor play areas of the centre and thus are able to overlook into the centre.
C20. 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 • Suitably locating pathways, windows and doors • Permanent screening and landscape design. 	Consistent The indoor and outdoor play spaces are not viewable from public areas.
C21. 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 • Suitable location of pathways, windows and doors. • Landscape design and screening. 	Able to achieve consistency The upper level of the centre (at RL 60.00) is elevated above the boundary fence and could potentially overlook the rear habitable rooms of 4, 6 & 8 Hatton Street. The windows to the western elevation facing these neighbouring buildings may be treated to mitigate overlooking. This could be addressed by condition if the application were to be approved.
C22. A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • 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. 	Consistent This has been discussed earlier in this table (see C1).
C23. 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. • Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • Determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	Consistent The application is accompanied by an acoustic report which is prepared by Anavs – Acoustic Noise & Vibration Solutions Pty Ltd. The report identifies an appropriate noise level for a child care facility located in residential and other zones. The report determines an appropriate background noise level for outdoor play areas during times they are proposed to be in use. The report provides recommendations for the appropriate height of any acoustic fence to enable the noise criteria to be met.
3.6 Noise and Air Pollution	

<p>C24. Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • Creating physical separation between buildings and the noise source • Orienting the facility perpendicular to the noise source and where possible buffered by other uses. • Using landscaping to reduce the perception of noise. • Limiting the number and size of openings facing noise sources. • Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens). • Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits. • Locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>Consistent</p> <p>This has been discussed earlier in this table.</p>
<p>C25. An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • On a major or busy road • Other land that is impacted by substantial external noise. 	<p>Consistent</p> <p>The application is accompanied by an acoustic report which is prepared by Anavs – Acoustic Noise & Vibration Solutions Pty Ltd.</p> <p>The Report addresses impact the child care centre from Victoria Road.</p>
<p>C26. 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>Not Consistent</p> <p>The site is located on a classified road and is subject to potential pollution from a classified road.</p> <p>The Air Quality Impact Assessment submitted with the application acknowledges that the site is subject to significant pollution and includes recommendations which require considerable mechanical and physical management to avoid impacts upon health.</p>
<p>C27. 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 legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • Creating an appropriate separation distance between the facility and the pollution source. <p>The location of play areas, sleeping areas and</p>	<p>Not Consistent</p> <p>The Air Quality Impact Assessment submitted with the application acknowledges that the site is subject to significant pollution and includes recommendations does not create an appropriate separation distance between the facility and the pollution source.</p> <p>Instead, the report includes recommendations which include considerable ongoing and</p>

<p>outdoor areas should be as far as practicable from the major source of air pollution</p> <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 • Incorporating ventilation design into the design of the facility 	<p>regular mechanical and physical management to avoid impacts upon health.</p>
3.7 Hours of Operation	
<p>C28. Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The 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>Consistent</p> <p>The centre will operate between 6am to 6pm Monday to Friday and will be closed on weekends and public holidays.</p>
<p>C29. Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>Not applicable</p> <p>The site is located within the R2 zone.</p>
3.8 Traffic, parking and pedestrian circulation	
<p>C30. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan (DCP) that applies to the land.</p> <p>Where a DCP does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children. • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high-density business or residential zone • the site is in proximity to high frequency and well-connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>Consistent</p> <p>The RDCP applies car parking rates to child care centres as follows:</p> <p>1 space per 8 children. 1 space per 2 employees.</p> <p>The above rates equate to a required provision of 24 spaces. The development provides for 24 spaces.</p>
<p>C31. In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts</p>	<p>Consistent</p>

with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	The proposal is a mixed-use development which contains all parking within the basement level car parks. No on-street parking is proposed.
<p>C32. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. 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>Consistent</p> <p>This has been discussed earlier in this table (see C1).</p>
<p>C33. Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</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>Not applicable</p> <p>The site is accessible from a classified road only (being Blaxland Road). Alternative means of vehicular access is not available (i.e. from a secondary road).</p>
<p>C34. Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>Not applicable</p> <p>The site is not located within a cul-de-sac.</p>
<p>C35. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility. • defined pedestrian crossings and defined/ separate paths included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable 2 prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities. • 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 • vehicles can enter and leave the site in a forward direction. • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Consistent</p> <p>The car parking area is located within the lower ground floor level and is separated from pedestrian access.</p> <p>Dedicated pedestrian pathways are provided along the western side of the car parking area to the lift.</p> <p>Separate pedestrian access is also gained from the street via a 2.1m wide pathway which is physically separated from the driveway by 1.0m.</p> <p>Delivery may occur within the lower ground floor parking area.</p> <p>The site is not located with a commercial or industrial zone.</p> <p>Vehicles can enter and leave the site in a forward direction.</p> <p>Clear sightlines are maintained at the 5.0m wide vehicle crossover.</p>

<p>C36. Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not applicable</p> <p>The development is not mixed-use.</p>
<p>C37. Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas. • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 	<p>Consistent</p> <p>The car parking area is entirely separate from the indoor and outdoor areas and from the primary entrance to the centre.</p> <p>Accessible parking is located close to the lift and is available for wheelchair and pram accessibility.</p>
<p>Part 4 Applying the National Regulations to development proposals</p>	
<p>A. INTERNAL PHYSICAL ENVIRONMENT</p>	
<p>4.1 Indoor Space Requirements Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The</p>	<p>Consistent</p> <p>The development provides 406m² unencumbered indoor space which is 16m² above the requirement.</p> <p>All unencumbered outdoor spaces are secure.</p>

design of these spaces should consider the safe supervision of children.	
4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.	Consistent A separate laundry is located at the lower ground floor level (adjacent to the reception area).
4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	Consistent Age appropriate toilet, washing and drying facilities are provided at both indoor levels of the centre.
4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.	Consistent The centre is well ventilated via the openable doors which access the outdoor play areas. Sunlight access is gained via windows which are located at all side elevations.
4.5 Administrative Space Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	Consistent The centre provides adequate areas at both floor levels for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.
4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations	Consistent

<p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>The centre provides facility at the lower ground floor level for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.</p>
<p>4.7 Premises designed to facilitate supervision Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p>Consistent</p> <p>The rooms and facilities within the centre which include toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p>
<p>4.8 Emergency & evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	<p>Capable of Consistency</p> <p>The Plan of Management (POM) submitted with the application includes an Emergency Evacuation Plan.</p> <p>The Plan in the POM suggests an emergency evacuation map which details a muster point although this is unclear as to how to travel (emergency route) to the muster point in an emergency situation. The Plan does not include any detail on the location of emergency equipment.</p> <p>Notwithstanding, this could be addressed via condition should this application be approved.</p>
<p>B. EXTERNAL PHYSICAL ENVIRONMENT</p>	
<p>4.9 Outdoor space requirements Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p><i>If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</i></p>	<p>Consistent</p> <p>The development provides 871m² unencumbered outdoor space which is 31m² above the requirement.</p>

<p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	
<p>4.10 Natural Environment Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>Consistent</p> <p>The centre includes sufficient outdoor play area which includes lawn and plantings to enable children to explore and experience an outdoor environment.</p>
<p>4.11 Shade Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Consistent subject to condition</p> <p>The plans indicate that adequate shaded areas (including trees and shade structures) are situated within all outdoor play areas.</p>
<p>4.12 Fencing Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>Consistent</p> <p>The outdoor play areas are bounded by perimeter fences with minimum heights of between 1.8m and 2.4m.</p>

<p>4.13 Soil assessment Regulation 25 Education and Care Services National Regulations</p> <p>Sub-clause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>Consistent</p> <p>The application includes a Preliminary Geotechnical Investigation Report which indicates that the site contains fill and residual soil overlying shale bedrock.</p> <p>A Stage 2 Environmental Site Investigation (dated 28 November 2023) is submitted with the application which concludes that the site can be made suitable for use as a child care centre.</p> <p>A Hazardous Material Survey Investigation (dated 27 October 2023) is submitted with the application which concludes that the site is suitable for the proposed development subject to conditions related to the removal of soil off-site, and an unexpected finds protocol being followed during the excavation phase.</p>
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