

**Item Number: 1**
**826 Victoria Road, Ryde**

**Section 8.3 Review of Determination of LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, and the construction of a purpose built two-storey (80 place) ‘Childcare Facility’ with car parking, and landscape works.**

**Report prepared by:** Senior Town Planner, Development Assessment

**Report approved by:** Acting Manager Development Assessment

**City of Ryde  
Local Planning Panel Report**

<b>DA Number</b>	APL2024/0002 & PAN-490020
<b>Site Address &amp; Ward</b>	826 Victoria Road, Ryde <ul style="list-style-type: none"> <li>• Lot 2 in DP 205390</li> <li>• Lot 3 in DP 219163</li> <li>• Lot 4 in DP 219163</li> </ul>
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	Section 8.3 Review of Determination of LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, and the construction of a purpose built two-storey (80 place) ‘Childcare Facility’ with car parking, and landscape works.
<b>Property Owner</b>	Trustees Roman Catholic for Diocese of Saint Maron
<b>Applicant</b>	Think Planners
<b>Report Author</b>	Mahbub Alam, Senior Town Planner
<b>Lodgement Date</b>	25 November 2024
<b>Notification - No. of Submissions</b>	Seven (7) submissions received in objection to the proposed development

<b>Cost of Works</b>	\$3,665,984 (including GST)
<b>Reason for Referral to LPP</b>	Section 8.5 of the Environmental Planning and Assessment Act 1979: Development Application was determined by the Local Planning Panel.
<b>Recommendation</b>	Approval
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Air Quality Assessment Report</li> <li>3. Draft Conditions of Consent</li> <li>4. Original Assessment Report for LDA2022/0365</li> </ol>

## 1. EXECUTIVE SUMMARY

The subject development application APL2024/0002 is a Section 8.3 Review of Determination of LDA2022/0365 which sought consent for the lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (80 place) 'Childcare Facility' with car parking, and landscape works at 826 Victoria Road, Ryde. The Development application (LDA2022/0365) was refused by the Ryde Local Planning Panel (RLPP) on 12 September 2024.

The Development Application LDA2022/0365 was determined by the RLPP as it was a contentious development receiving more than 10 unique submissions objecting to the proposal and sensitive development as demolition of part of a heritage item and removal of trees. This review of determination, in accordance with Section 8.5 of the Environmental Planning and Assessment Act 1979 and Schedule 1, part 2 of Local Planning Panels Direction, is reported to the RLPP for determination.

The Development application LDA2022/0365 was refused by RLPP for the following key issues:

- **Inadequate Air Quality Assessment** - Potential vehicle emissions within the site of the development arising from the adjacent classified road.
- **Potential View Loss** - The view loss from the residential flat building (Unit 2 & 3) at 822 Victoria Road.

Further, the following key comments were made by RLPP:

- *The Panel agreed that the proposed development is particularly sensitive to vehicle emissions, and given its proposed location on a classified road, the Applicant's air quality assessment did not provide sufficient credence for the Panel to be satisfied that the site is suitable for a childcare centre.*



- *The Panel heard from the Applicant and noted that the view loss issue from the residential flat building at 822 Victoria Road could be satisfactorily addressed with amendments to the building height.*

Given the above, this review application has responded with the following:

- *Submission of a new Air Quality Report that utilised on site testing of vehicle emissions from Victoria Road. This report confirms that satisfactory air quality can be provided to the childcare centre;*
- *Amendments to the architectural plans that include the lowering of a portion of the building by up to 1m and the roof above an outdoor play space by up to 750mm to improve views over the site from 822 Victoria Road Ryde.*

The submitted air Quality Assessment and amended Architectural plans have addressed the reason for refusal issues satisfactorily. The other reasons for refusal are also considered resolved through amended plans, additional details and draft conditions of consent.

In accordance with Council's Community Participation Plan and Procedures, the application was publicly exhibited between 26 November 2024 and 12 December 2024 to the same properties as those notified under LDA2022/0365. In response, seven (7) submissions were received objecting to the proposed development.

Key concerns raised in the submissions included traffic and pedestrian safety, amenity impacts (including visual, noise and privacy), and air pollution. The concerns raised in the submissions are addressed in this report and do not warrant refusal of the application.

An assessment under Section 4.15 and Division 8.2 of the Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act) has been undertaken and the applications adequately address the relevant provisions of the Act including previous grounds for refusal (LDA2022/0365).

As a result the proposal is recommended for approval subject to conditions.

## 2. THE SITE



**Figure 1** – Aerial view of the site.

The site is known as 826 Victoria Road, Ryde and comprises the following three (3) lots:

- Lot 2 in DP 205390.
- Lot 3 in DP 219163.
- Lot 4 in DP 219163.

The site is irregular in shape with a frontage of 59.53m to Victoria Road, a side boundary length of 48.44m along the western side, 52.425m along the eastern side, and a rear boundary length of 74.625m.

The site has a combined surveyed area of 3,950m<sup>2</sup>.

The site is located within the R2 Low Density Residential zone and accommodates a listed local heritage item (Item 154) which comprises the “Wallametta Club” (house).

## 3. THE REVIEW

The applicant seeks a review of the determination pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 regarding the decision to refuse Local Development Application LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (80 place) ‘Child Care Facility’ with car parking, and landscape works.

The Notice of Determination of the original development application (LDA2022/0365) has stated the following reasons for refusal:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development is inconsistent with the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP (T&I)). In particular, the development does not satisfy:
  - Section 2.119(2)(c) of SEPP (T&I) because the application does not satisfactorily demonstrate that the development is of a type that is not sensitive to vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential vehicle emissions within the site of the development arising from the adjacent classified road.
  - The following Design Quality Principles in Part 2 of the Child Care Planning Guideline (September 2021):
    - i. Principle 1 - Context.
    - ii. Principle 4 - Sustainability.
    - iii. Principle 6 - Amenity.
  - The following Matters for Consideration in Part 3 of the Child Care Planning Guideline (September 2021):
    - i. Clause 3.1 - Site Selection and Location:
      - a. Sub-clause C2.
      - b. Sub-clause C4.
    - ii. Clause 3.6 - Noise and Air Pollution:
      - a. Sub-clause C26.
      - b. Sub-clause C27.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the Ryde Development Control Plan 2014. In particular, the development does not satisfy:
  - a) The following controls under Part 3.2 – Child Care Centres:
    - i. Clause 2.1 – Suitability of Location and Site for Child Care:
      - a. Sub-clause 2.1.1 – Preferred Locations.
      - b. Sub-clause 2.1.2 – Environmental Risks/Hazards.
  - b) The following control under Part 3.3 – Dwelling Houses and Dual Occupancy:
    - i. Clause 2.14.1 - View Sharing.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the development does not provide sufficient information to appropriately consider the likely impacts.
4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the development.

5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest.

The above five (5) refusal reasons relate to the following two key issues:

- **Inadequate Air quality assessment** - Potential vehicle emissions within the site of the development arising from the adjacent classified road; and
- **View loss** - The view loss from the residential flat building (unit 2 & 3) at 822 Victoria Road.

#### 4. BACKGROUND

##### Application History

<b>25 November 2024</b>	Application lodged on the Planning Portal.
<b>26 November to 12 December 2024</b>	The subject application was notified and advertised in accordance with the Ryde Community Participation Plan. Seven (7) submissions in objection were received in response.

#### 5. STATUTORY PROVISIONS

##### 5.1. Section 8.2 Review

Provision	Comment
<b>Section 8.2 Determinations and decisions subject to review</b>	
<p>1) <i>The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division:</i></p> <p>a) <i>the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),</i></p> <p>b) <i>the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),</i></p>	<p>The subject application is prescribed as a type pursuant to Section 8.2(1)(a).</p>



Provision	Comment
<p>c) <i>the decision of a council to reject and not determine an application for development consent.</i></p>	
<p>2) <i>However, a determination or decision in connection with an application relating to the following is not subject to review under this Division:</i></p> <p>a) <i>a complying development certificate,</i>            b) <i>designated development,</i>            c) <i>Crown development (referred to in Division 4.6).</i></p>	<p>The review is of a development application (LDA2022/0365) which was not a designated development or Crown development.</p>
<p><b>Section 8.3 Application for and conduct of review</b></p>	
<p>1. <i>An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.</i></p>	<p>A review has been carried out.</p>
<p>2. <i>A determination or decision cannot be reviewed under this Division:</i></p> <p>a) <i>after the period within which any appeal may be made to the Court has expired if no appeal was made, or</i>            b) <i>after the Court has disposed of an appeal against the determination or decision.</i></p>	<p>The application was determined on 12 September 2024 and uploaded on the Planning Portal on 16 September 2024.</p> <p>The lapsing date for the review period is 16 March 2025.</p>
<p>3. <i>In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.</i></p>	<p>The applicant has made amendments to the application (LDA2022/0365). The amendments include:</p> <ul style="list-style-type: none"> <li>• The reduction of children from 81 to 80; and</li> <li>• Lowering of parts of the building to increase views over the site.</li> </ul> <p>The application as amended is substantially the same development as the development described in the original application.</p>
<p>4. <i>The review of a determination or decision made by a delegate of a council is to be conducted:</i></p>	<p>A review has been carried out by the appropriate Council Officer.</p>

Provision	Comment
<p>a) <i>by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or</i></p> <p>b) <i>by another delegate of the council who is not subordinate to the delegate who made the determination or decision.</i></p>	<p>This assessment report contains the results of the review.</p>
<p><b>Section 8.4 Outcome of review</b></p>	
<p><i>After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.</i></p>	<p>As a consequence of the review, it is recommended that the determination be changed to approve the application.</p>
<p><b>Section 8.5 Miscellaneous provisions relating to reviews</b></p>	
<p>1) <i>The regulations may make provision for or with respect to reviews under this Division, including:</i></p> <p>a) <i>specifying the person or body with whom applications for reviews are to be lodged and by whom applications for reviews and the results of reviews are to be notified, and</i></p> <p>b) <i>setting the period within which reviews must be finalised, and</i></p> <p>c) <i>declaring that a failure to finalise a review within that time is taken to be a confirmation of the determination or decision subject to review.</i></p>	<p>The owners have lodged the review of determination application, and this review was being undertaken by a Senior Town Planner.</p> <p>The application has been notified in accordance with Council's Community Participation Plan. Seven (7) submissions were received objecting to the proposal.</p> <p>The assessment of the application has been finalised and the determination can be made within the statutory time frame of 6 months.</p>
<p>2) <i>The functions of a consent authority in relation to a matter subject to review under this Division are the same as the functions in connection with the original application or determination.</i></p>	<p>The subject review is to be determined by the RLPP (with alternative chair and panel members than those which determined LDA2022/0365).</p>
<p>3) <i>If a decision to reject an application for development consent is changed on review, the application is taken to have been lodged on the date the decision is made on the review.</i></p>	<p>N/A</p>
<p>4) <i>If a determination is changed on review, the changed determination replaces the earlier determination on the date the decision made</i></p>	<p>Noted – the determination is recommended to change the</p>

Provision	Comment
<i>on the review is registered on the NSW planning portal.</i>	earlier determination to support the proposal.
5) <i>Notice of a decision on a review to grant or vary development consent is to specify the date from which the consent (or the consent as varied) operates.</i>	The notice of determination will include a specified date.
6) <i>A decision after the conduct of a review is taken for all purposes to be the decision of the consent authority.</i>	Noted.
7) <i>If on a review of a determination the consent authority grants development consent or varies the conditions of a development consent, the consent authority is entitled (with the consent of the applicant and without prejudice to costs) to have an appeal against the determination made by the applicant to the Court under this Part withdrawn at any time prior to the determination of that appeal.</i>	Noted.

### Reasons for Refusal and Review

As discussed earlier in this report, the five (5) refusal reasons relate to two key issues as follows:

- **Inadequate Air quality assessment** - Potential vehicle emissions within the site of the development arising from the adjacent classified road; and
- **View loss** - The view loss from the residential flat building (unit 2 & 3) at 822 Victoria Road

In response to the above key issues, this review application was accompanied by new air quality assessment and amended architectural plan.

The above key reasons for refusal and submitted amended plans and documents are discussed further below:

### ***Air Quality***

An independent technical peer review and monitoring assessment of the originally submitted Air Quality Impact Assessment (AQIA), prepared by Zephyr Environmental was submitted with this review application. It is noted that the original AQIA was prepared by Northstar Air Quality Pty Ltd (Northstar) to support the original Development application (LDA2022/0365).

It is noted that the submitted AQIA peer review report also included on site monitoring and concluded with following:



- *There were no exceedances of the maximum 1 hour average NO<sub>2</sub> ambient air quality criterion during the monitoring campaign.*
- *The maximum measured 1 hour average NO<sub>2</sub> concentration was 154 µg/m<sup>3</sup>, below the ambient air quality criterion.*
- *There was a single exceedance of both the PM<sub>2.5</sub> and PM<sub>10</sub> criteria, which occurred on 23 October 2024. This was not due to local hazard reduction burning and not vehicle emissions on Victoria Road.*
- *All other PM<sub>2.5</sub> and PM<sub>10</sub> concentrations were well below the 24-hour average criteria.*
- *There was no detection of benzene, ethylbenzene or xylene in either sample collected.*
- *There was a minor detection of toluene in one sample, but this was three orders of magnitude below the criterion.*
- *The maximum measured concentrations are slightly lower than the model predictions indicating some conservatism in the modelling assumptions.*

The submitted Air Quality Assessment was reviewed by Benbow Consulting (Independent Consultant) and Council Environmental Health Officer who raised no objection subject to conditions.

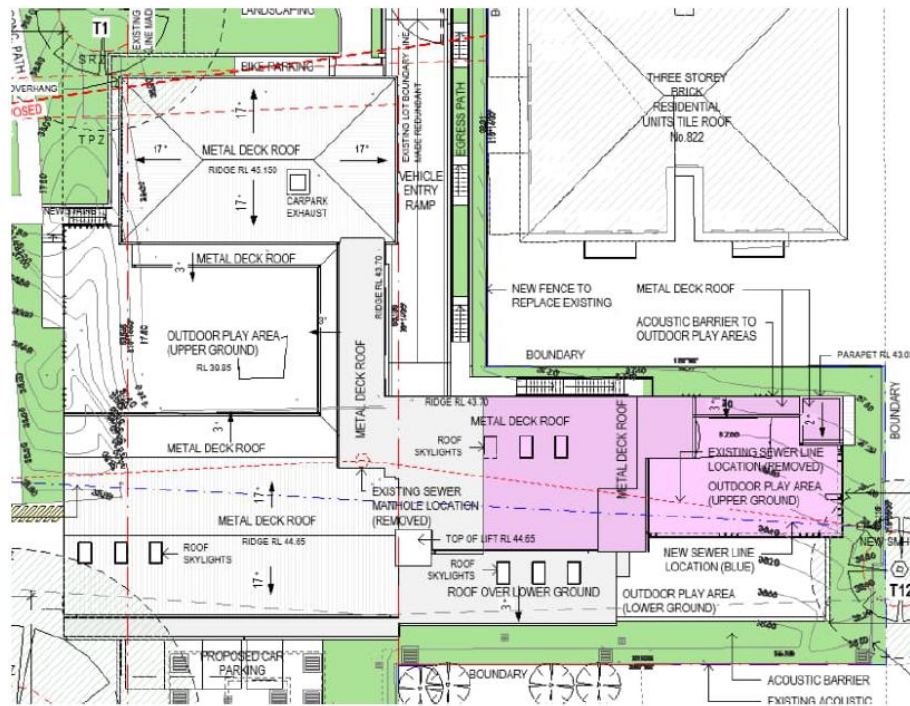
Given the above findings, the submitted air quality assessment is considered to adequately address the following Council's key concern:

- *A lack of site-specific testing, by completing testing over a weeklong period for Nitrogen Dioxide and fine particulate matter, the main pollutants of concern for childcare centres. These pollutants of concern were found to be within the acceptable levels.*

### **View Loss**

In response to the view loss issue, the architectural plans have been amended to include the lowering of south-eastern wing of the building by up to 1m and the roof above an outdoor play space by up to 750mm to improve views over the site from 822 Victoria Road.

The extent of the amendment is highlighted in **Figure 2** below.



**Roof Plan. Pink highlight = extent of height reduction**

**Figure 2 – Extent of Height Reduction (Pink Highlighted Area).**

This review application was also accompanied by view sharing assessment which stated the following:

*“The below changes result in a height reduction of approximately 1.0m:*

- *Level changes can only occur to the south-east of the vehicle ramp in order to maintain the required height clearances to the ramp and carpark area. This limits the available area of height reduction to classroom 5 / OPA 3. An internal 1:14 ramp has been added to classroom 5, with a loss of two child places due to the reduction in available unencumbered area. This also reduces the required unencumbered outdoor play area. Classroom 5 and OPA 3 have been adjusted to balance the required internal and external areas.*
- *The internal ramp will result in a reduction in the floor-to-floor height of 0.45m to this part of the building.*
- *In addition to the ramp, Altis have also further reviewed the potential for reducing the height of the roof.*
  - i) *The roof over Classroom 5 has been lowered by 0.55m by:*
    - *reducing the ceiling heights to classroom 5 to the minimum allowable (min 2.1m to amenities and 2.4m to classrooms).*
    - *Reducing the ceiling void available for structure and services. Alternative mechanical systems will need to be employed to work within the reduced heights.*
  - ii) *The roof over Outdoor Play Area 3 has been lowered by 0.3m. This roof was already designed to be low with view sharing from 822 Victoria Rd in mind. The*

*0.3m reduction in roof height brings the ceiling level to the minimum requirement for childcare centres.*

*The below photo overlays [Figure 3] indicate the improvement made to the views from apartments 2 and 3. Yellow indicates the revised design envelope following the height reduction. The red line indicates the previous design.*



**Apartment 2 View Loss Assessment**



**Apartment 3 View Loss Assessment**

**Figure 3 – View Loss Assessment for Unit 2 & 3.**

Given the above, the proposed design amendments have satisfactorily addressed the view loss issues, and the site is now suitable for the proposed development.

### **Conclusion**

The key reasons for the refusal have now been addressed through the new Air Quality Assessment and building design amendments.

The submitted Air Quality Assessment has confirmed that the proposed development will not have a detrimental impact upon the health of children attending the centre.

The proposed design amendments have satisfactorily addressed the view loss issues. Therefore, the proposal is now considered to be in the public interest and therefore, supportable.

## **5.2 Section 4.15(1) Matters for consideration**

### **(a) The provisions of:**

#### **(i) Any environmental planning instrument**

##### **State and Sydney Regional Environmental Planning Policies**

All relevant matters for consideration under this section have been addressed under the assessment of the original development application (LDA2022/0365).

The Assessment Report for LDA2022/0365 is attached (**Attachment 4**) for further details.

##### **Ryde Local Environmental Plan 2014 (RLEP 2014)**

All relevant matters for consideration under this section have been addressed under the assessment of the original development application (LDA2022/0365).

The Assessment Report for LDA2022/0365 is attached (**Attachment 4**) for further details.

#### **(ii) Any proposed instrument (Draft LEP, Planning Proposal)**

There are no draft Environmental Planning Instruments for consideration.

#### **(iii) Any development control plan**

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

All relevant matters for consideration under this section have been addressed under the assessment of the original development application (LDA2022/0365).

The Assessment Report for LDA2022/0365 is attached (**Attachment 4**) for further details.

#### **(iv) The Regulation**

##### **Any matters prescribed by the Regulation**

Standard conditions are recommended relating to compliance with Building Code of Australia and Australian Standard.

**(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**

The key reasons for the refusal have now been addressed through the new Air Quality Assessment and building design amendments.

The submitted Air Quality Assessment has confirmed that the proposed development will not have a detrimental impact upon the health of children attending the centre. The proposed design amendments have satisfactorily addressed the view loss issues.

This assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development.

The development is considered satisfactory in terms of environmental impact.

**(c) The suitability of the site for the development**

This assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. This assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development, and this has been demonstrated in this report.

The proposal is considered to be suitable for the site.

**(d) Any submissions made in accordance with this Act or the regulations**

In accordance with Council's Community Participation Plan, the application was publicly exhibited between 26 November and 12 December 2024 to the same properties as those notified under LDA2022/0365.

In response, seven (7) submissions were received objecting to the proposed modifications.

The following issues were raised in the submissions received and have formed part of the assessment:

Issue Raised	Comment
<b>Noise Impact</b>	<p>This review does not consider the acoustic impact of the development.</p> <p>Notwithstanding, a comprehensive Acoustic Report was submitted with the original development application (LDA2024/0365).</p> <p>The submitted Acoustic Report was reviewed by Council's Environmental Health Officer who determined that it adequately addressed the potential impact of noise from the development.</p>



	<p>A detailed discussion (regarding potential noise impact) is provided in the Assessment Report for LDA2022/0365 (<b>Attachment 4</b>).</p> <p>Further, appropriate conditions (including height increase of the existing acoustic fence along the southwestern boundary as marked in the plans) is recommended to be imposed to ensure to minimize potential noise impact to the adjoining properties (see <b>Attachment 3</b>).</p> <p>A submission raises concern regarding the noise generated by the existing monastery. This application is for the childcare centre only and does not address the existing consent to the monastery use. However, it should be noted that a separate application is with Council to modify the existing consent for the monastery with respect to the coordination of car parking on the site to avoid overlap and conflict.</p>
<b>Privacy Impact</b>	<p>A detailed discussion was undertaken under the Assessment Report for LDA2022/0365 (<b>Attachment 4</b>).</p> <p>Further, appropriate mitigation conditions (including first-floor windows within the southwestern elevation to be obscured and fixed) are recommended to be imposed to ensure to minimize potential privacy impact to the adjoining properties (see <b>Attachment 3</b>).</p>
<b>Lighting</b>	<p>A submission raises concern regarding potential overspill of security lighting.</p> <p>This issue is adequately addressed by condition (see <b>Attachment 3</b>).</p>
<b>Traffic, Access &amp; Safety</b>	<p>A detailed discussion was undertaken under the Assessment Report for LDA2022/0365 (<b>Attachment 4</b>).</p>
<b>Property Value</b>	<p>Property value cannot be considered as a planning issue as is not a matter for consideration under the Environmental Planning and Assessment Act, 1979.</p>
<b>Air Pollution</b>	<p>This S8.3 review application was accompanied by an updated Air Quality Assessment.</p> <p>The submitted Air Quality Assessment has confirmed that the proposed development will not have a detrimental impact upon the health of children attending the centre.</p>

The issues raised in the submissions are considered in the above table and do not warrant refusal of this DA.

## Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
<b>Environmental Health Officer</b>	No objection subject to conditions.
<b>Transport for NSW (TfNSW)</b>	No objection subject to conditions.

### (e) The public interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised.

The revised plans have been assessed against the relevant planning instruments and is considered to be acceptable.

The proposal is compliant with the principal development standards. The proposal does not result in any adverse impacts upon adjoining properties or the streetscape.

On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

### Section 7.12 Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020

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

The cost of works of the proposal is \$3,665,984 (including GST). The required contributions will be imposed as a condition as below:

A – Contribution Type	B – Contribution Amount
<b>Section 7.12 Contribution</b>	<b>\$36,659.84</b>

### Housing Productivity Contribution (HPC)

The applicable HPC is imposed as a condition being **\$26,294.05** for the commercial development. The cost of the contribution will be indexed at the time of payment and will be subject to a discount in accordance with the transitional arrangements.

## 6. CONCLUSION



After consideration of the development against Section 4.15 and Division 8.2 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is considered to be suitable for the site and is not contrary to the public interest.

Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives for R2 Low Density Residential zone.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal, as amended, is considered to be low impact to adjoining properties and surrounding environment.
- The issues raised in the submissions do not warrant the refusal of the application and have been adequately addressed in the Assessment report.
- The proposal is not contrary to the public interest.
- The site is considered to be suitable for the proposed development.

## 7. RECOMMENDATION

- A. That the Ryde Local Planning Panel (RLPP), as the consent authority, grant development consent to APL2024/0002 for Review of Development Application No. LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, and the construction of a purpose built two-storey (80 place) 'Child Care Facility' with car parking, and landscape works at 826 Victoria Road, Ryde, subject to the draft conditions contained in **Attachment 3**.
- B. That those who made a submission be advised of the decision.

### Report prepared by:

**Mahbub Alam**  
**Senior Town Planner**

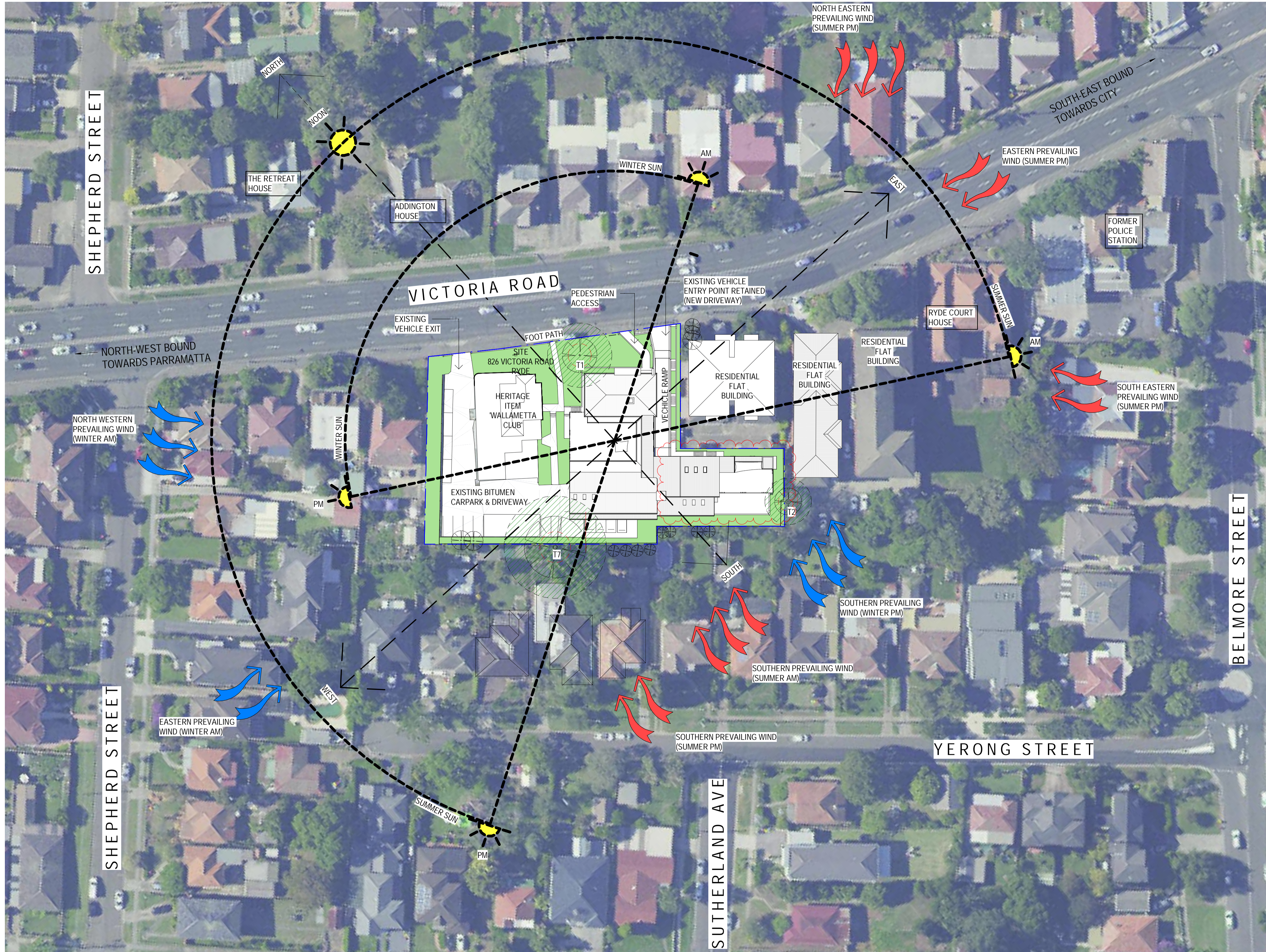
### Report approved by:

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









ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
4	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

**HERITAGE**

HERITAGE ITEM NAMES SHOWN WITH TEXT BORDER

**PREVAILING WINDS**

- PREVAILING WIND
- PREVAILING WIND (MORE DOMINANT)
- WINTER WIND
- SUMMER WIND

CLIENT:  
 THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

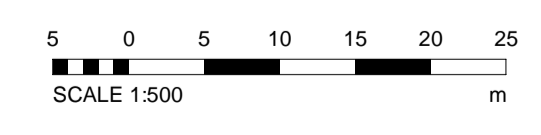
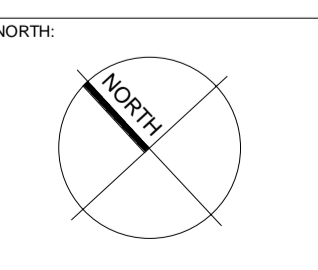
PROJECT:  
 CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

ARCHITECT:

**ALTIS**  
 ARCHITECTURE

DRAWING TITLE:  
 SITE ANALYSIS PLAN

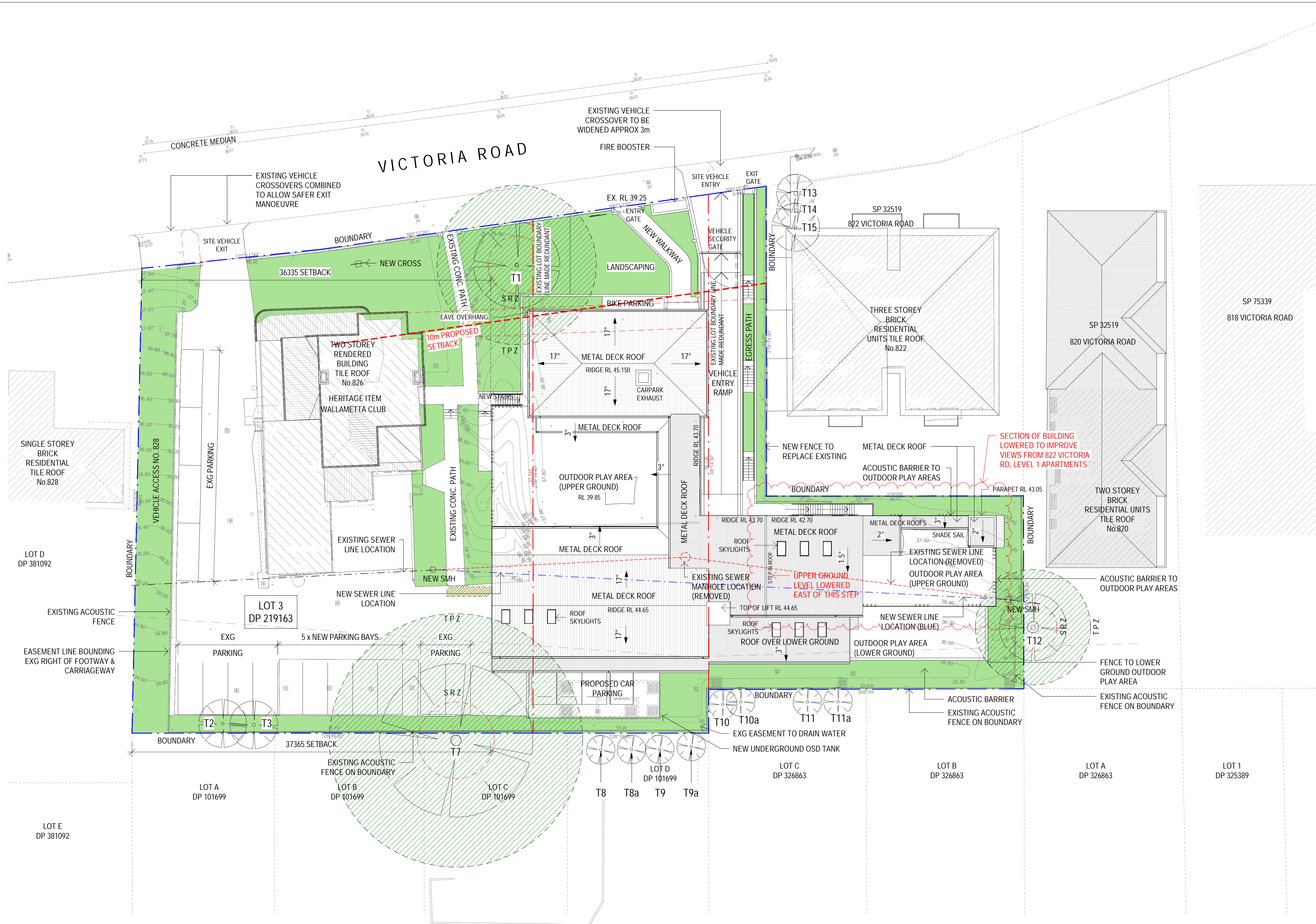
NOTES:  
 Nominated architect: Andrew O'Connell - 9018  
 Copyright remains the property of Altis Architecture Pty Ltd.  
 Use only figured dimensions.  
 All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
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SCALE: 1 : 500 @ A1	DATE: NOVEMBER 2024
DRAWN BY: TL	CHECKED BY: AW
PROJECT NO: 3110.01	ISSUE: DA0002 4

**DEVELOPMENT APPLICATION**





ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
6	25/03/2024	PRELIMINARY DA ISSUE
7	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
8	23/07/2024	NOTE CORRECTED - REFER CLOUDED (8)
9	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

**SECTION J - BUILDING FABRIC REQUIREMENTS (ROOFS & FLOORS)**  
 THE BELOW ACHIEVES DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

**METAL DECK ROOF**  
 MINIMUM TOTAL R-VALUE = R13.70  
 - ROOF TO BE INSULATED WITH A COMBINATION OF ROOF & CEILING INSULATION TO ACHIEVE TOTAL R-VALUE

**CONCRETE ROOF**  
 UPPER LEVEL PLAY AREA OVER LOWER LEVEL INTERNAL SPACE  
 MINIMUM TOTAL R-VALUE = R13.70  
 - ROOF TO BE INSULATED WITH A COMBINATION OF SOFFIT & CEILING INSULATION TO ACHIEVE TOTAL R-VALUE

**EXPOSED CONCRETE FLOOR**  
 INTERNAL AREAS OVER EXPOSED EXTERNAL AREAS  
 MINIMUM TOTAL R-VALUE = R12.0

**CONCRETE SLAB ON GROUND**  
 MINIMUM TOTAL R-VALUE = R12.0

**BUILDING SEALING**  
 THE BUILDING WILL BE SEALED IN ACCORDANCE WITH NCC PART J3

**PARKING NUMBERS**

EXISTING PARKING BAYS TOTAL	36
EXISTING PARKING BAYS REMOVED	26
EXISTING PARKING BAYS RETAINED	10
NEW PARKING BAYS (CHILDCARE)	21
NEW PARKING BAYS (MONASTERY)	5
<b>TOTAL</b>	<b>36</b>

- TREES**
- TREE PROTECTION ZONE (TPZ)
  - STRUCTURAL ROOT ZONE (SRZ)

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**

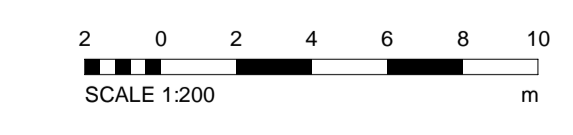


DRAWING TITLE:  
**SITE PLAN / ROOF PLAN**

NOTES:  
 Nominated architect: Andrew O'Connell - 9018  
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SCALE:	DATE:
As indicated @ A1	NOVEMBER 2024
DRAWN BY: TL	CHECKED BY: AW
PROJECT NO: 3110.01	ISSUE: DA0003 9

**1 SITE PLAN / ROOF PLAN**  
 Scale: 1 : 200

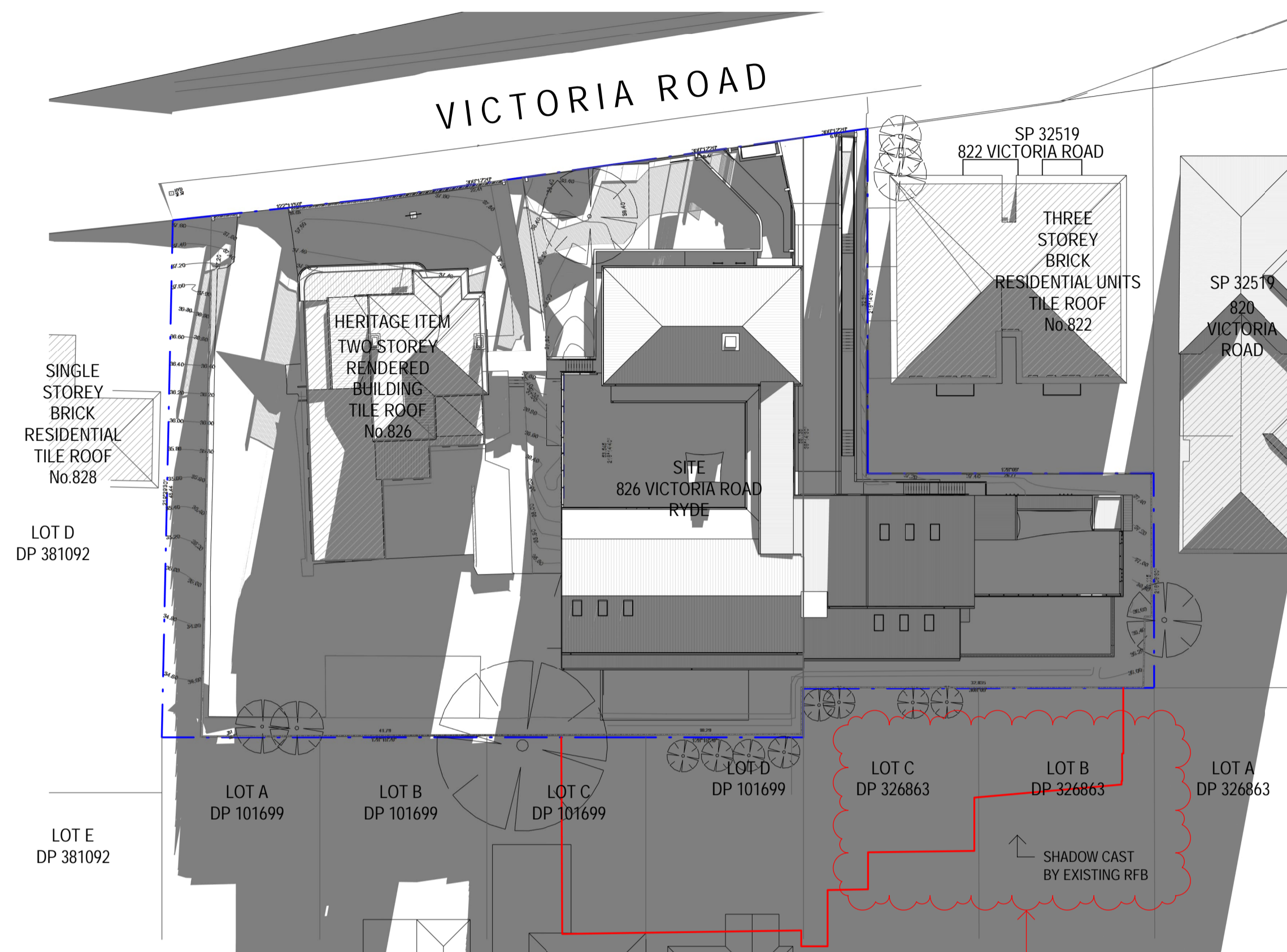


**DEVELOPMENT APPLICATION**

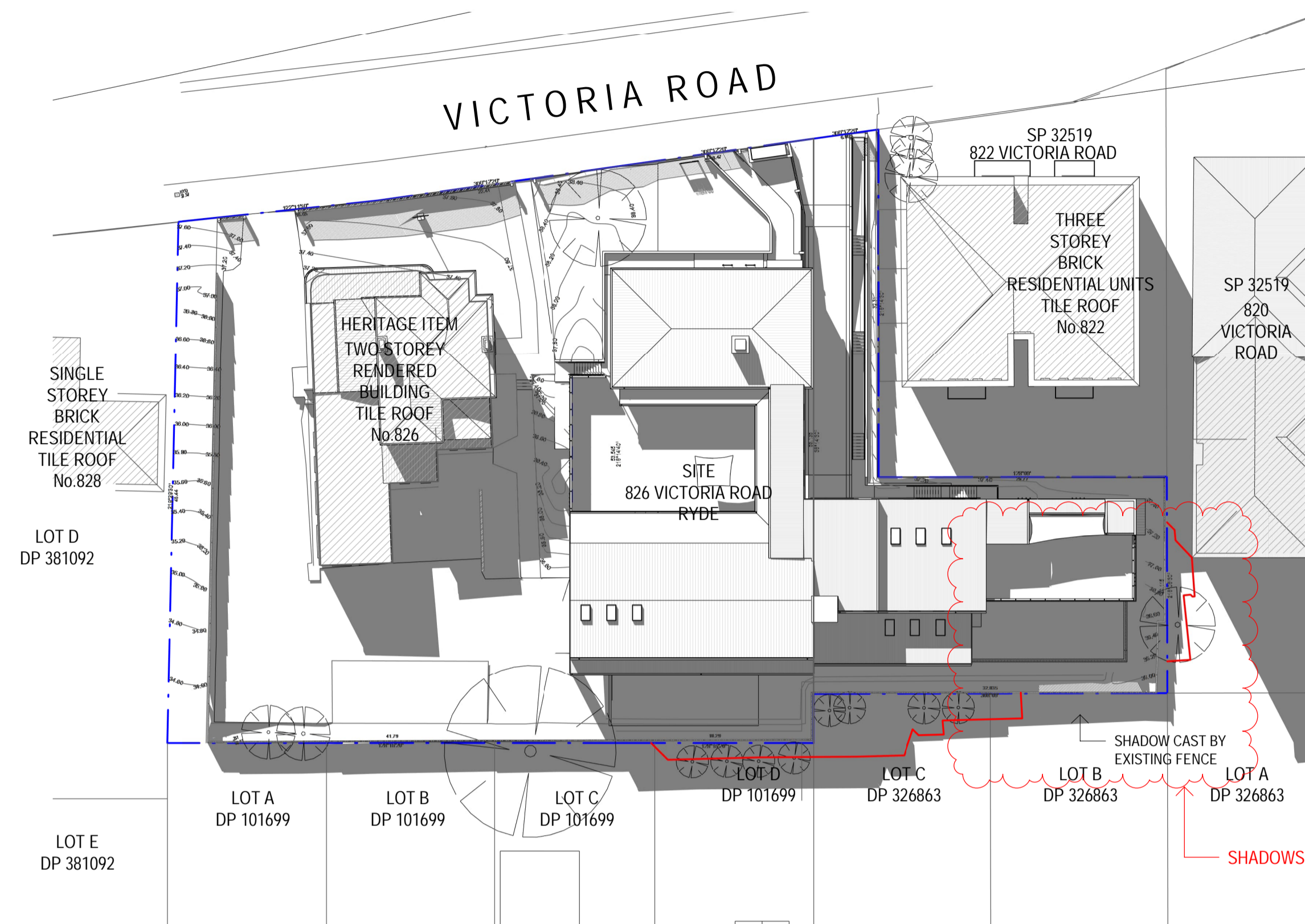
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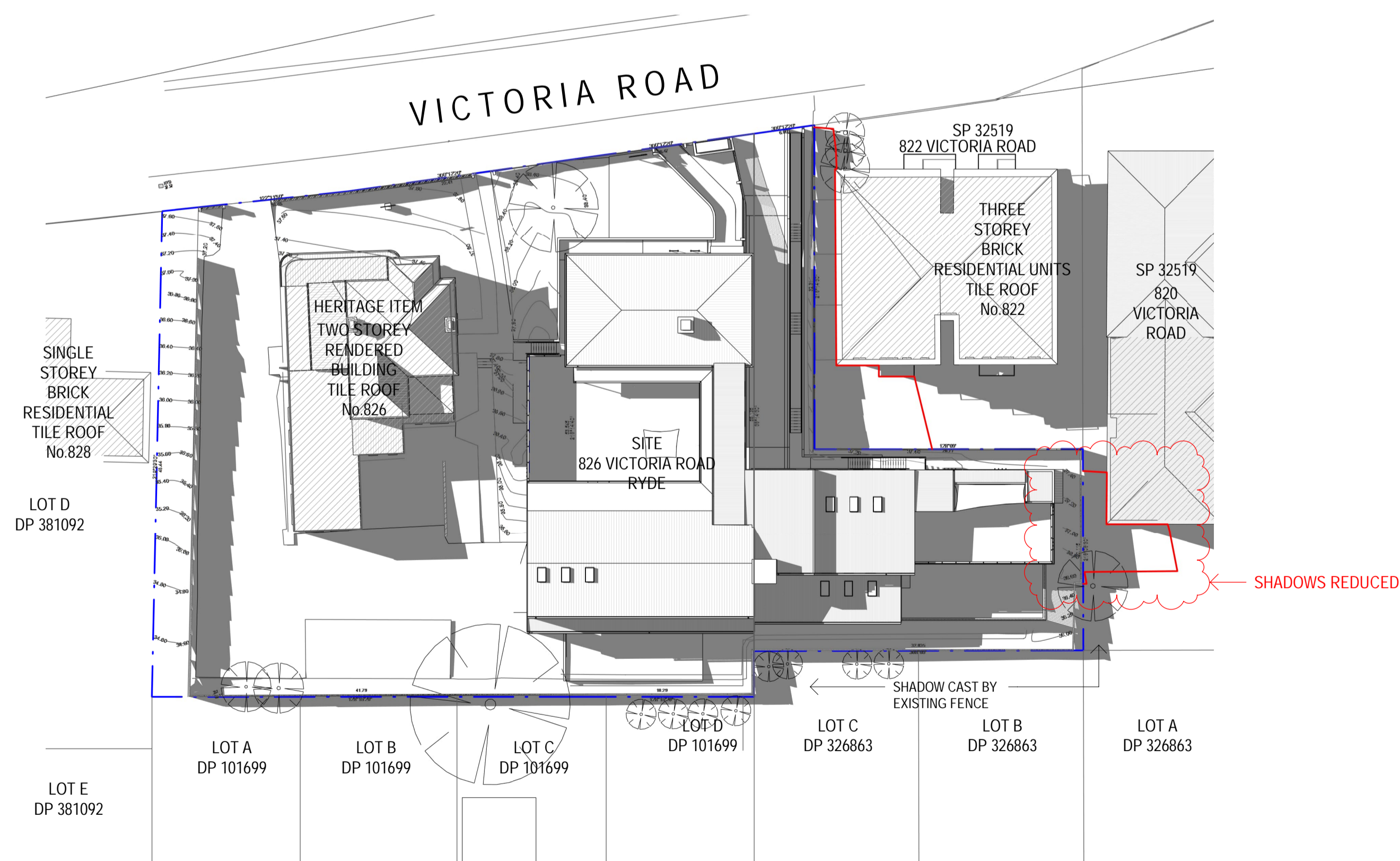
ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
4	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



1 22 JUNE - 9AM  
Scale: 1 : 400



2 22 JUNE - 12PM  
Scale: 1 : 400



3 22 JUNE - 3PM  
Scale: 1 : 400

**LEGEND**

- SHADOWS
- RED OUTLINE INDICATES SHADOW FALLING OUTSIDE PROPERTY BOUNDARY RESULTING FROM THE PROPOSED DEVELOPMENT

CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SHADOW DIAGRAMS - 22 JUNE

NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.		NORTH: 
SCALE: 1 : 400 @ A1	DATE: NOVEMBER 2024	
DRAWN BY: TL	CHECKED BY: AW	PROJECT NO: 3110.01
CAD FILE:	DRAWING NO: DA0004	ISSUE: 4

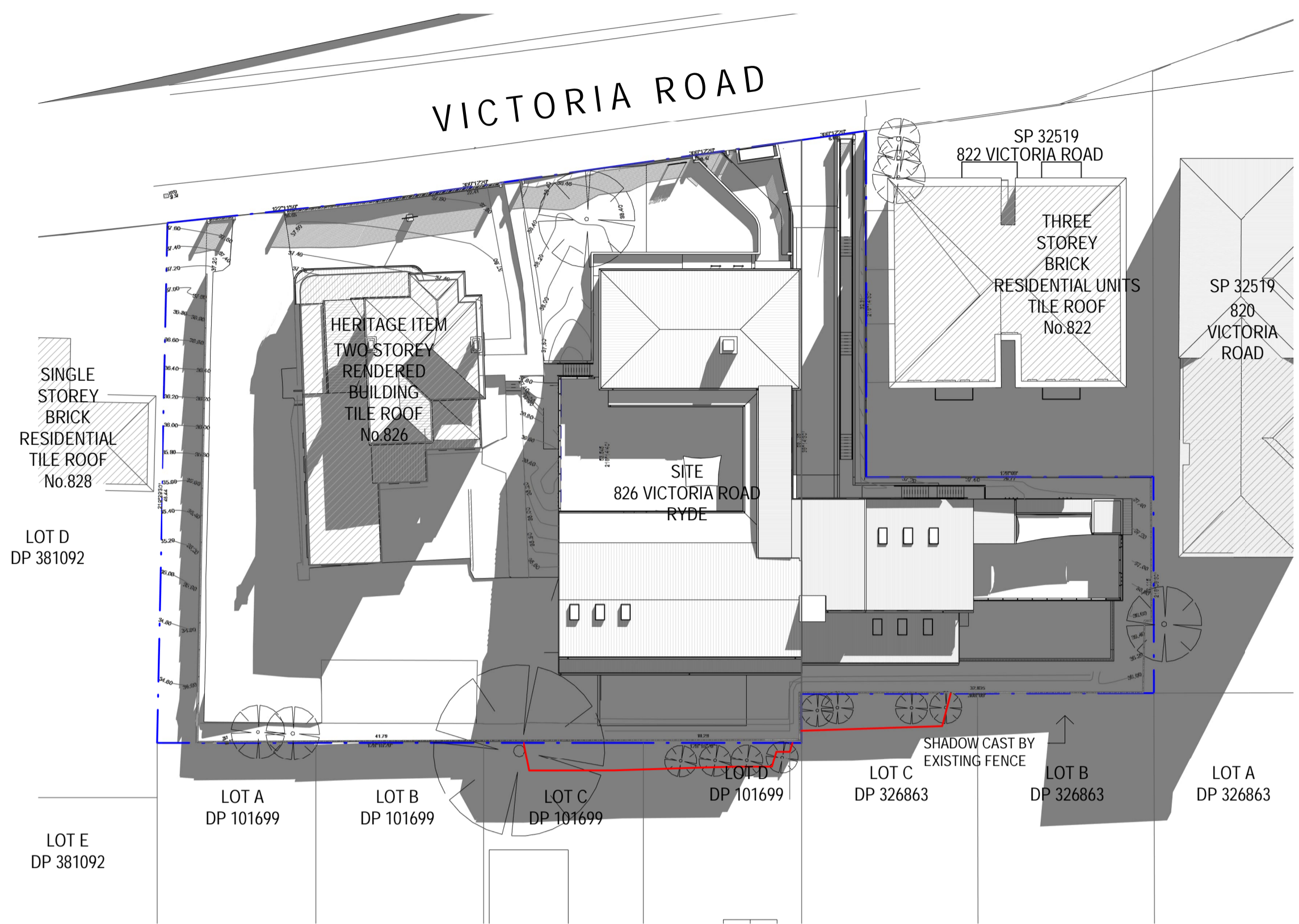


# DEVELOPMENT APPLICATION

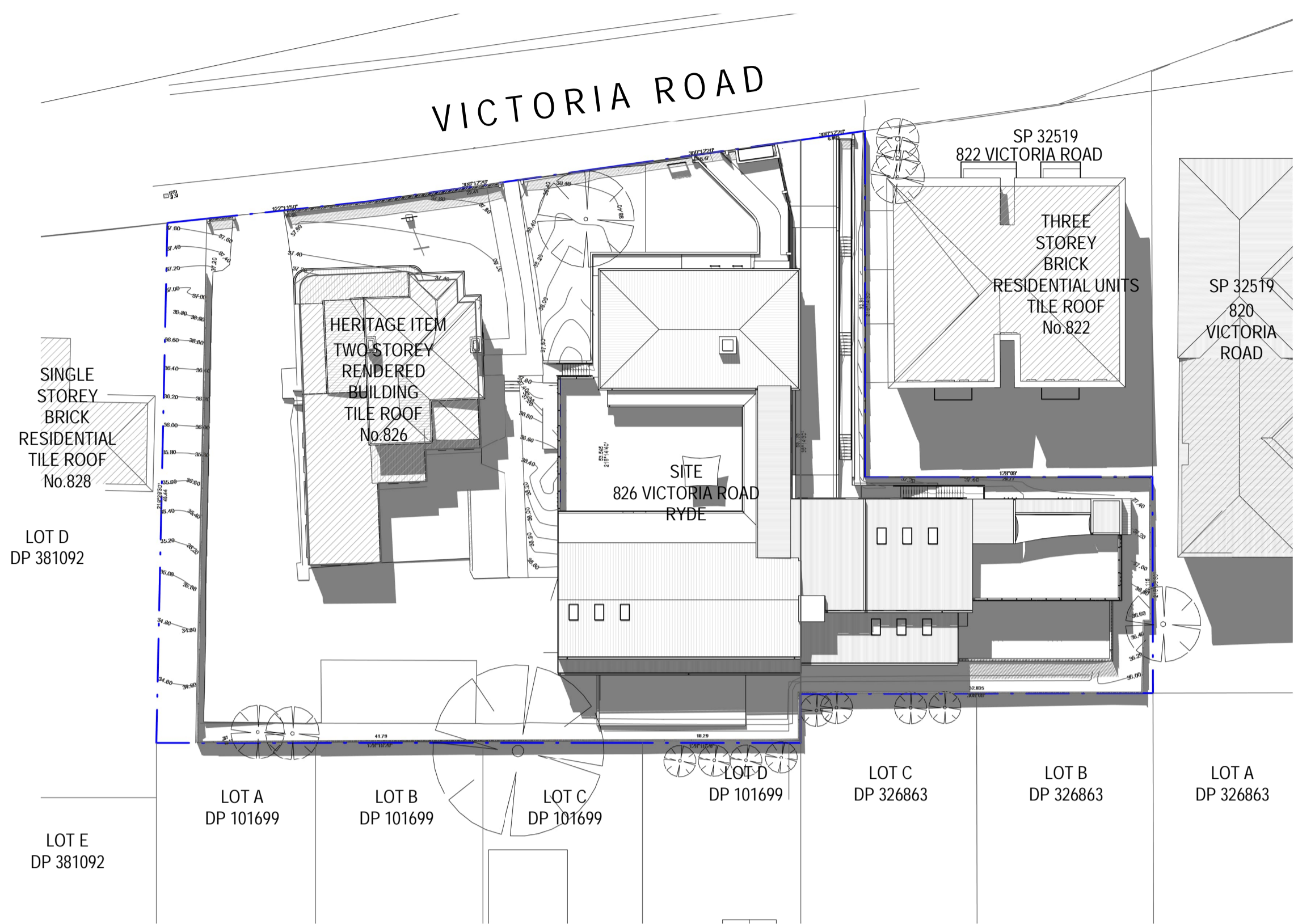
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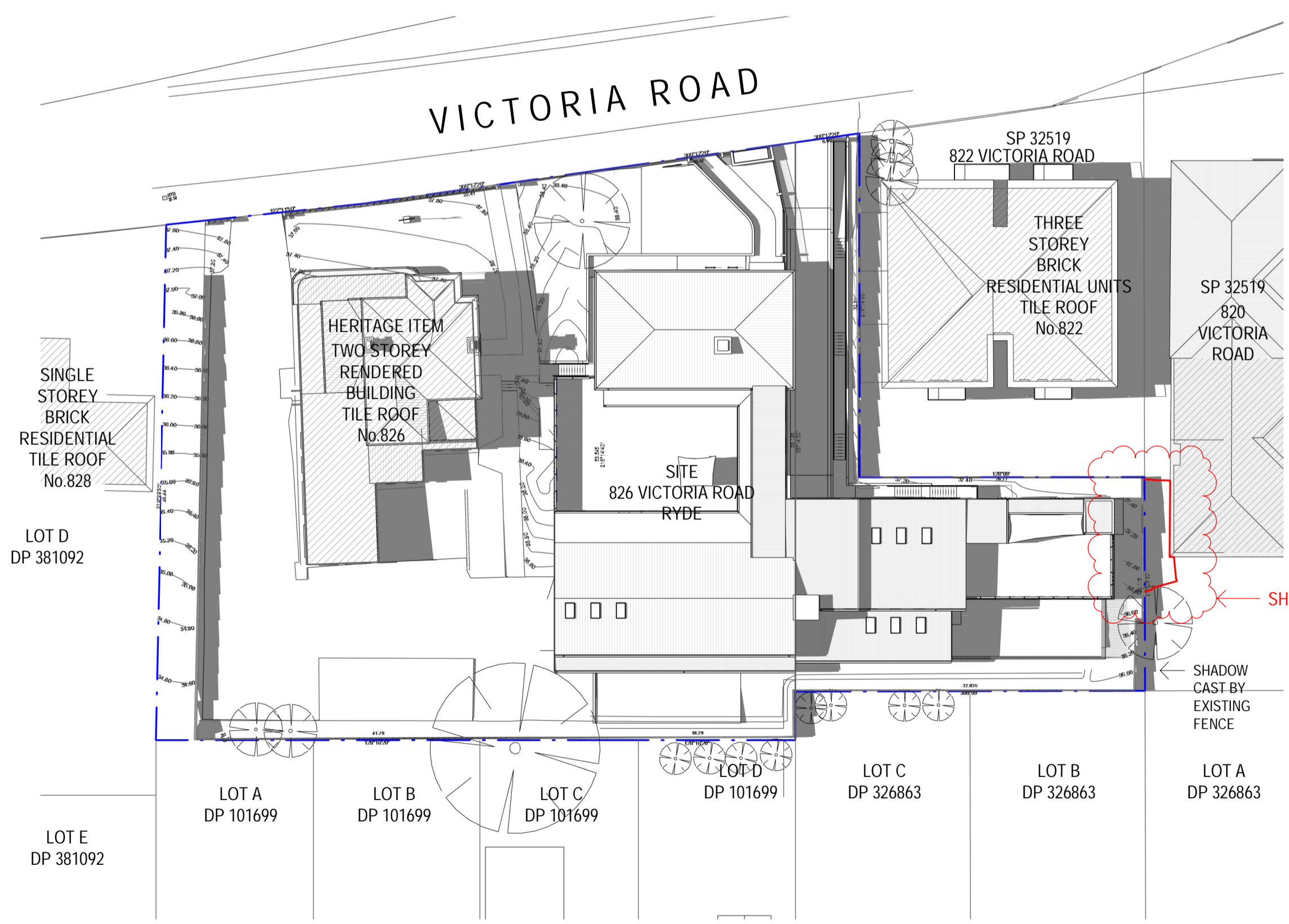
ISSUE	DATE	DESCRIPTION
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2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
4	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



1 22 SEPTEMBER - 9AM  
Scale:1 : 400



2 22 SEPTEMBER - 12PM  
Scale:1 : 400



3 22 SEPTEMBER - 3PM  
Scale:1 : 400

**LEGEND**

- SHADOWS
- RED OUTLINE INDICATES SHADOW FALLING OUTSIDE PROPERTY BOUNDARY RESULTING FROM THE PROPOSED DEVELOPMENT

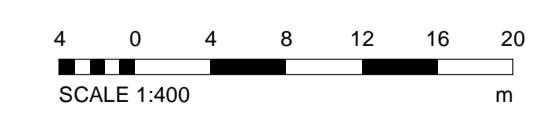
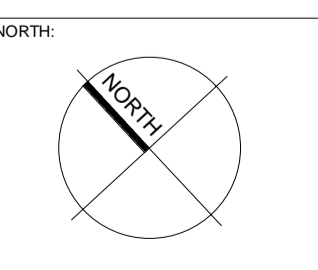
CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**

ARCHITECT:  
**ALTIS ARCHITECTURE**

DRAWING TITLE:  
**SHADOW DIAGRAMS - 22 SEPTEMBER**

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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SCALE: 1 : 400 @ A1  
DATE: NOVEMBER 2024  
DRAWN BY: TL CHECKED BY: AW PROJECT NO: 3110.01 DRAWING NO: DA0005 ISSUE: 4  
CAD FILE:

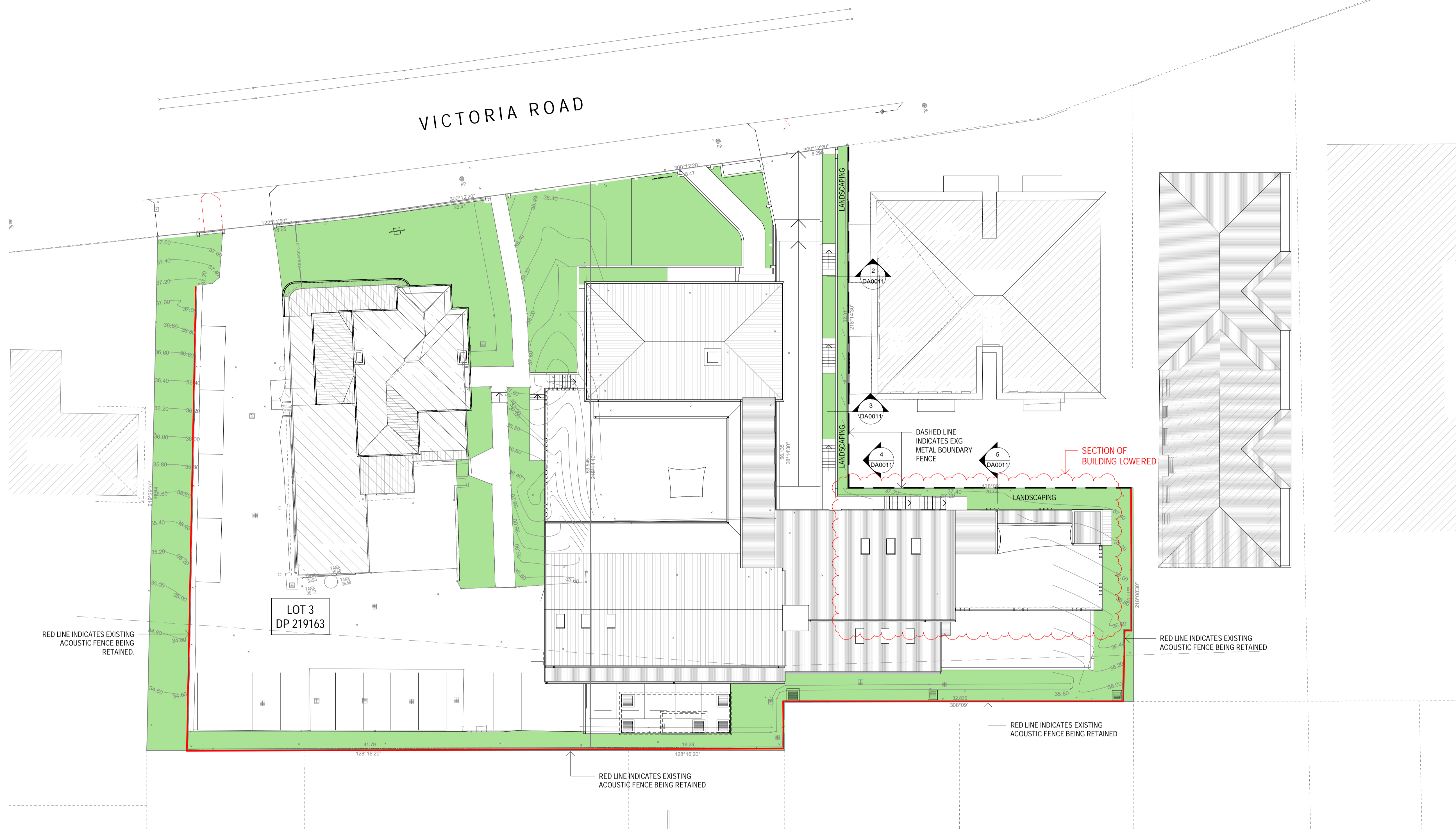
**DEVELOPMENT APPLICATION**

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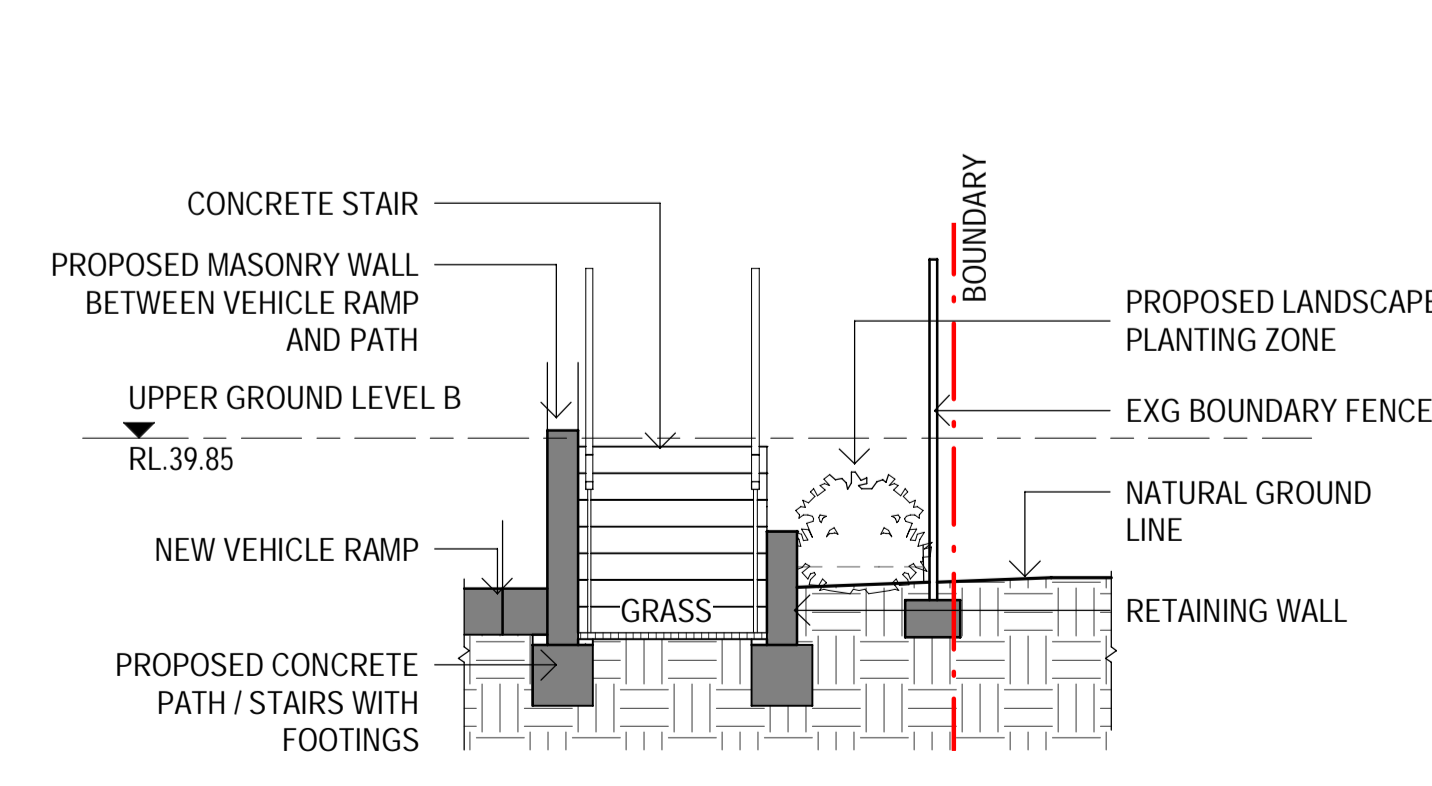


ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
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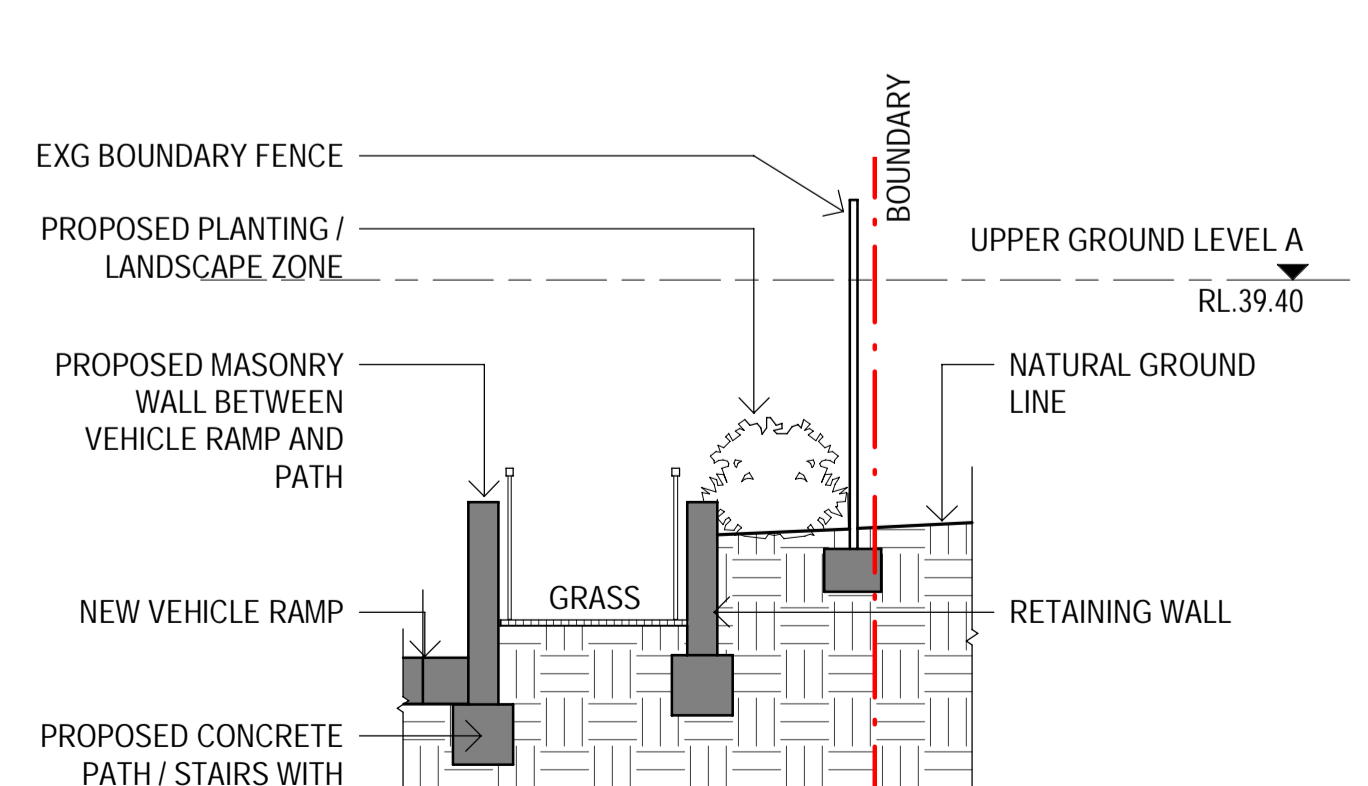
NOTE:  
EXISTING FENCE TO BE RETAINED WHERE NOTED.  
WHERE IMPACTED BY THE WORKS, FENCING TO BE  
MADE GOOD OR REPLACED TO ORIGINAL CONDITION.



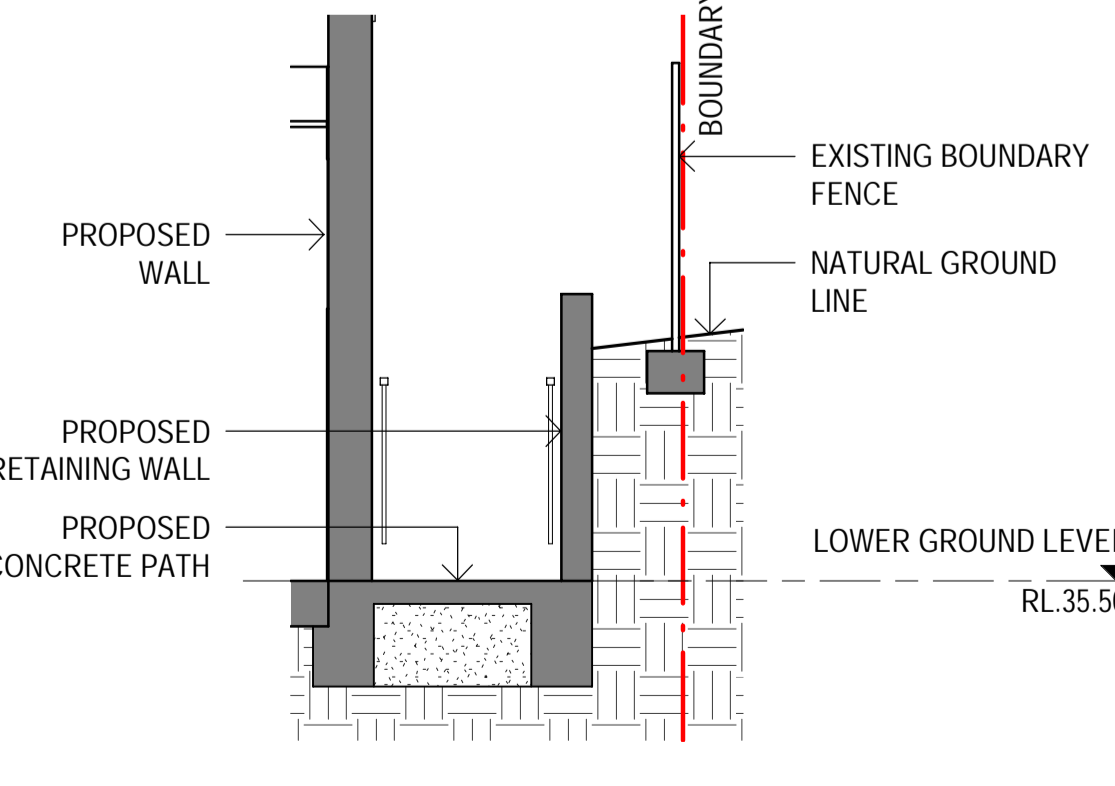
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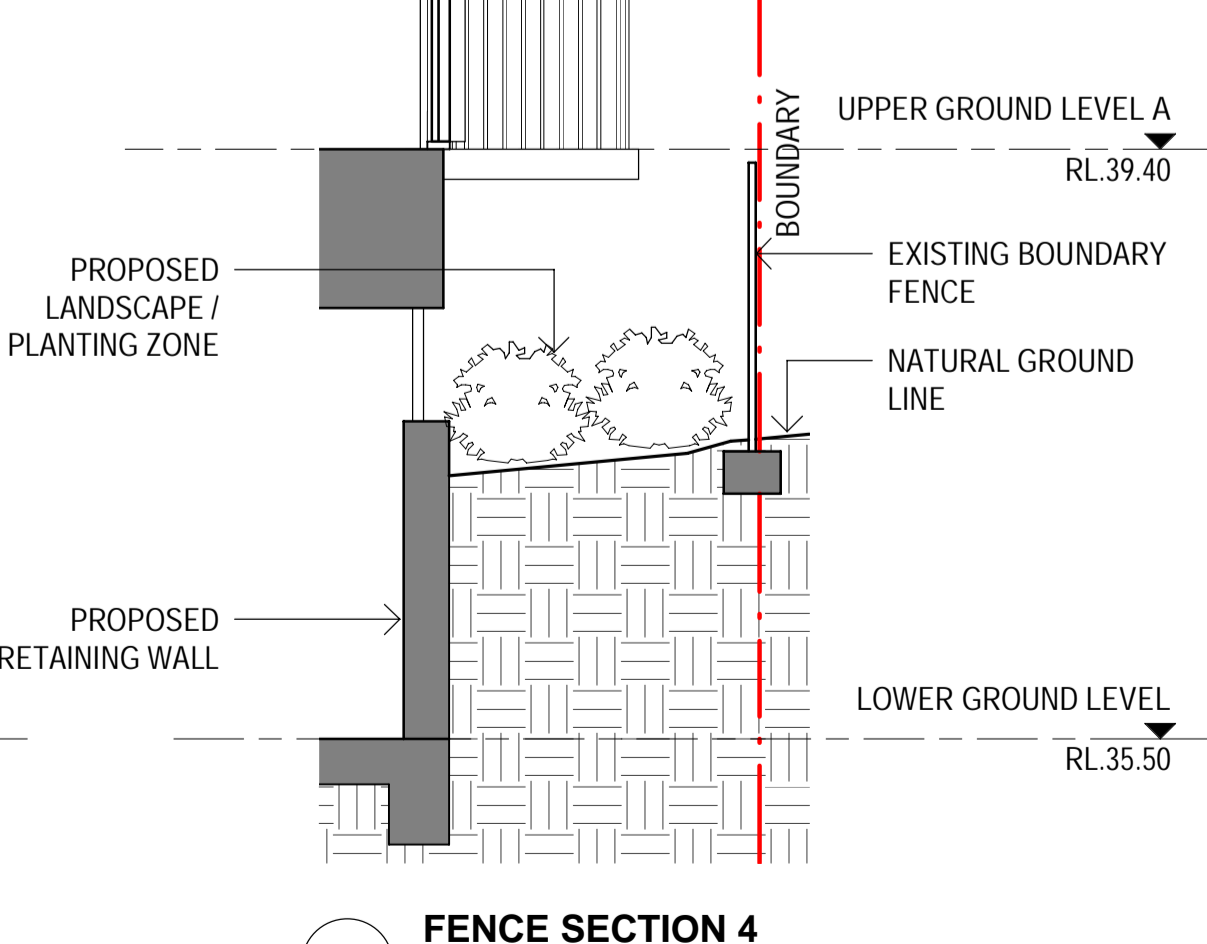
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Scale: 1 : 50



**3 FENCE SECTION 2**  
Scale: 1 : 50



**4 FENCE SECTION 3**  
Scale: 1 : 50



**5 FENCE SECTION 4**  
Scale: 1 : 50

**DEVELOPMENT APPLICATION**

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**



DRAWING TITLE:  
**FENCING PLAN**

NOTES:  
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DRAWN BY: AW	CHECKED BY: AW
PROJECT NO: 3110.01	DRAWING NO: DA0011
CAD FILE:	ISSUE: 6

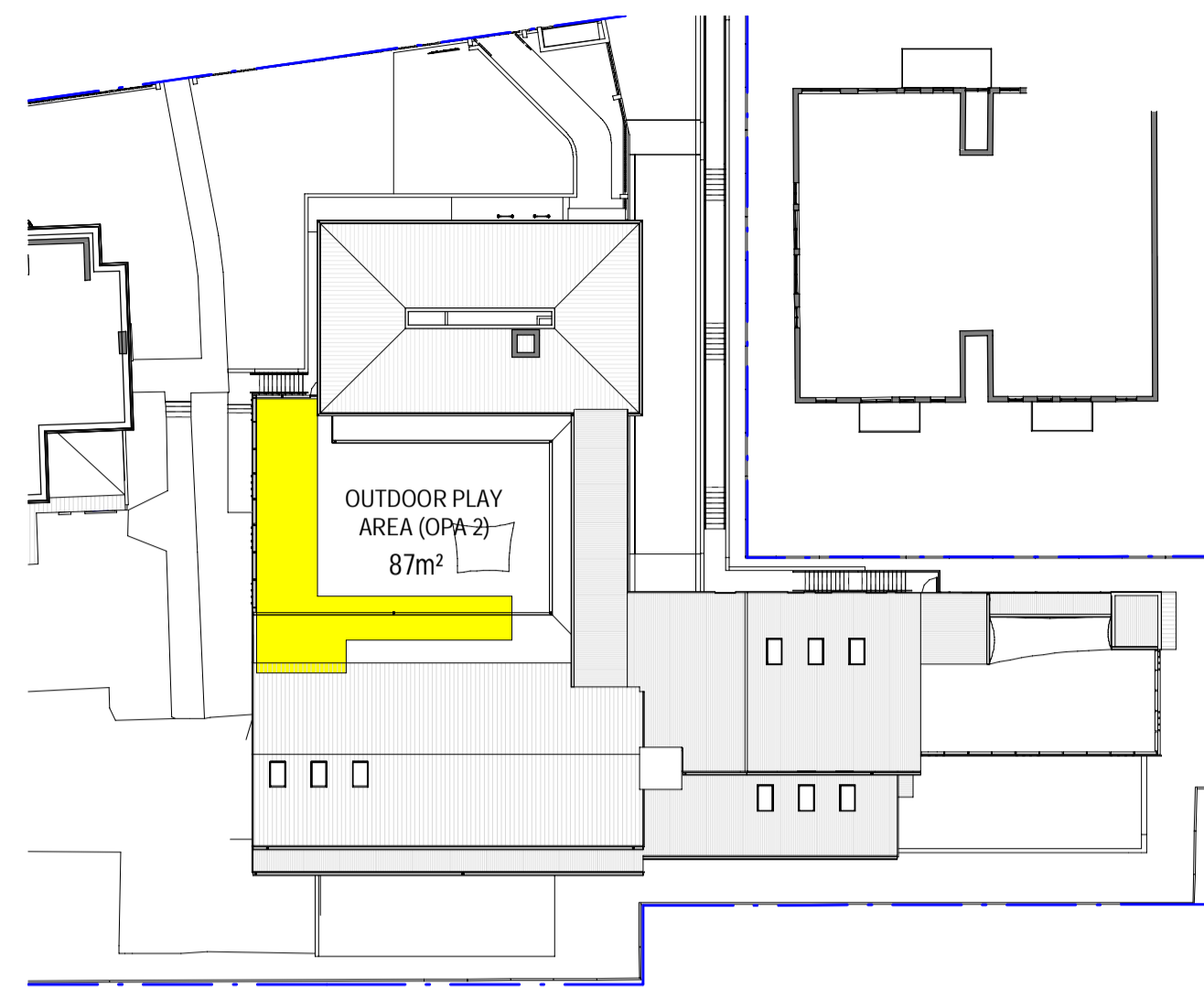
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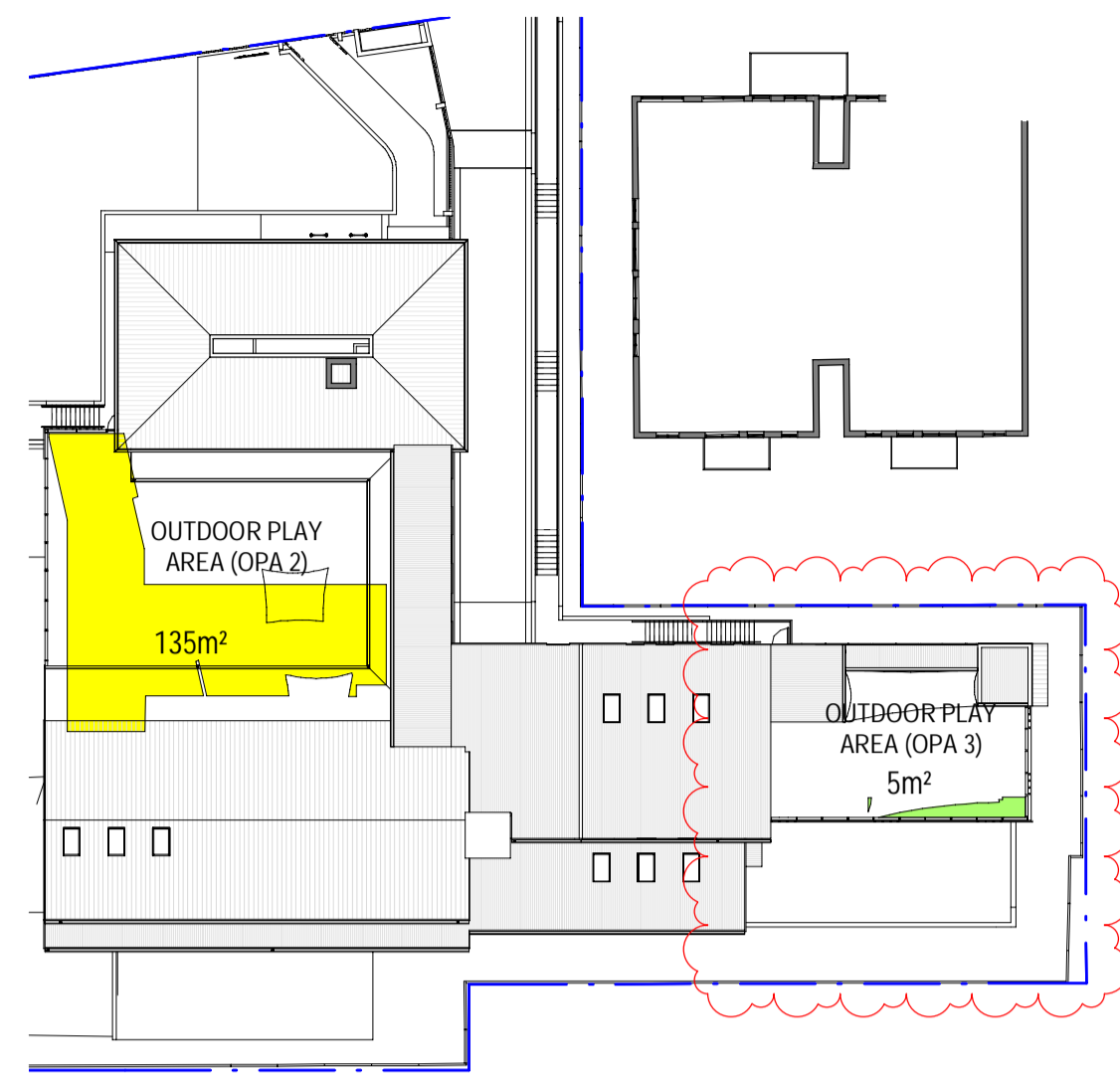
ISSUE	DATE	DESCRIPTION
1	02/05/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
2	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
3	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	15/03/2024	RE-ISSUED FOR DEVELOPMENT APPLICATION
5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

LEGEND - PLAN DIAGRAMS

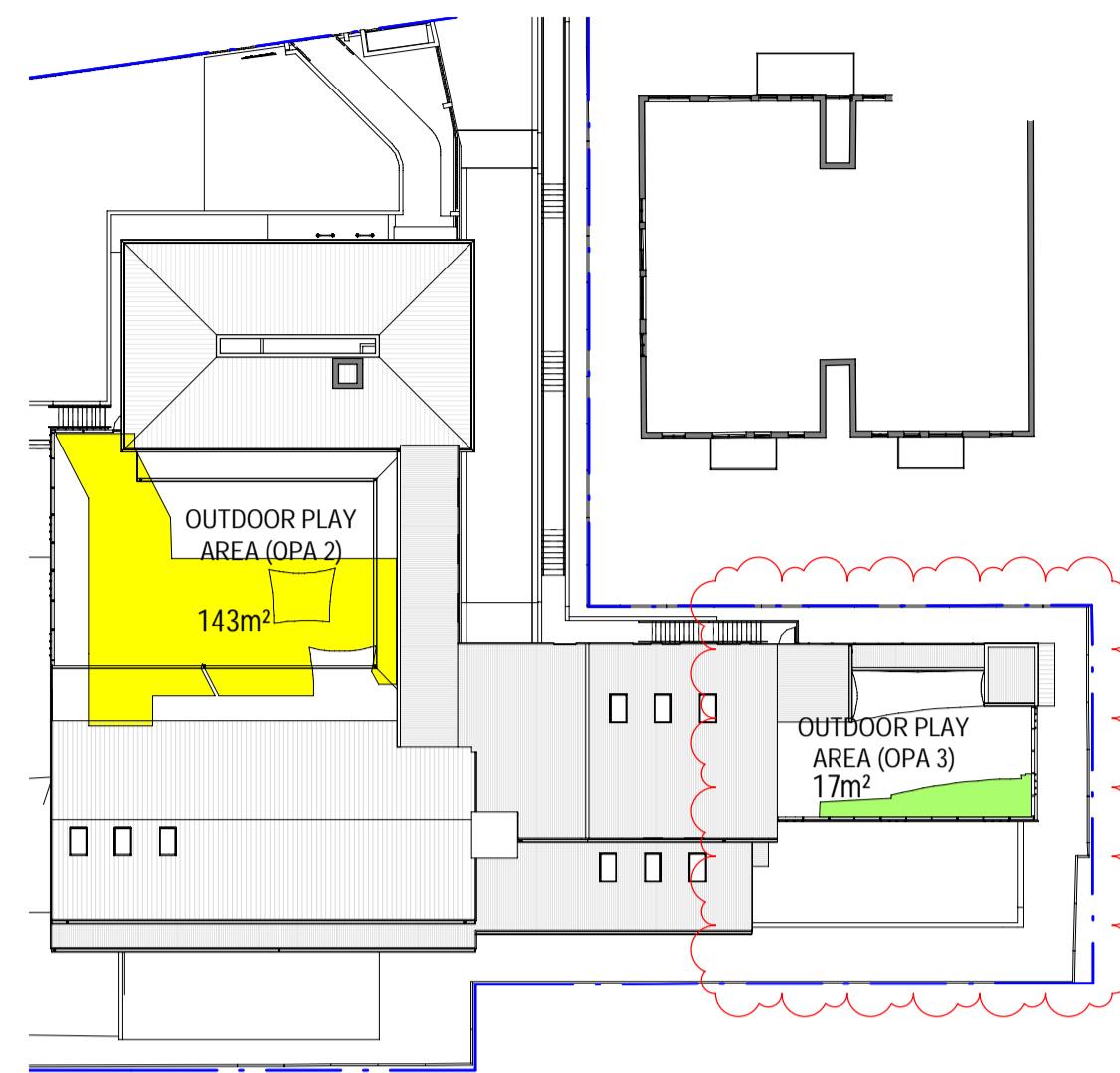
- AREA OF SUNLIGHT WITHIN OPA 1
- AREA OF SUNLIGHT WITHIN OPA 2
- AREA OF SUNLIGHT WITHIN OPA 3



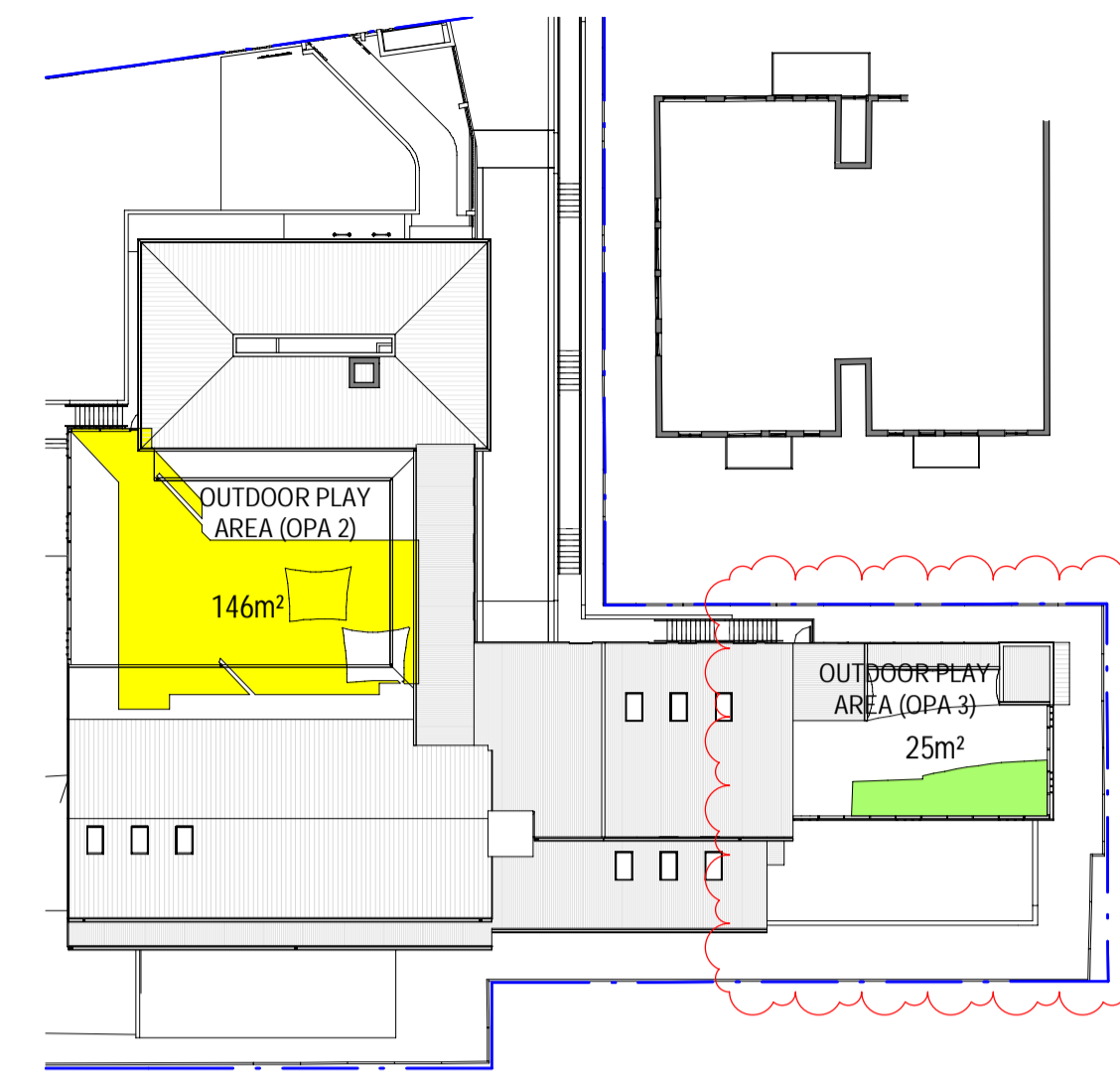
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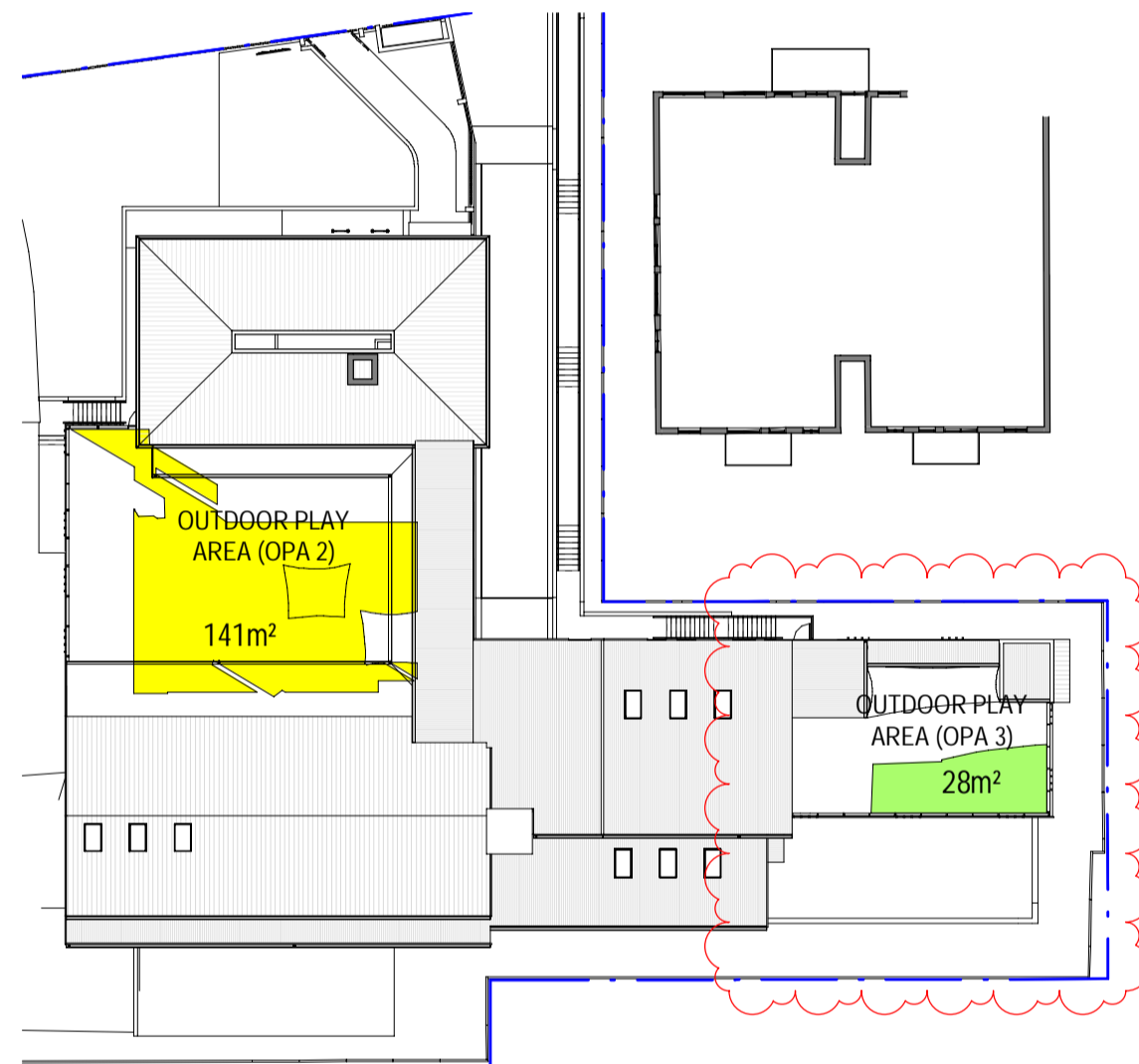
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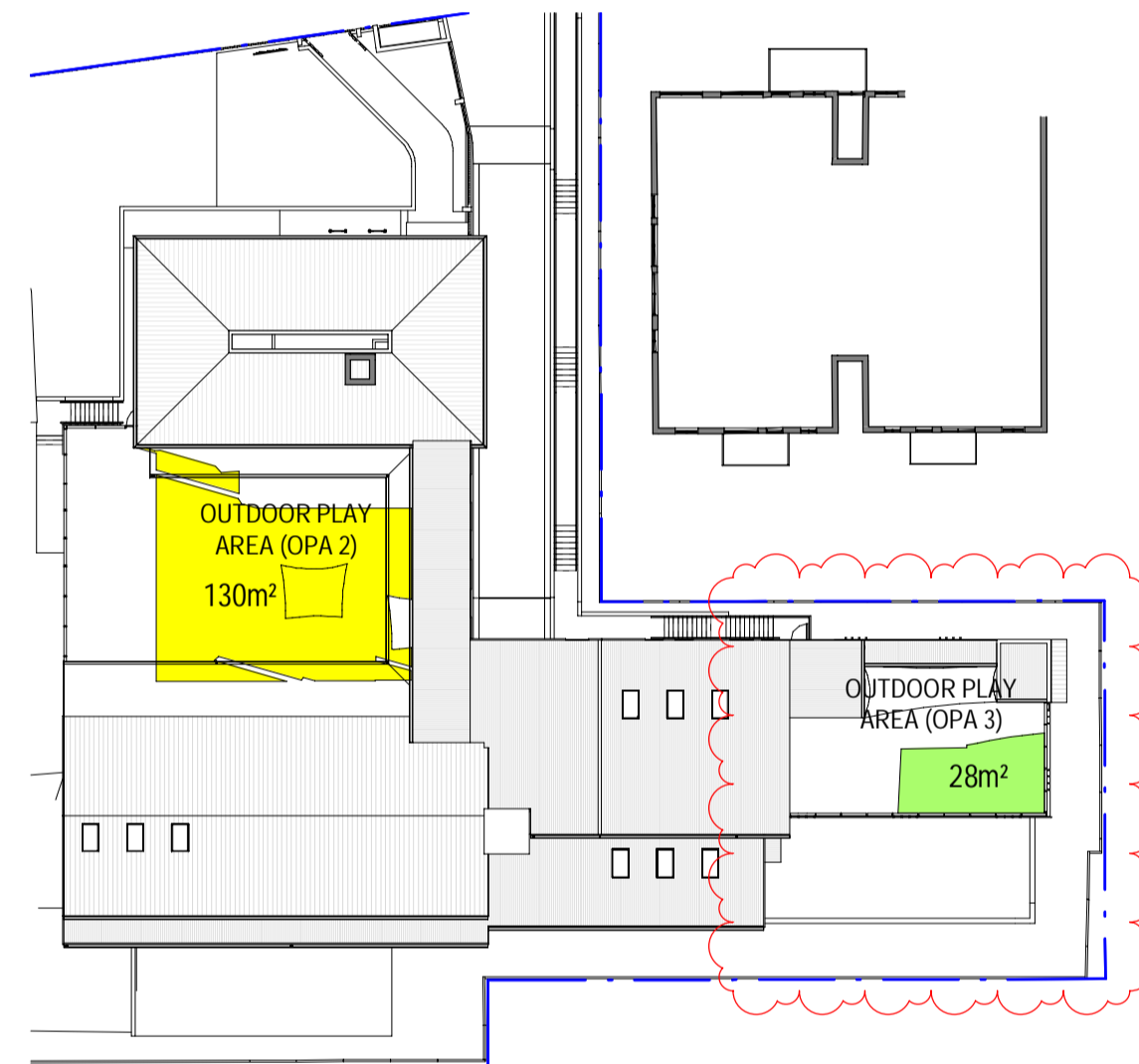
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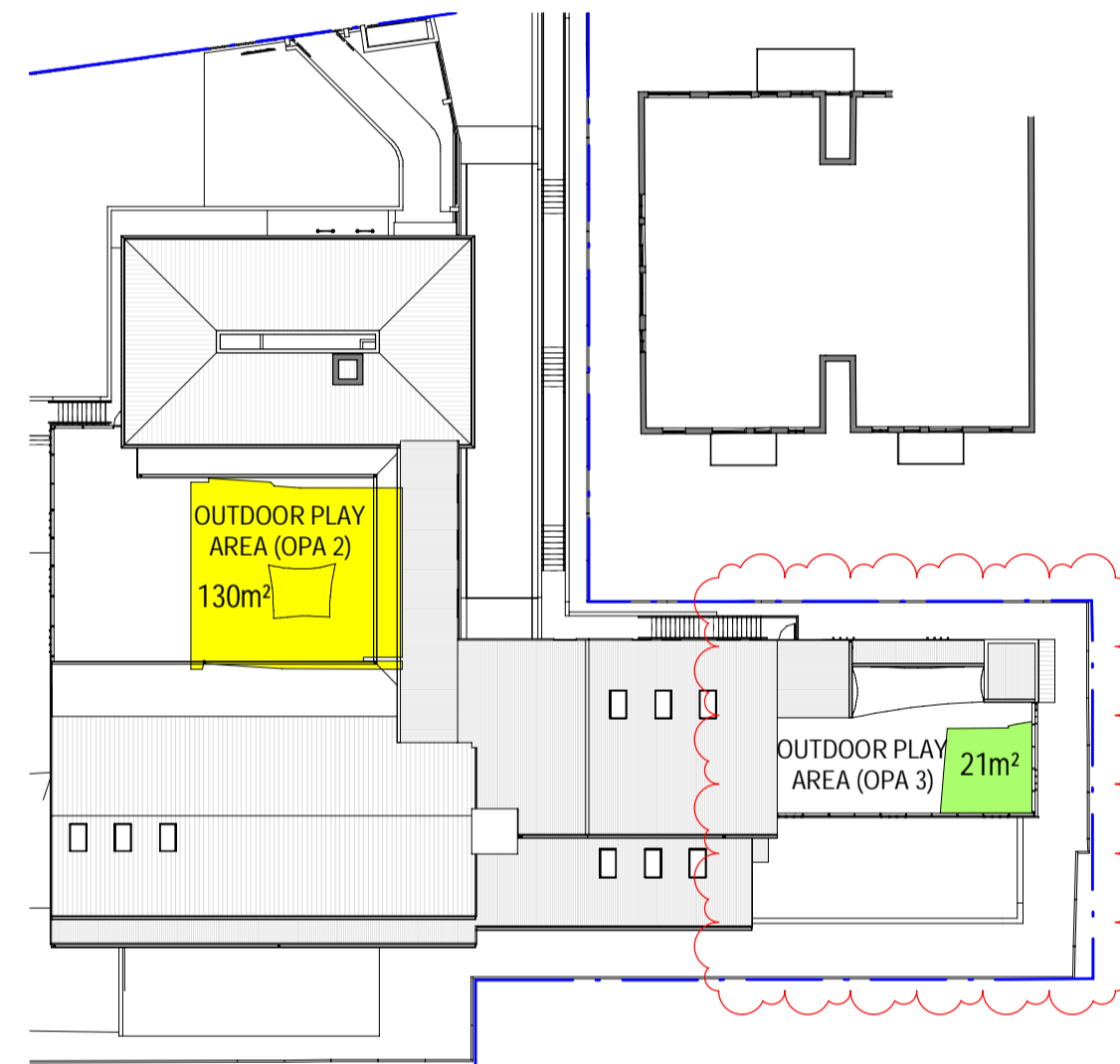
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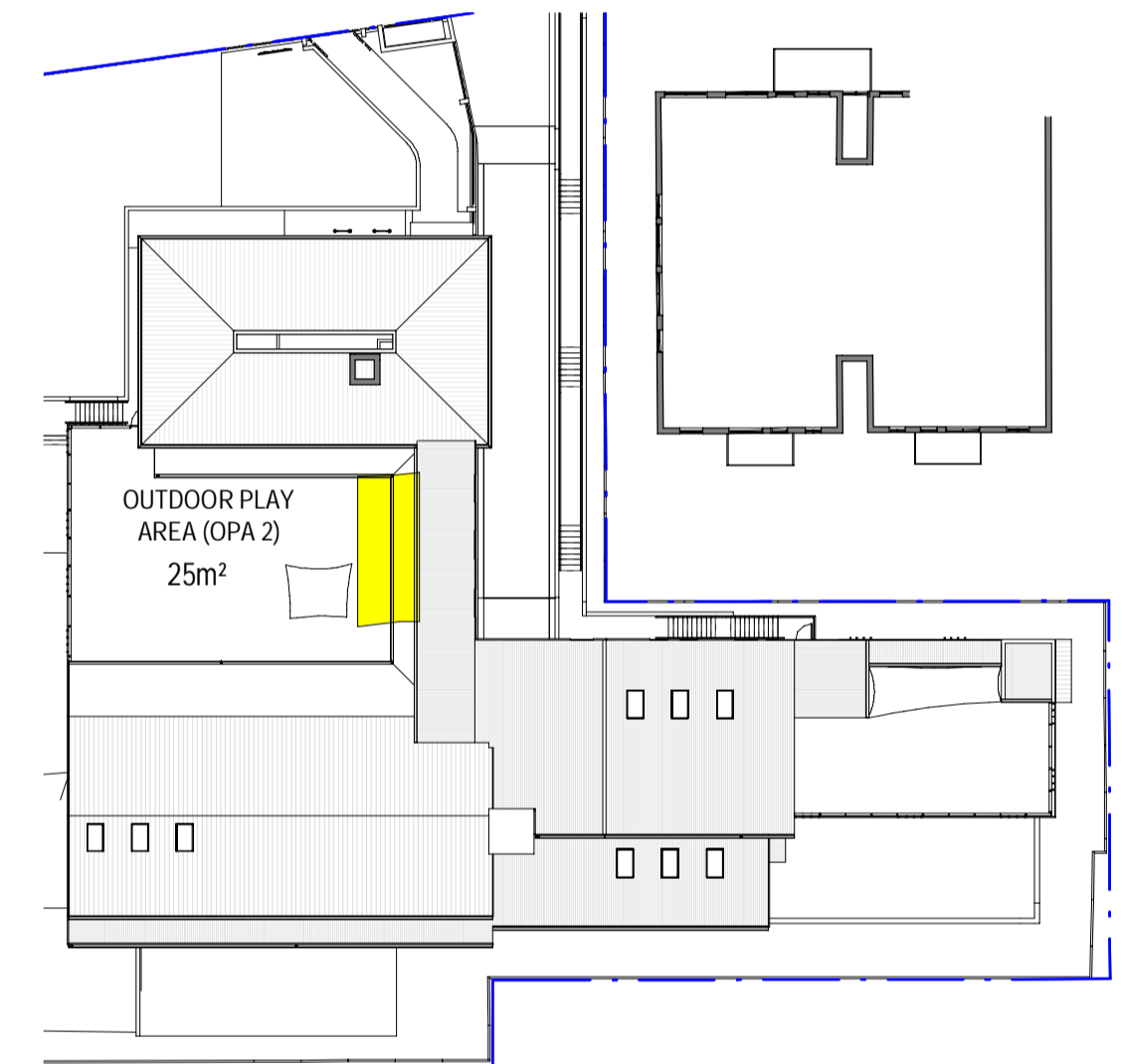
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Scale:1 : 400



6 22 JUNE - 2PM  
Scale:1 : 400



7 22 JUNE - 3PM  
Scale:1 : 400



8 22 JUNE - 4PM  
Scale:1 : 400

OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS					
	SUMMER PERIOD	WINTER PERIOD	SUMMER PERIOD		
	JANUARY 31	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024			DA0021	DA0022
UPPER GROUND OPA 2		DA0020			
UPPER GROUND OPA 3			DA0023 (OPA 3)		DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS				
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR	
JAN				
FEB	31st OF JAN			
MAR		1st OF FEB		
APR				
MAY				
JUN				
JUL				
AUG				
SEP				
OCT				
NOV	1st OF NOV		31st OF OCT	
DEC				

- 3-6 YEAR OLD
- 2-3 YEAR OLD
- 0-2 YEAR OLD

JUNE 22nd - UPPER LEVEL - OUTDOOR PLAY AREA 2 (2-3 = 35 CHILDREN, 3-6 = 28 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	87m²	9-10	111m²	52
10AM	135m²	10-11	139m²	66
11AM	143m²	11-12	144.5m²	68
12PM	146m²	12-1	143.5m²	68
1PM	141m²	1-2	135.5m²	64
2PM	130m²	2-3	130m²	61
3PM	130m²	3-4	77.5m²	36
4PM	25m²			

ANY 2 HOUR PERIOD DURING THIS 7 HOUR RANGE PER AGE GROUP - 2-3 YRS & 3-6 YRS (TIME ALLOCATION AS PER POM)

JUNE 22nd - UPPER LEVEL - OUTDOOR PLAY AREA 3 (17 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	0m²	9-10	2.5m²	1
10AM	5m²	10-11	11m²	5
11AM	17m²	11-12	21m²	10
12PM	25m²	12-1	26.5m²	12
1PM	28m²	1-2	28m²	13
2PM	28m²	2-3	24.5m²	11
3PM	21m²	3-4	9m²	4
4PM	0m²			

4 HOUR PERIOD 0-2 YEARS

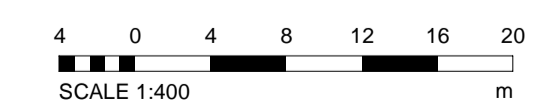
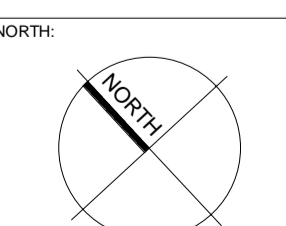
CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SUNLIGHT DIAGRAMS - 22 JUNE - UPPER GROUND

NOTES:  
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DEVELOPMENT APPLICATION

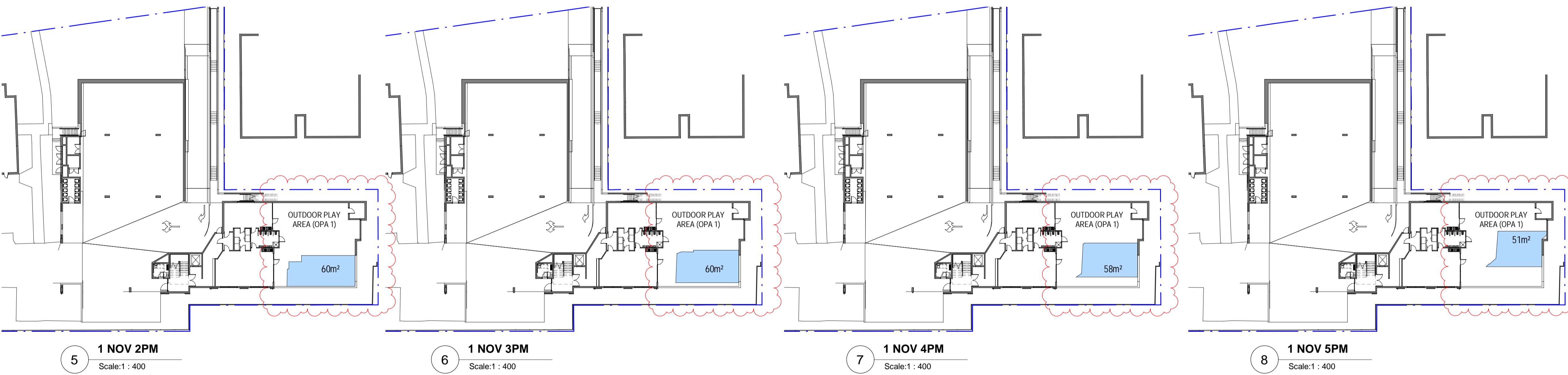
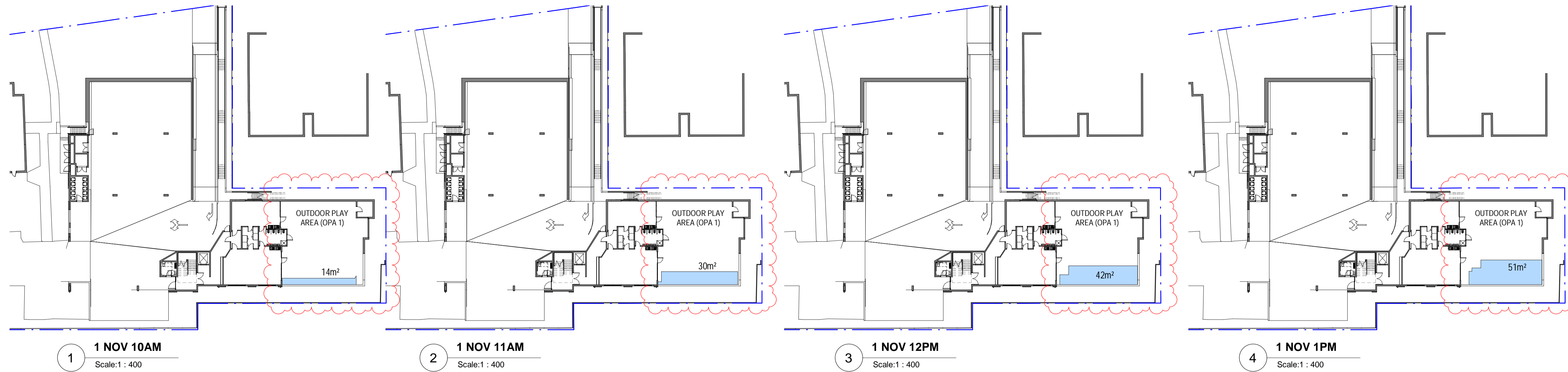
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DRAWN BY: NR	CHECKED BY: AW
PROJECT NO: 3110.01	DRAWING NO: DA0020
CAD FILE:	ISSUE: 7

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ISSUE	DATE	DESCRIPTION
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2	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
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5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

LEGEND - PLAN DIAGRAMS

- AREA OF SUNLIGHT WITHIN OPA 1
- AREA OF SUNLIGHT WITHIN OPA 2
- AREA OF SUNLIGHT WITHIN OPA 3

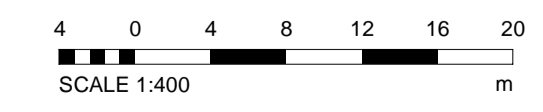


OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS					
	SUMMER PERIOD	WINTER PERIOD	SUMMER PERIOD		
	JANUARY 31	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024			DA0021	DA0022
UPPER GROUND OPA 2 OPA 3		DA0020	DA0023 (OPA 3)		DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN	<span style="background-color: #ADD8E6; width: 10px; height: 10px;"></span>		
FEB	<span style="background-color: #ADD8E6; width: 10px; height: 10px;"></span> 31st OF JAN	<span style="background-color: #FFFF00; width: 10px; height: 10px;"></span> 1st OF FEB	
MAR			
APR			
MAY			
JUN			
JUL			
AUG			
SEP			
OCT			
NOV	<span style="background-color: #ADD8E6; width: 10px; height: 10px;"></span> 1st OF NOV	<span style="background-color: #FFFF00; width: 10px; height: 10px;"></span> 31st OF OCT	
DEC			

NOVEMBER 1st - LOWER LEVEL - OUTDOOR PLAY AREA 1 (28 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
10AM	14m²	10-11	22m²	10
11AM	30m²	11-12	36m²	17
12PM	42m²	12-1	46.5m²	22
1PM	51m²	1-2	55.5m²	26
2PM	60m²	2-3	64m²	30
3PM	68m²	3-4	63m²	30
4PM	58m²	4-5	54.5m²	26
5PM	51m²			

- 3-6 YEAR OLD
- 2-3 YEAR OLD
- 0-2 YEAR OLD



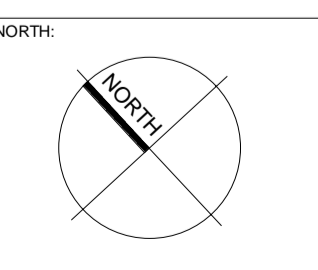
CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SUNLIGHT DIAGRAMS - 1 NOVEMBER - LOWER GROUND

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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SCALE:	DATE:
As indicated @ A1	NOVEMBER 2024
DRAWN BY: NR	CHECKED BY: AW
PROJECT NO: 3110.01	DRAWING NO: DA0021
CAD FILE:	ISSUE: 7

DEVELOPMENT APPLICATION

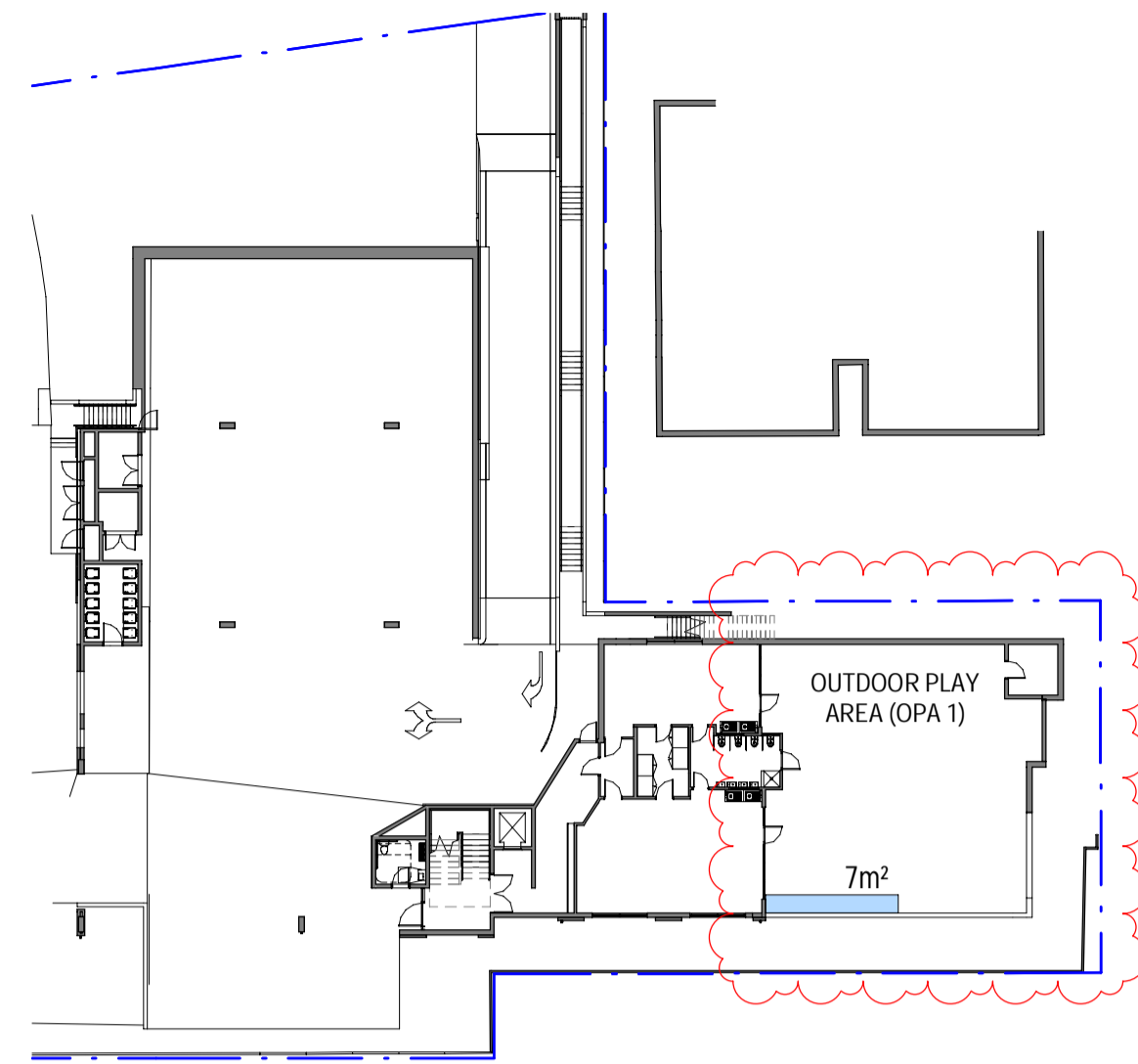
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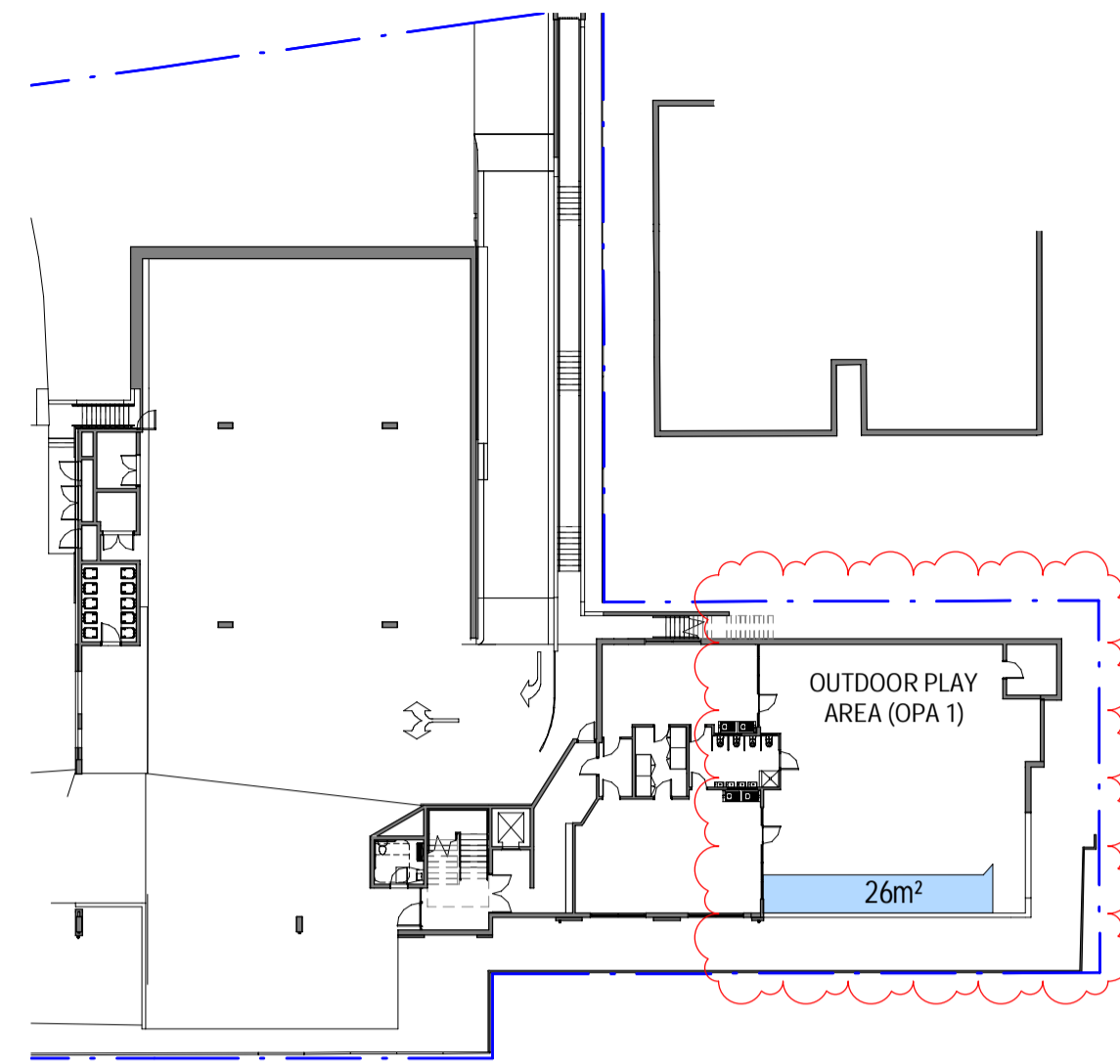
ISSUE	DATE	DESCRIPTION
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7	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

LEGEND - PLAN DIAGRAMS

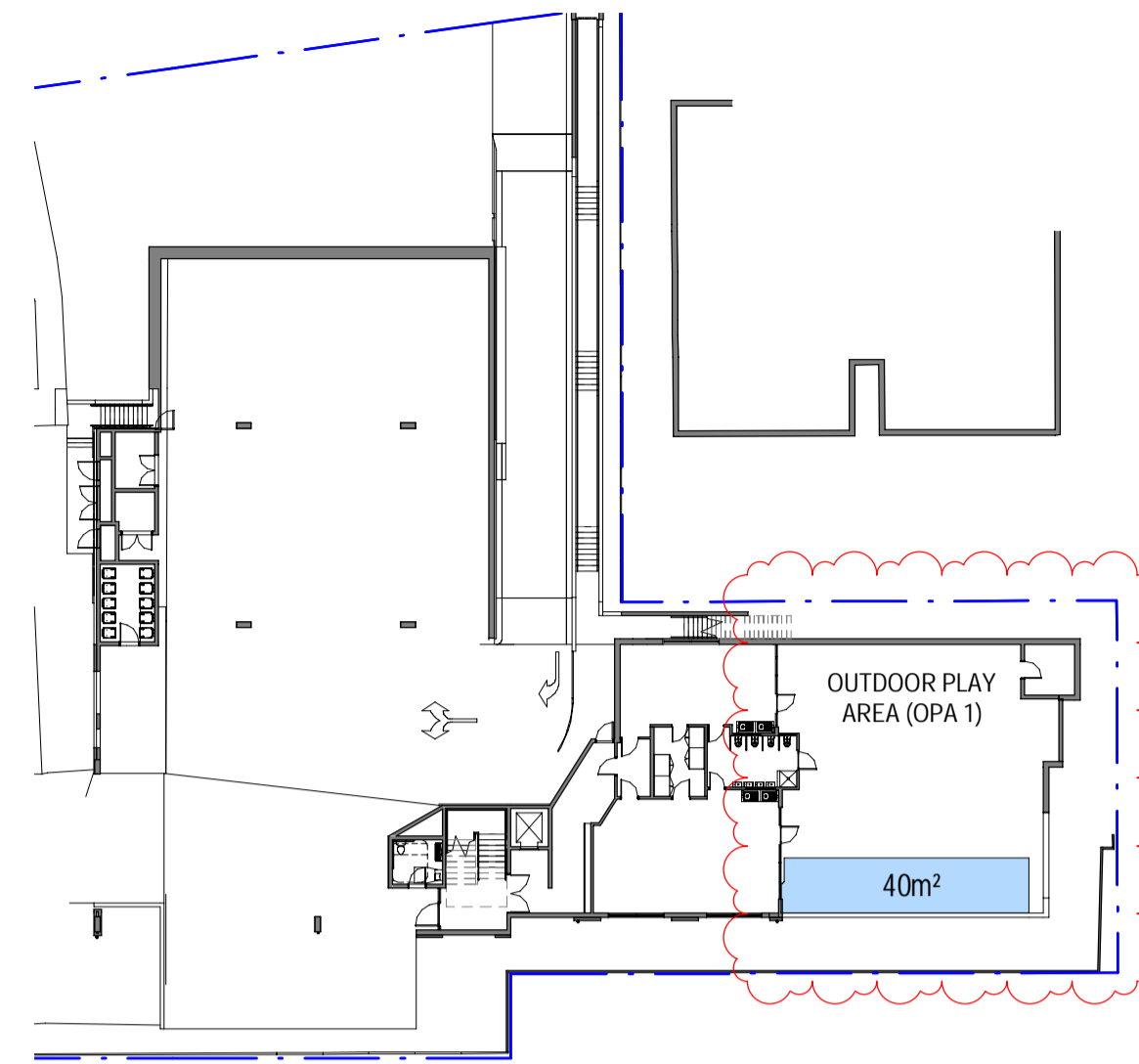
- AREA OF SUNLIGHT WITHIN OPA 1
- AREA OF SUNLIGHT WITHIN OPA 2
- AREA OF SUNLIGHT WITHIN OPA 3



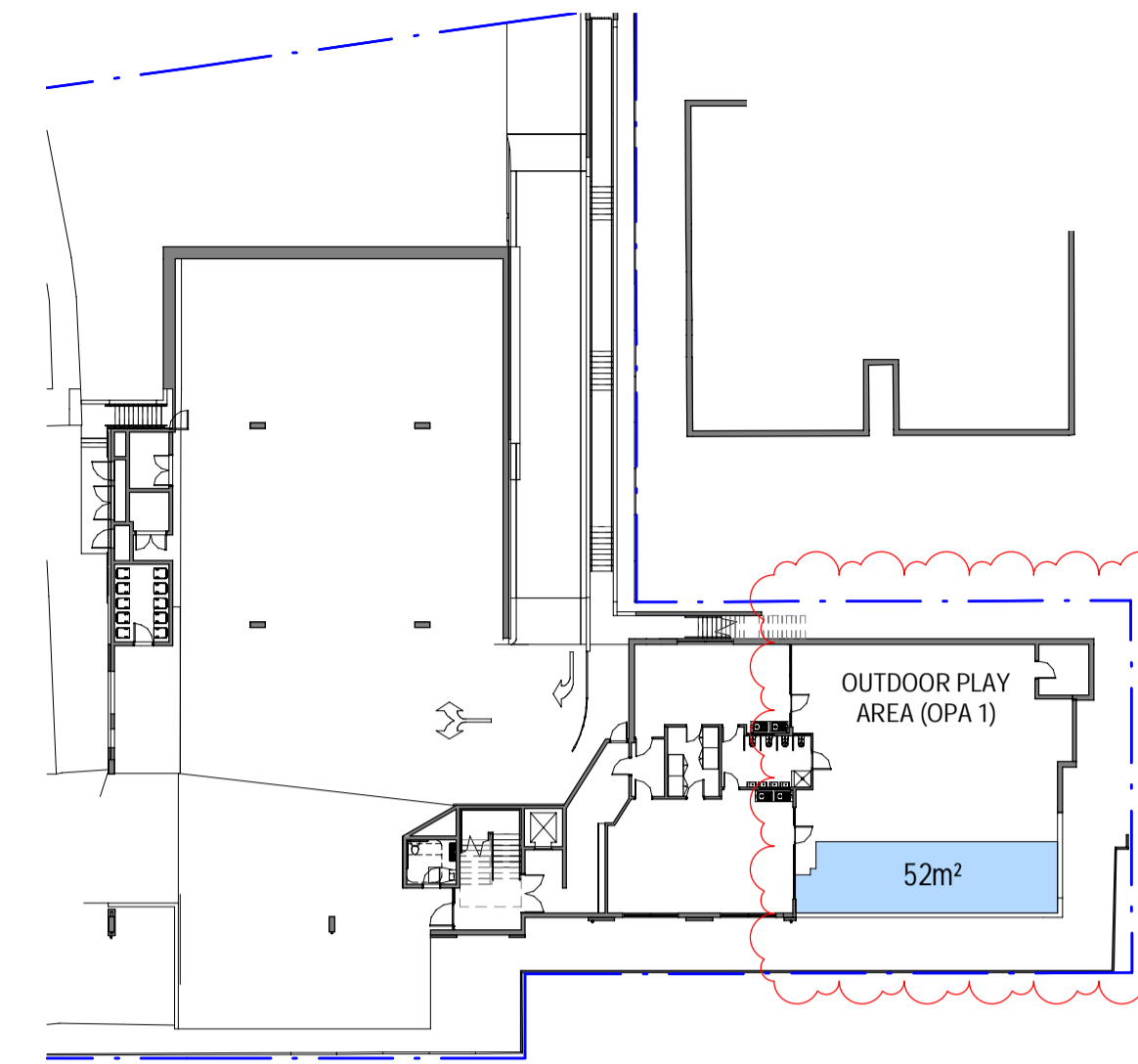
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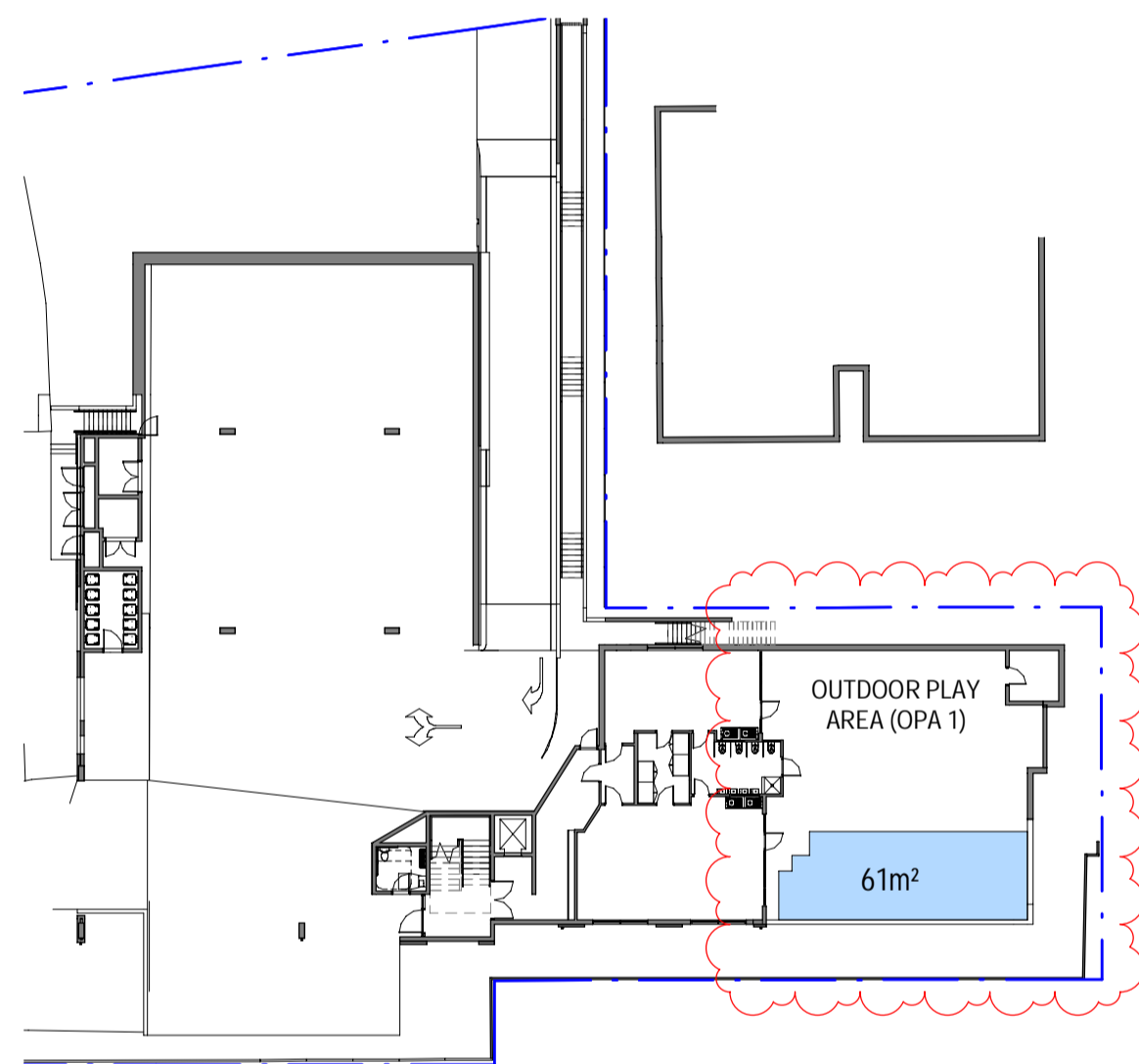
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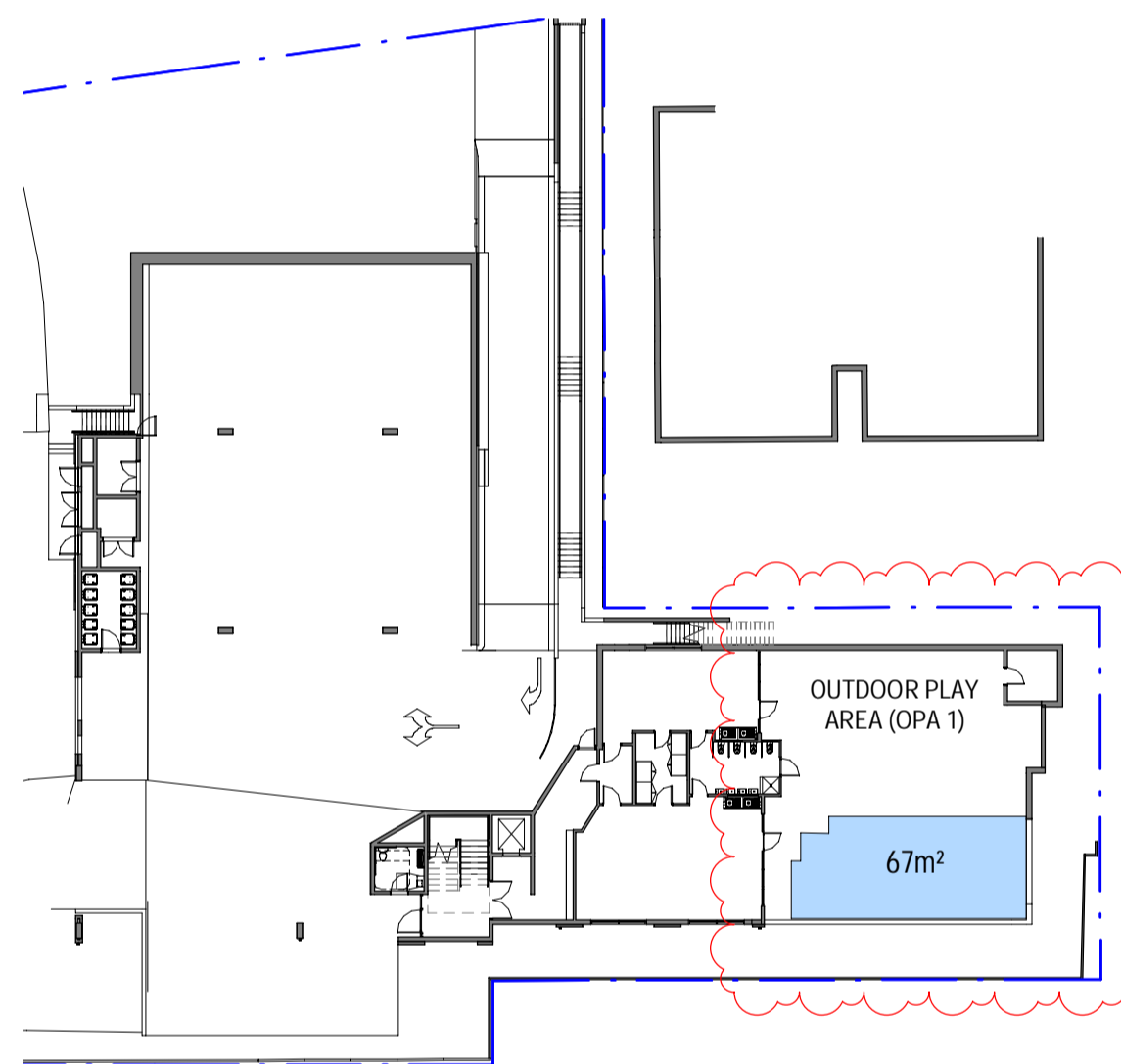
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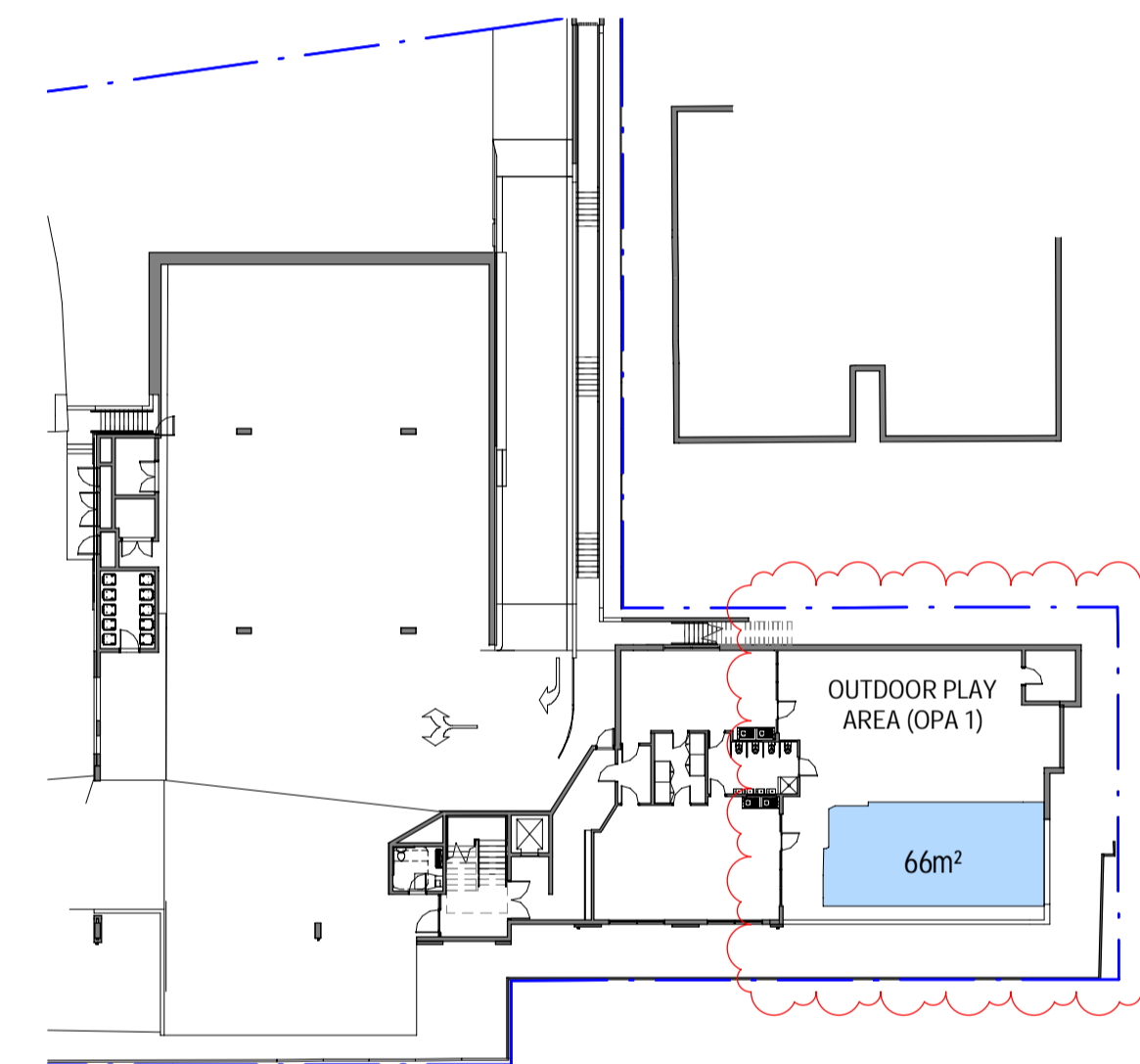
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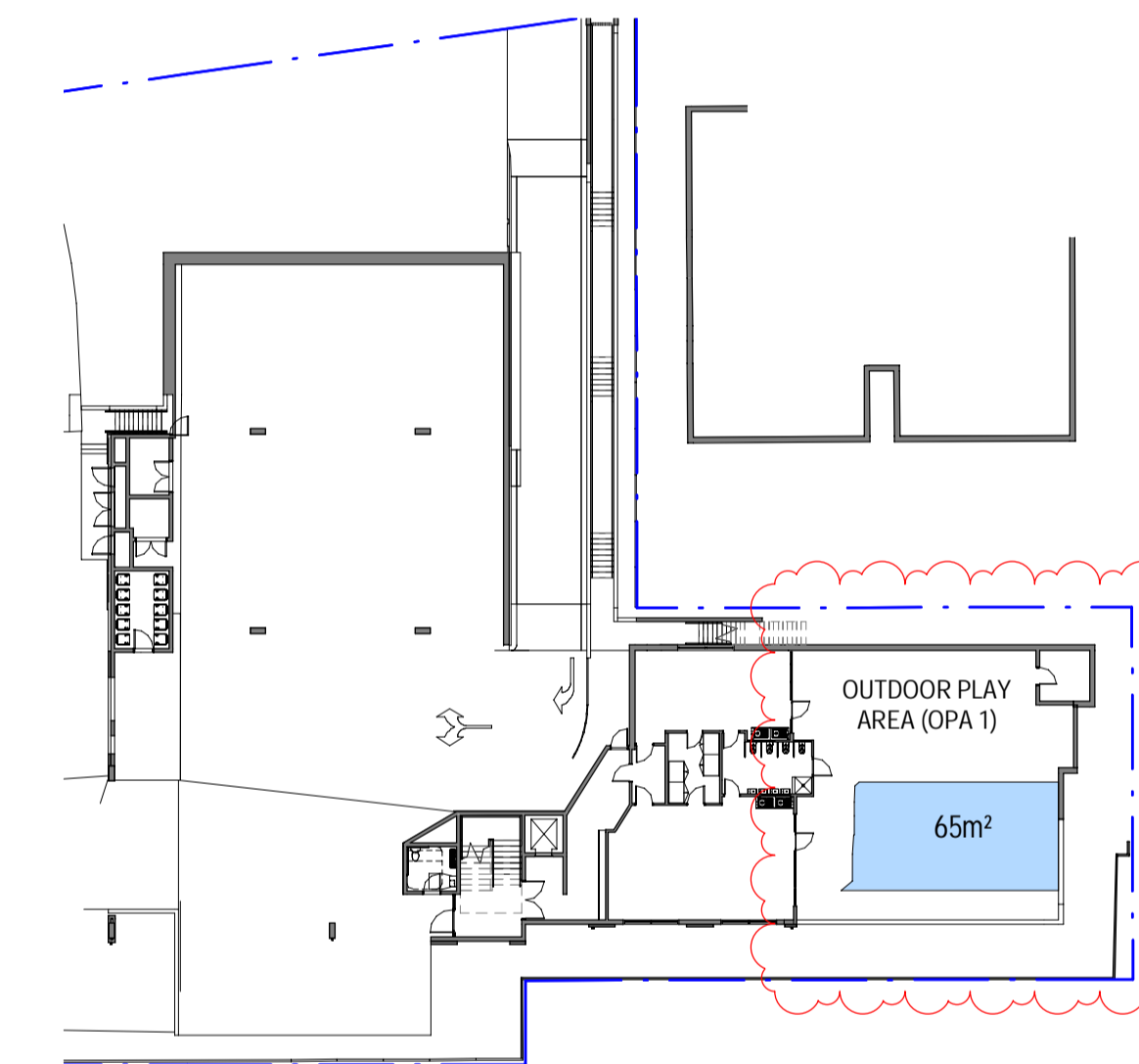
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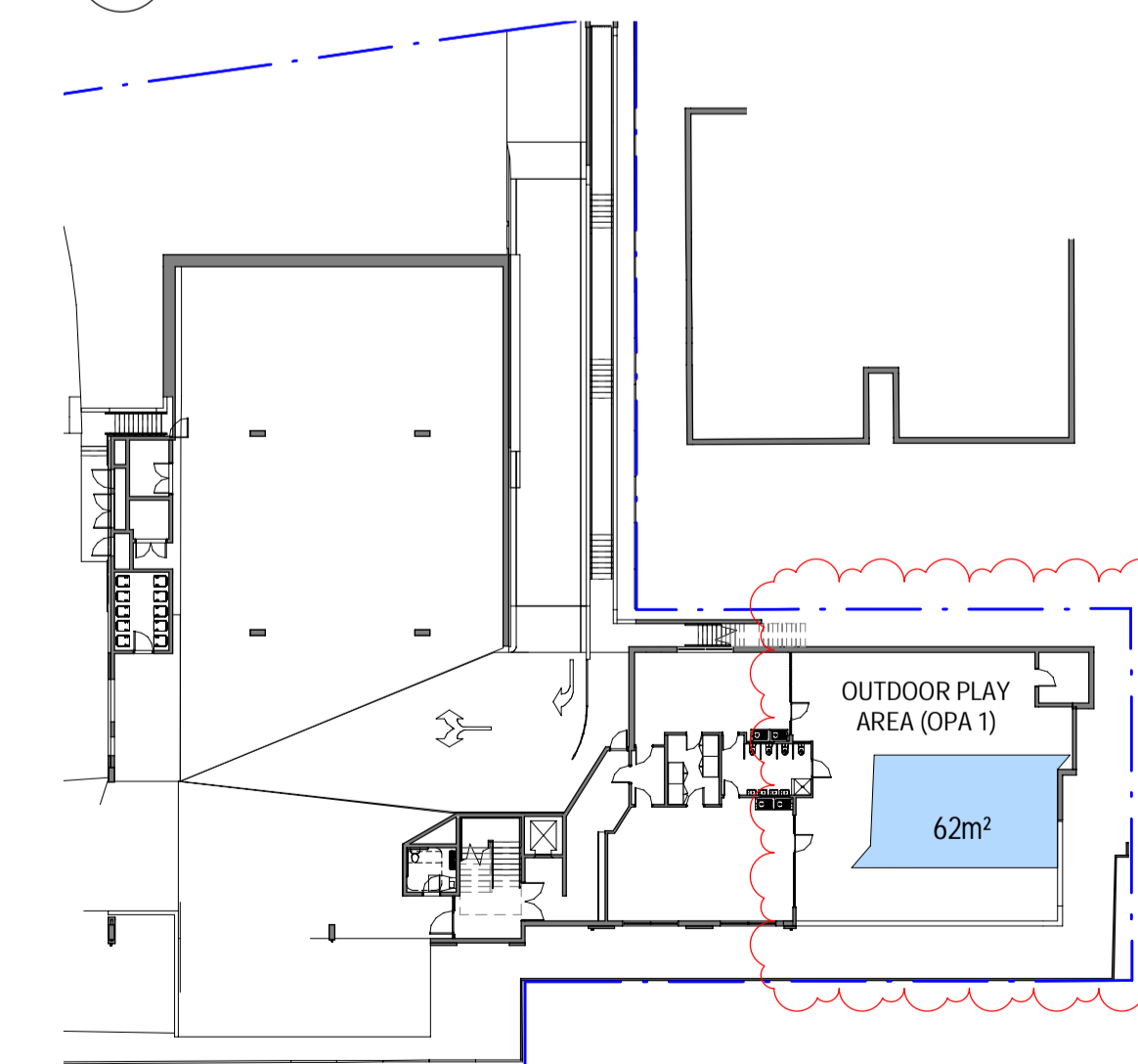
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7 22 DEC 3PM  
Scale:1 : 400



8 22 DEC 4PM  
Scale:1 : 400



9 22 DEC 5PM  
Scale:1 : 400

OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS					
	SUMMER PERIOD	WINTER PERIOD	SUMMER PERIOD		
	JANUARY 31	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024			DA0021	DA0022
UPPER GROUND OPA 2 OPA 3		DA0020	DA0023 (OPA 3)		DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN	<span style="background-color: #ADD8E6; width: 10px; height: 10px;"></span>		
FEB	31st OF JAN	<span style="background-color: #FFFF00; width: 10px; height: 10px;"></span>	<span style="background-color: #90EE90; width: 10px; height: 10px;"></span>
MAR			
APR			
MAY			
JUN			
JUL			
AUG			
SEP			
OCT			
NOV	1st OF NOV	<span style="background-color: #FFFF00; width: 10px; height: 10px;"></span>	<span style="background-color: #90EE90; width: 10px; height: 10px;"></span>
DEC		31st OF OCT	

- 3-6 YEAR OLD
- 2-3 YEAR OLD
- 0-2 YEAR OLD

DECEMBER 22nd - LOWER LEVEL - OUTDOOR PLAY AREA 1 (28 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HOUR (2.1m² PER CHILD)
9AM	7m²	9-10	16.5m²	7
10AM	26m²	10-11	33m²	15
11AM	40m²	11-12	46m²	21
12PM	52m²	12-1	56.5m²	27
1PM	61m²	1-2	64m²	30
2PM	67m²	2-3	66.5m²	31
3PM	66m²	3-4	65.5m²	31
4PM	65m²	4-5	63.5m²	30
5PM	62m²			

ANY 2-HOUR PERIOD DURING THIS 4 HOUR RANGE 3-6 YEARS

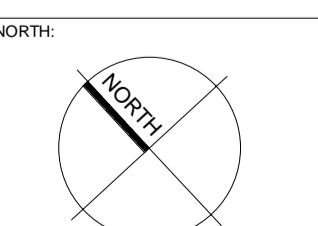
CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SUNLIGHT DIAGRAMS - 22 DECEMBER - LOWER GROUND

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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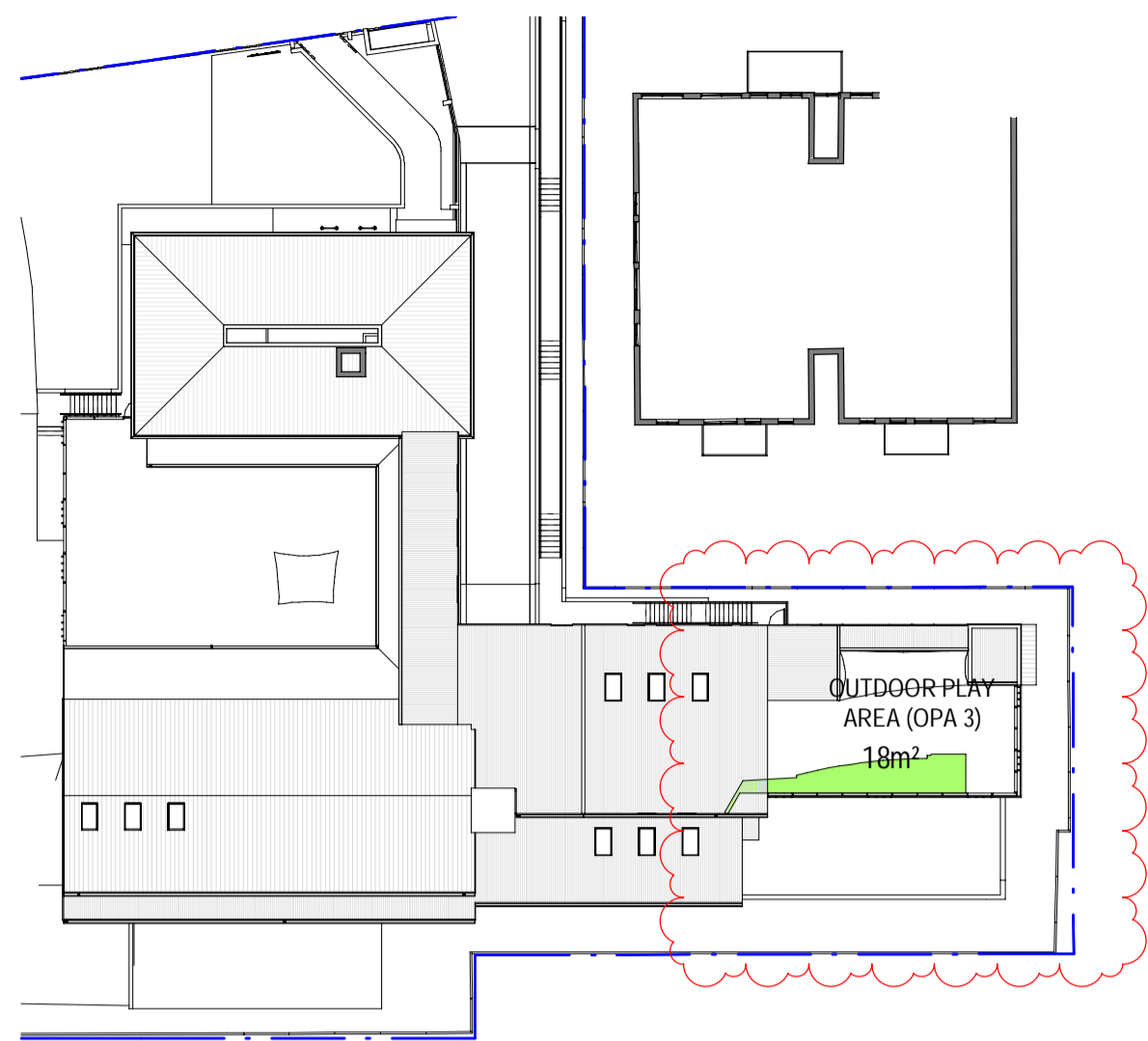
SCALE:  
As indicated @ A1

DATE:  
NOVEMBER 2024

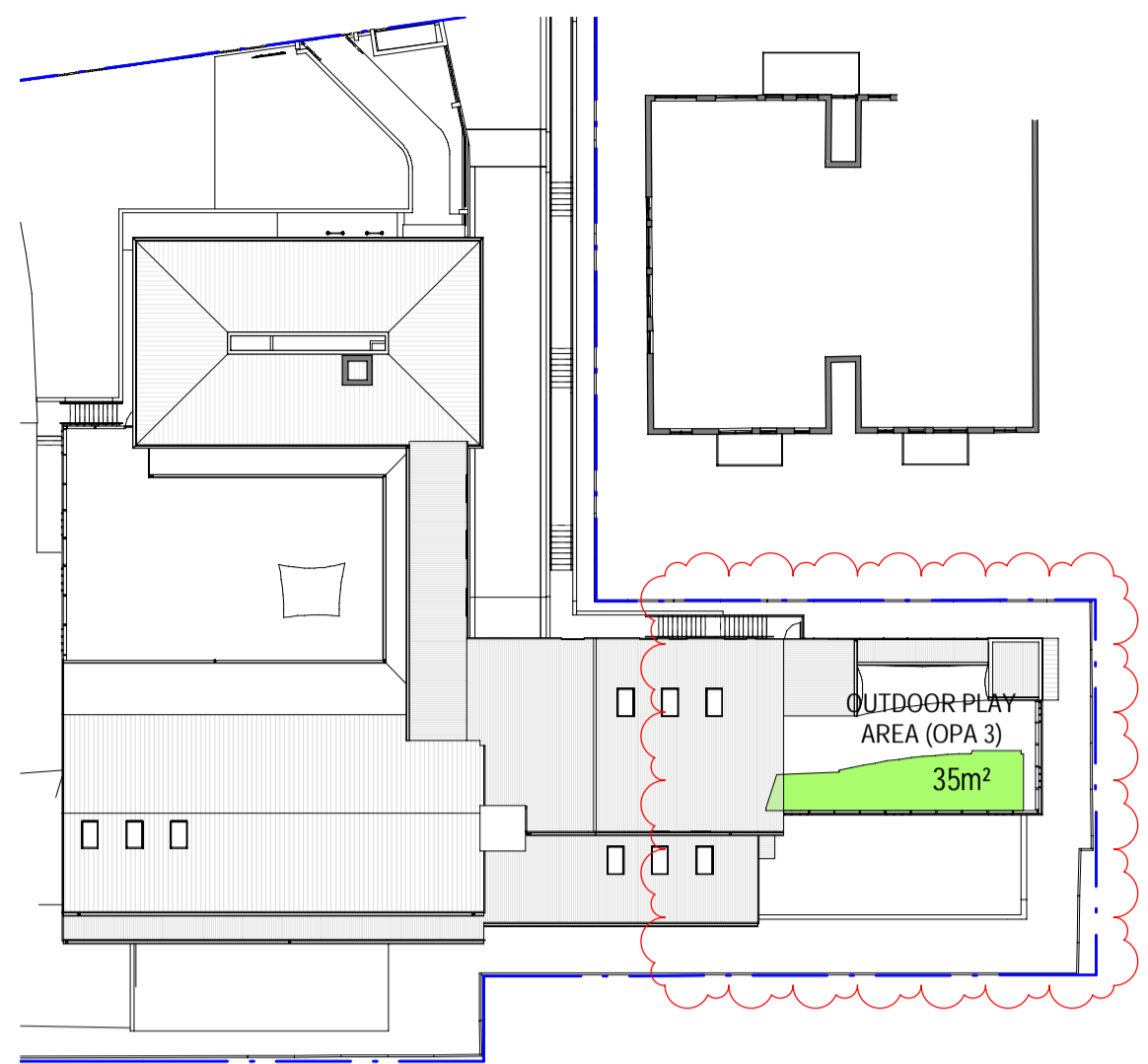
DRAWN BY: NR  
CHECKED BY: AW  
PROJECT NO: 3110.01  
DRAWING NO: DA0022  
ISSUE: 7

DEVELOPMENT APPLICATION

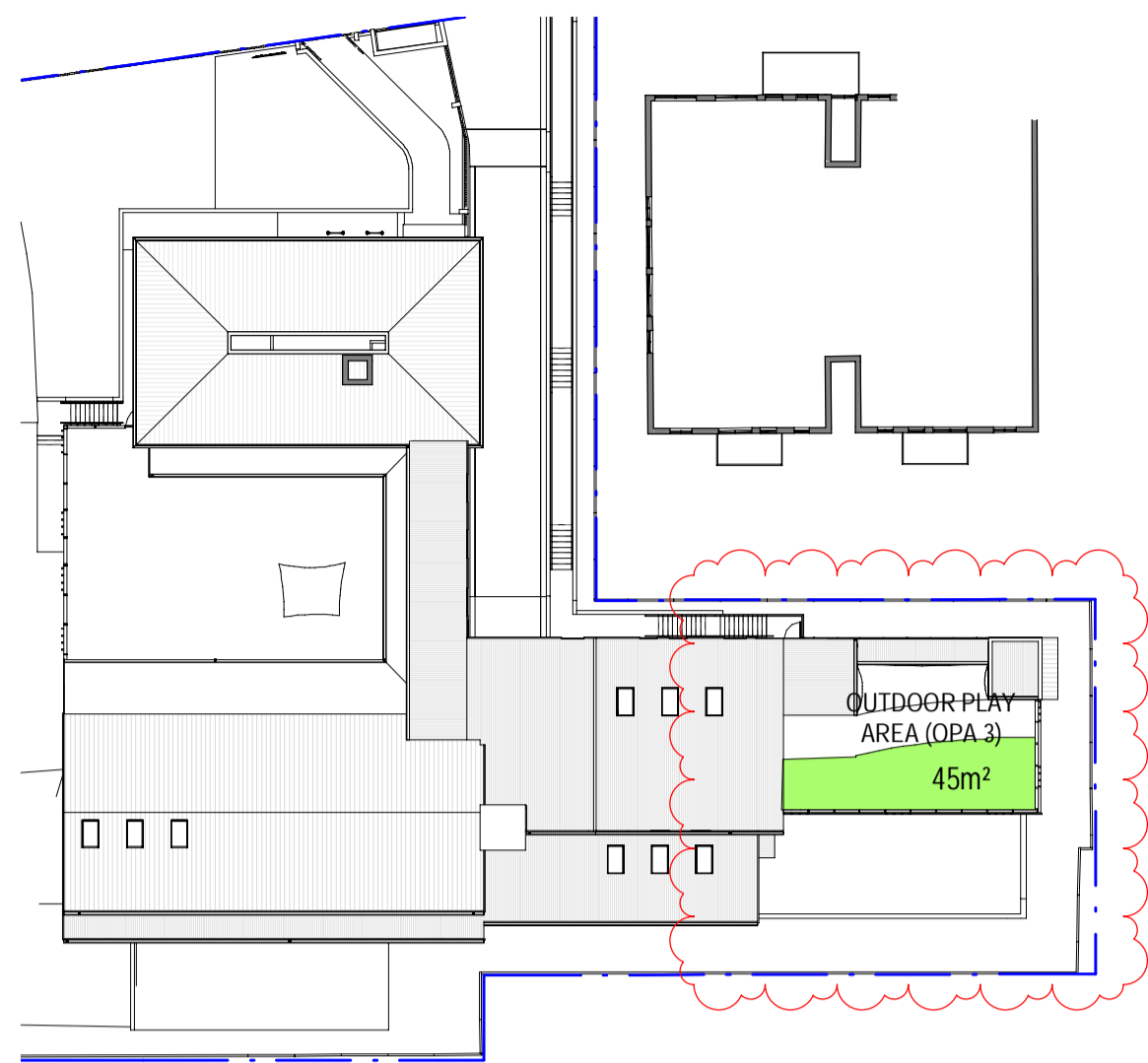
ISSUE	DATE	DESCRIPTION
1	15/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
2	25/03/2024	PRELIMINARY DA ISSUE
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
4	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



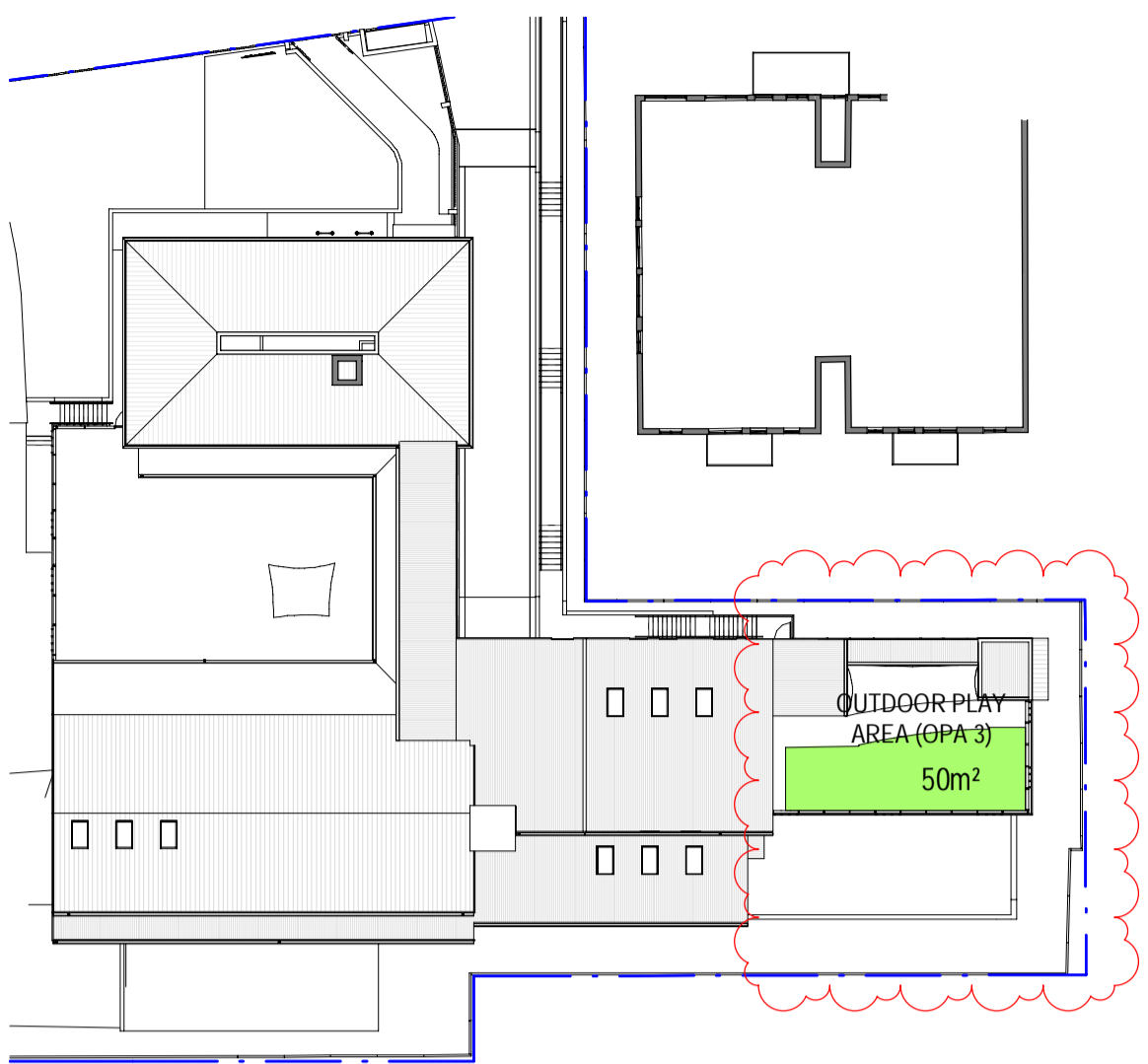
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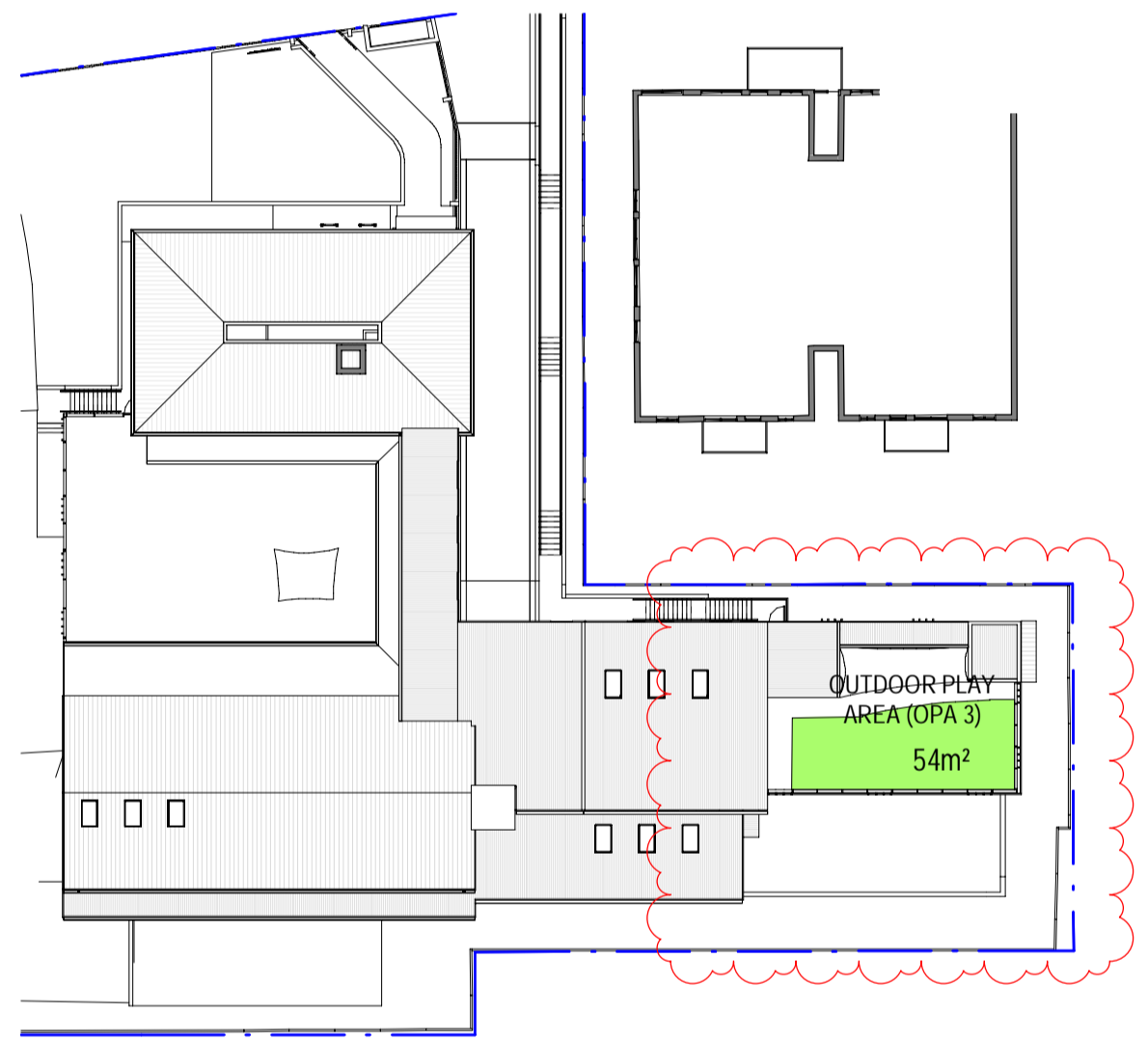
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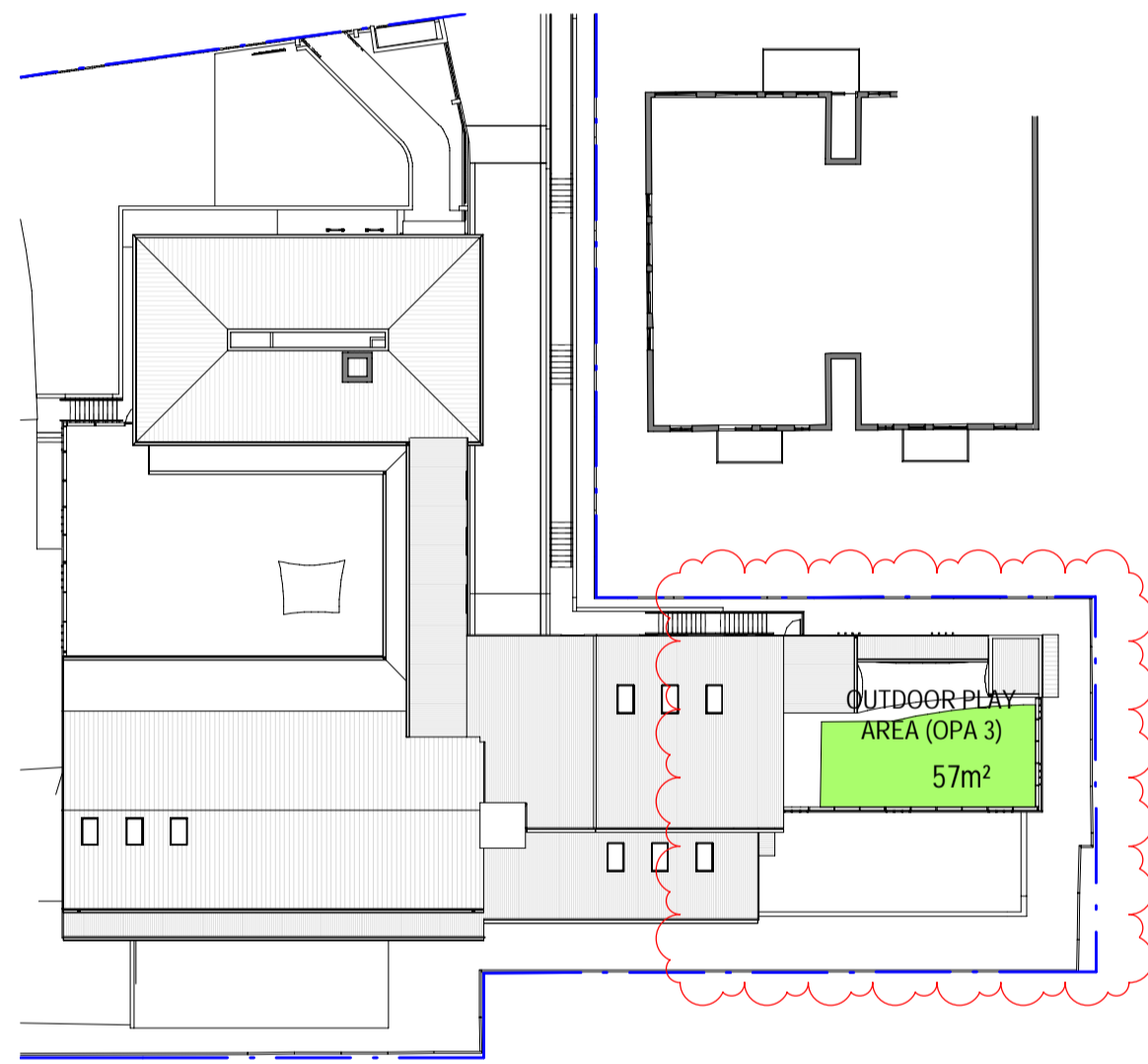
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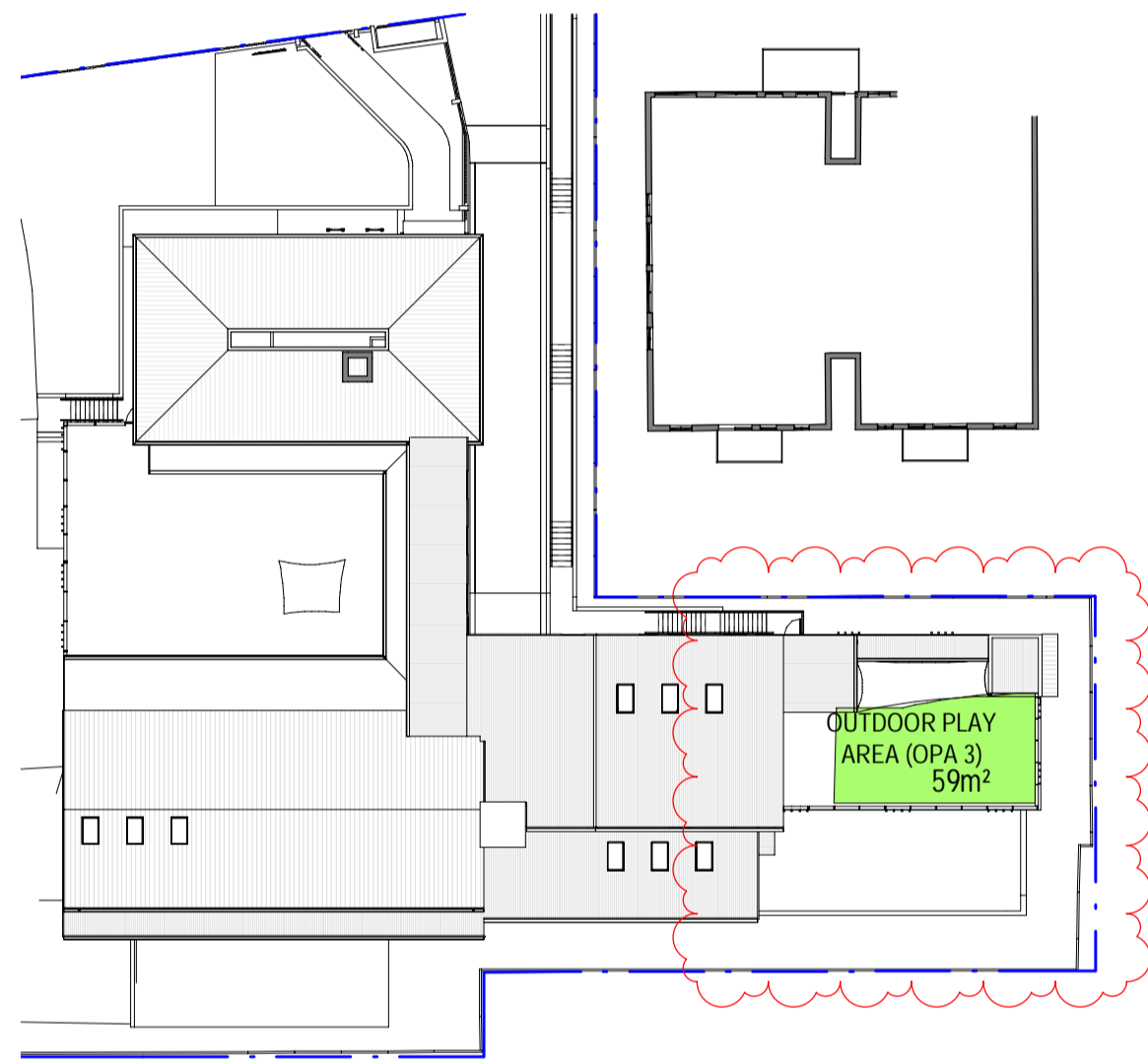
4 1 OCT - 12PM  
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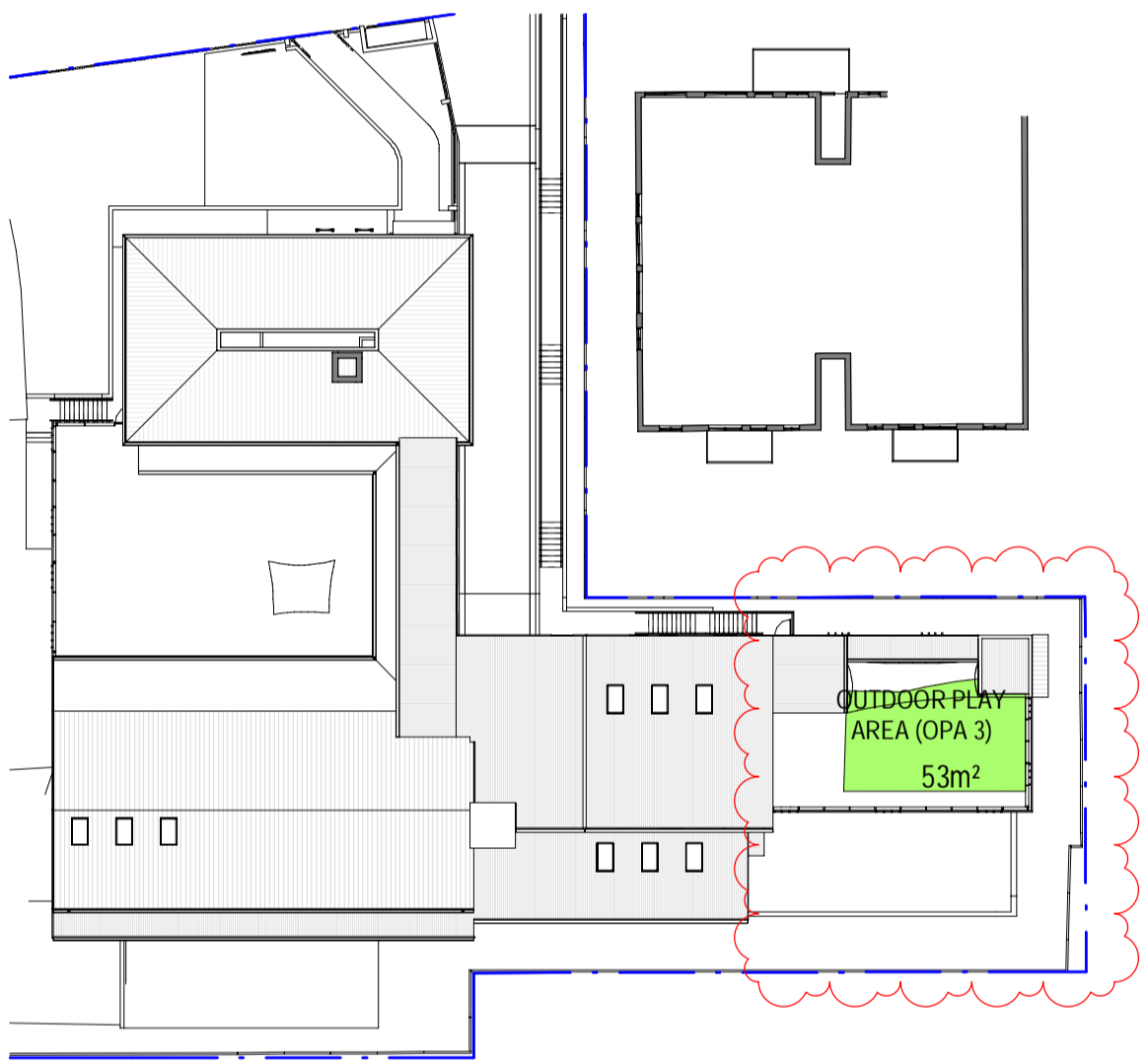
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6 1 OCT - 2PM  
Scale:1 : 400



7 1 OCT - 3PM  
Scale:1 : 400



8 1 OCT - 4PM  
Scale:1 : 400

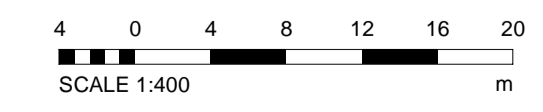
OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS					
	SUMMER PERIOD	WINTER PERIOD	SUMMER PERIOD		
	JANUARY 31	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024			DA0021	DA0022
UPPER GROUND OPA 2		DA0020			
UPPER GROUND OPA 3			DA0023 (OPA 3)		DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN	31st OF JAN		
FEB		1st OF FEB	
MAR			
APR			
MAY			
JUN			
JUL			
AUG			
SEP			
OCT			31st OF OCT
NOV	1st OF NOV		
DEC			

3-6 YEAR OLD ■  
2-3 YEAR OLD ■  
0-2 YEAR OLD ■

OCTOBER 1st - UPPER LEVEL - OUTDOOR PLAY AREA 3 (17 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	18m²	9-10	26.5m²	12
10AM	35m²	10-11	40m²	19
11AM	45m²	11-12	47.5m²	22
12PM	50m²	12-1	52m²	24
1PM	54m²	1-2	55.5m²	26
2PM	57m²	2-3	58m²	27
3PM	59m²	3-4	56m²	26
4PM	53m²	4-5	44m²	20
5PM	35m²			

ANY 2 HOUR PERIOD DURING THIS 7 HOUR RANGE 0-2 YEARS



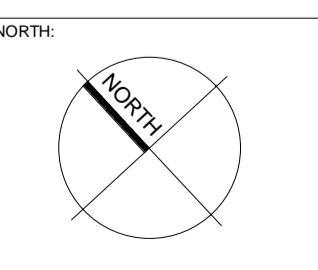
CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SUNLIGHT DIAGRAMS - 1 OCTOBER - UPPER GROUND

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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SCALE:	DATE:
As indicated @ A1	NOVEMBER 2024
DRAWN BY: DL	CHECKED BY: DB
PROJECT NO: 3110.01	DRAWING NO: DA0023
CAD FILE:	ISSUE: 4

DEVELOPMENT APPLICATION

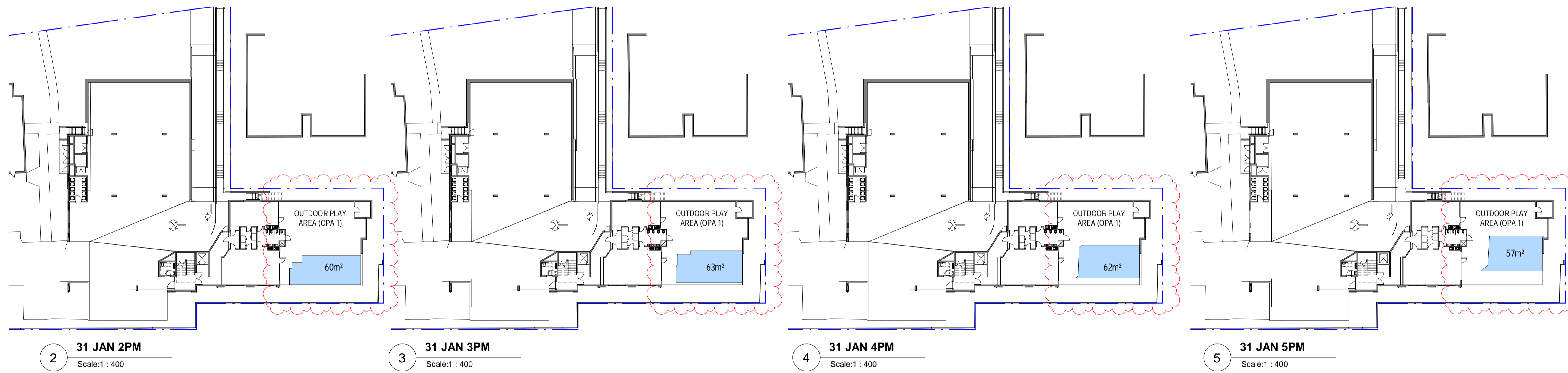
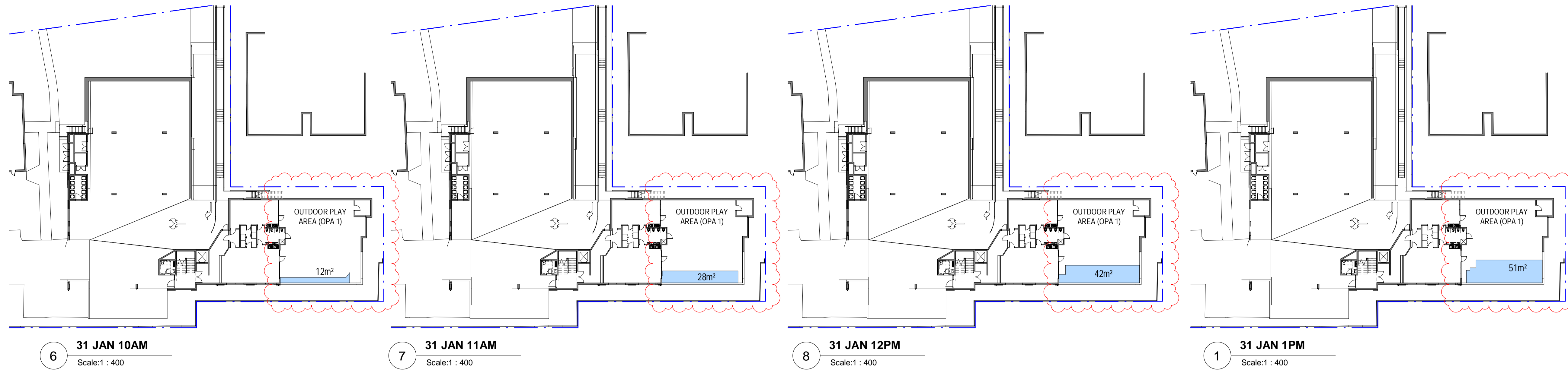
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ISSUE	DATE	DESCRIPTION
1	02/05/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
2	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
3	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	15/03/2024	RE-ISSUED FOR DEVELOPMENT APPLICATION
5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

LEGEND - PLAN DIAGRAMS

- AREA OF SUNLIGHT WITHIN OPA 1
- AREA OF SUNLIGHT WITHIN OPA 2
- AREA OF SUNLIGHT WITHIN OPA 3



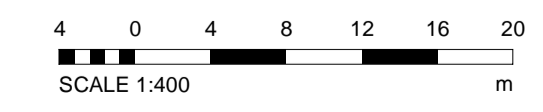
OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS					
	SUMMER PERIOD	WINTER PERIOD	SUMMER PERIOD		
	JANUARY 31	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024			DA0021	DA0022
UPPER GROUND OPA 2 OPA 3		DA0020	DA0023 (OPA 3)		DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN	<span style="background-color: #ADD8E6; width: 10px; height: 10px; display: inline-block;"></span>	<span style="background-color: #FFFF00; width: 10px; height: 10px; display: inline-block;"></span>	<span style="background-color: #90EE90; width: 10px; height: 10px; display: inline-block;"></span>
FEB	31st OF JAN	1st OF FEB	
MAR			
APR			
MAY			
JUN			
JUL			
AUG			
SEP			
OCT			
NOV	1st OF NOV	31st OF OCT	
DEC			

JANUARY 31st - LOWER LEVEL - OUTDOOR PLAY AREA 1 (28 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
10AM	12m²	10-11	20m²	9
11AM	28m²	11-12	35m²	16
12PM	42m²	12-1	46.5m²	22
1PM	51m²	1-2	55.5m²	26
2PM	60m²	2-3	61.5m²	29
3PM	63m²	3-4	62.5m²	29
4PM	62m²	4-5	59.5m²	28
5PM	57m²			

ANY 2 HOUR PERIOD DURING THIS 3 HOUR RANGE 3-6 YEARS

- 3-6 YEAR OLD
- 2-3 YEAR OLD
- 0-2 YEAR OLD



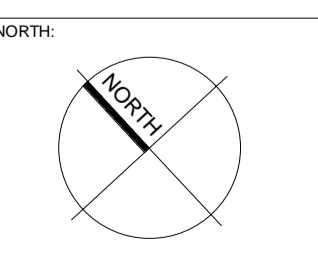
CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SUNLIGHT DIAGRAMS - 31 JANUARY - LOWER GROUND

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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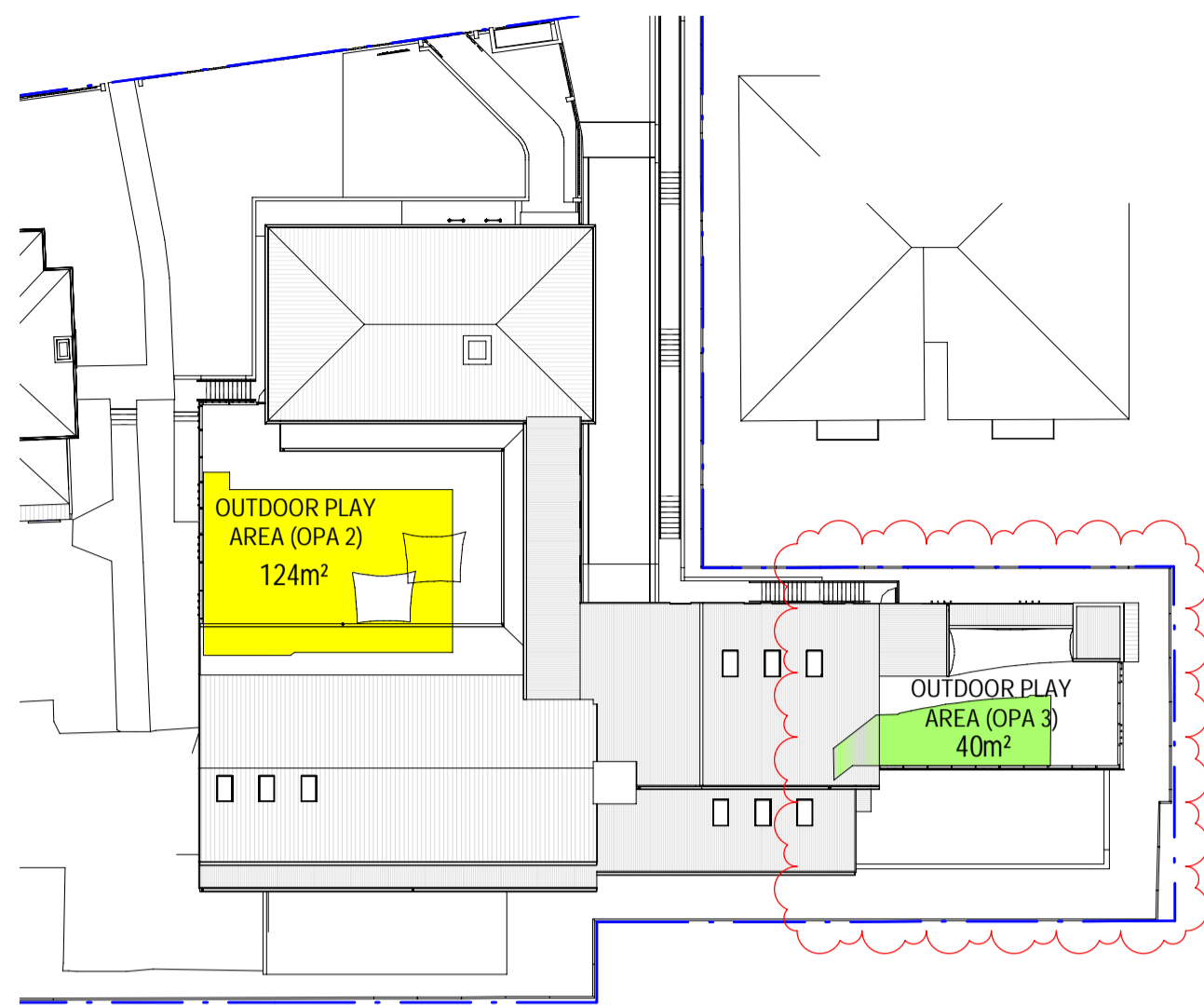


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DRAWN BY: NR	CHECKED BY: AW
PROJECT NO: 3110.01	DRAWING NO: DA0024
CAD FILE:	ISSUE: 7

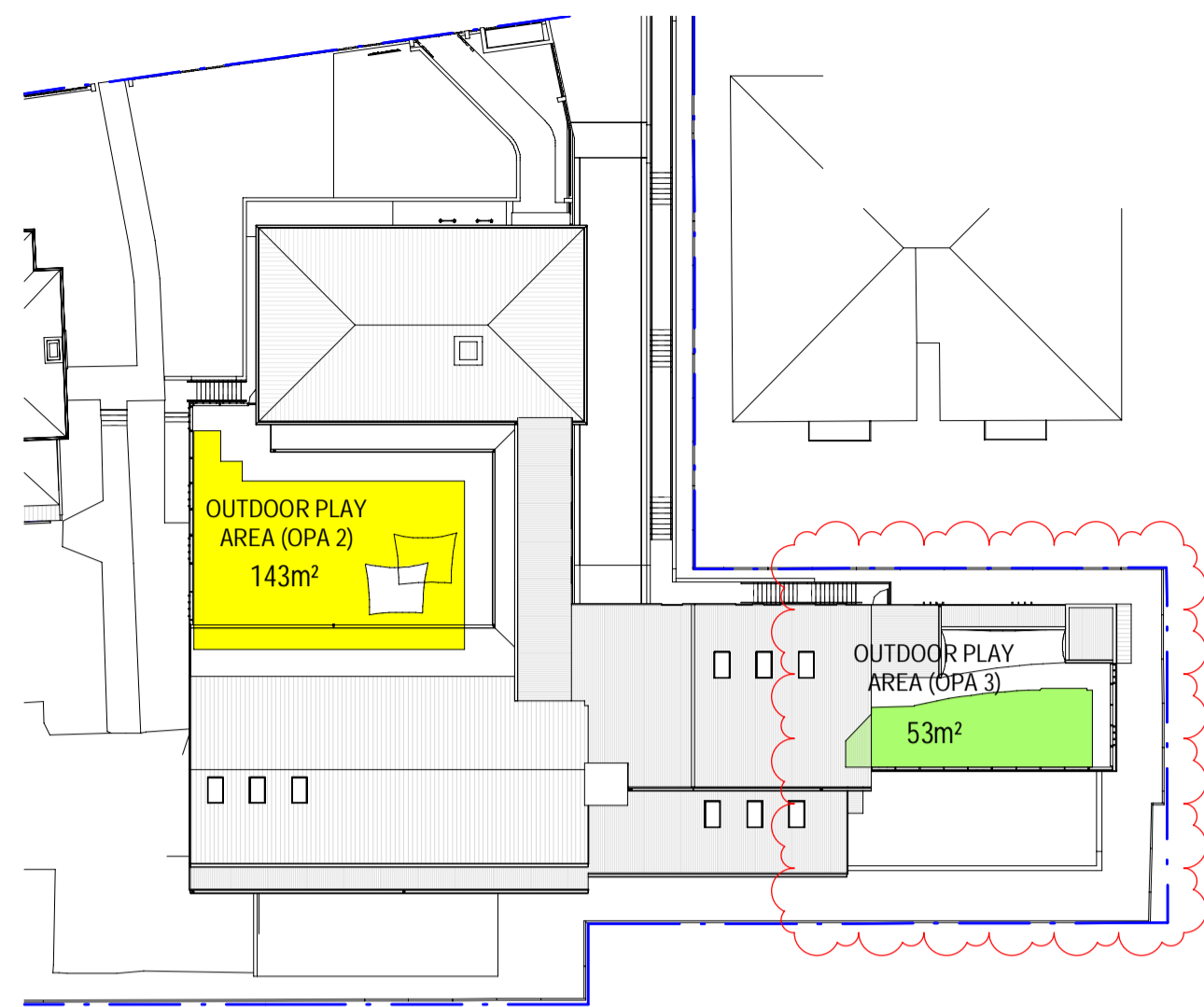
DEVELOPMENT APPLICATION

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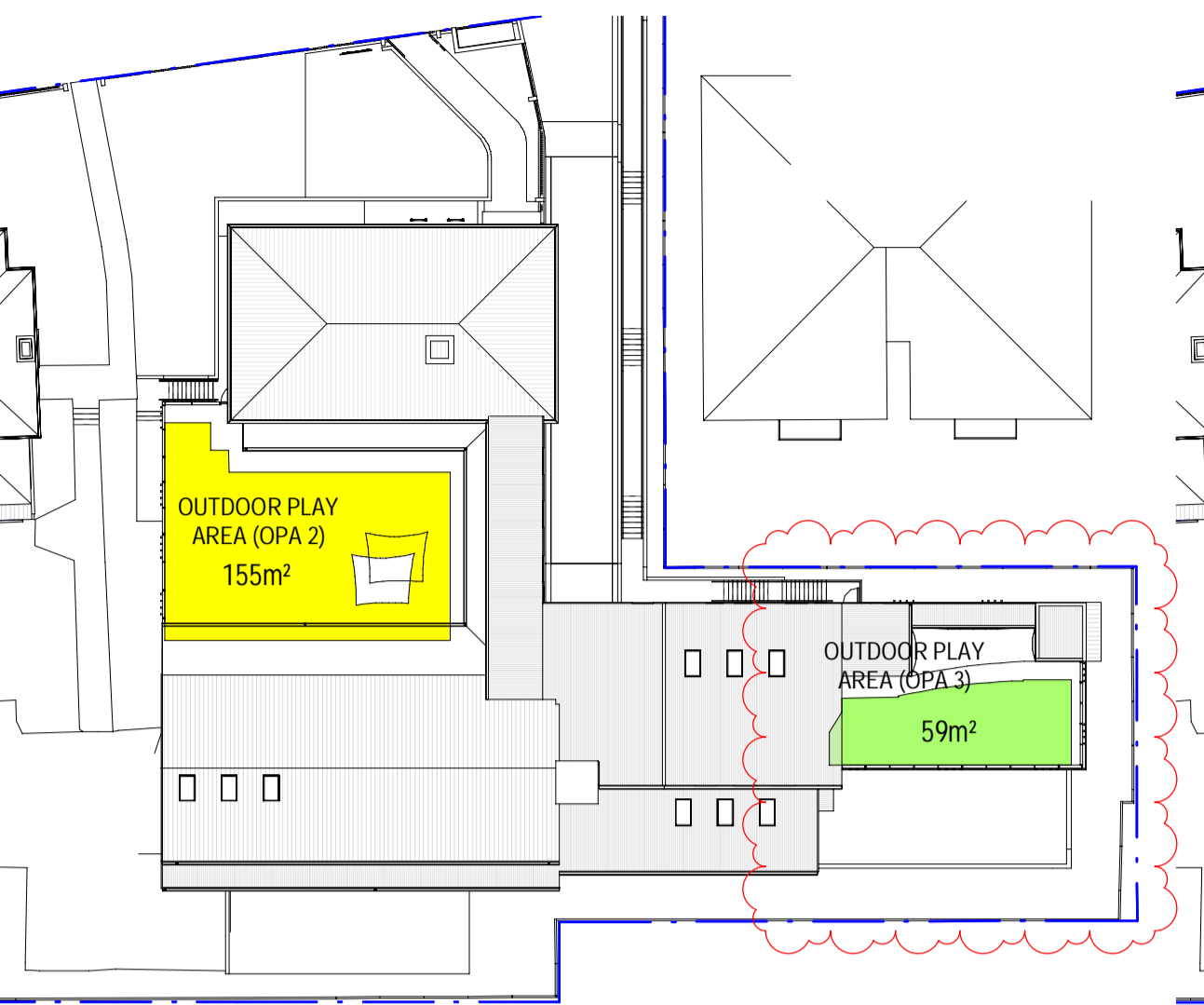
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2	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



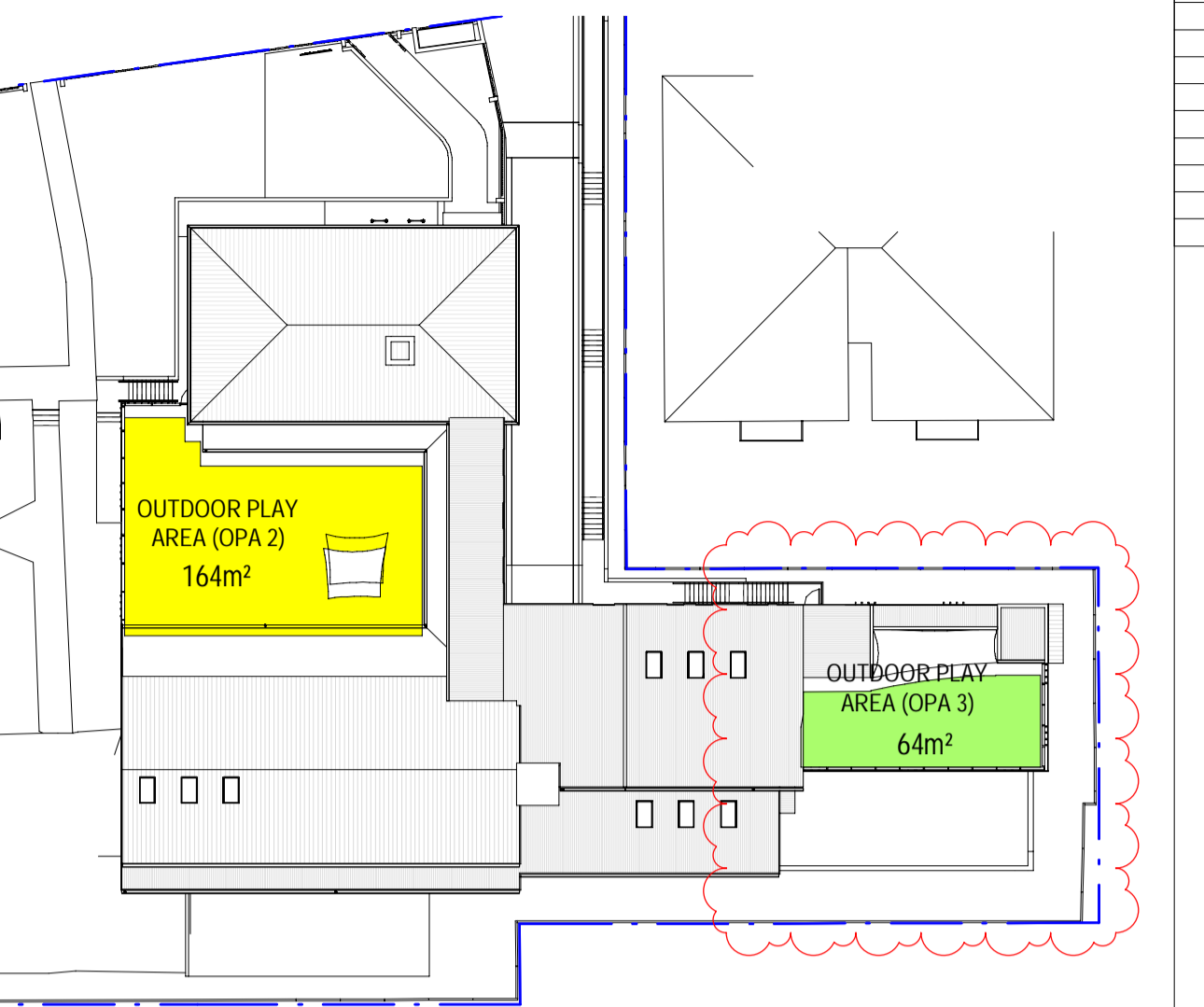
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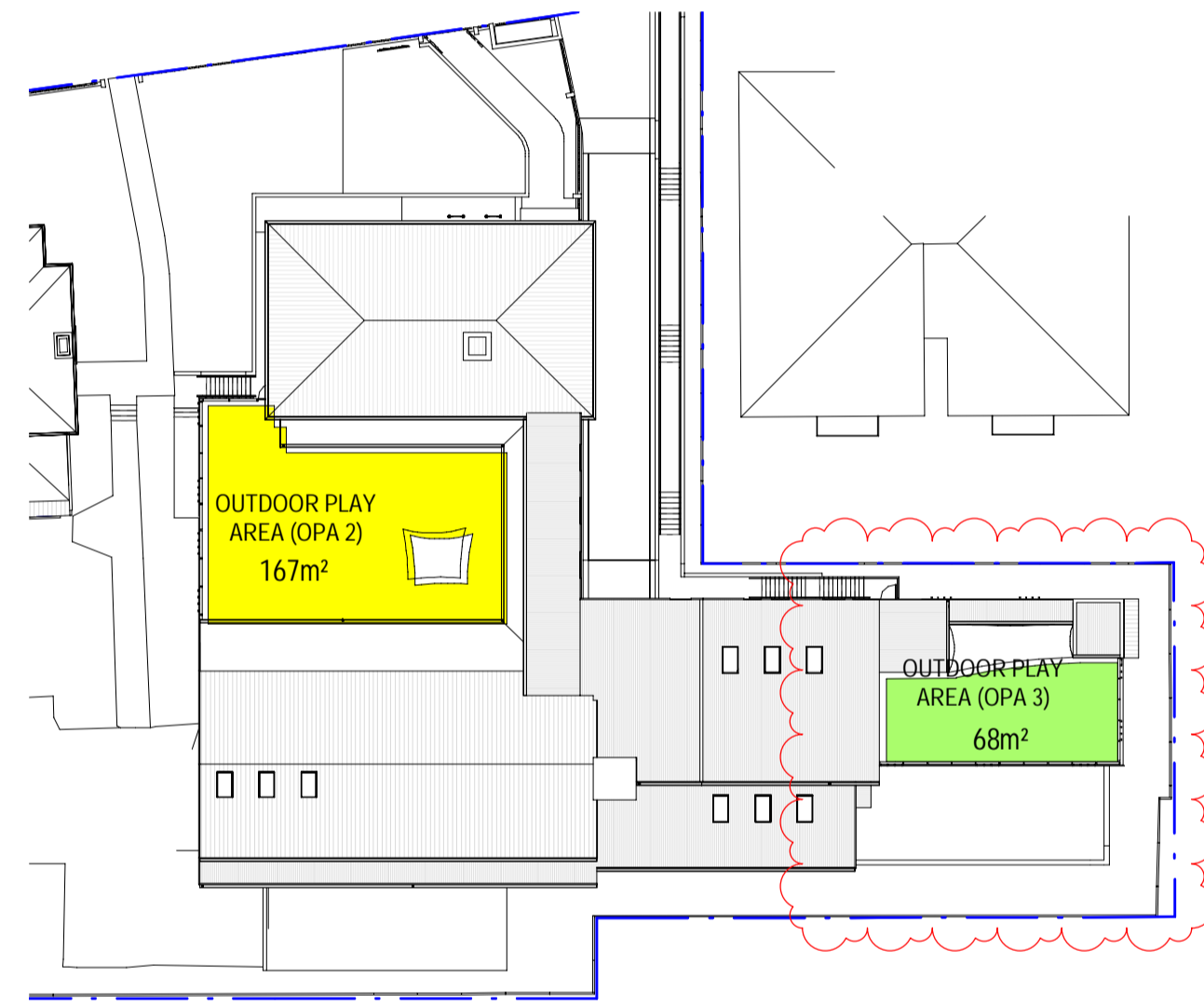
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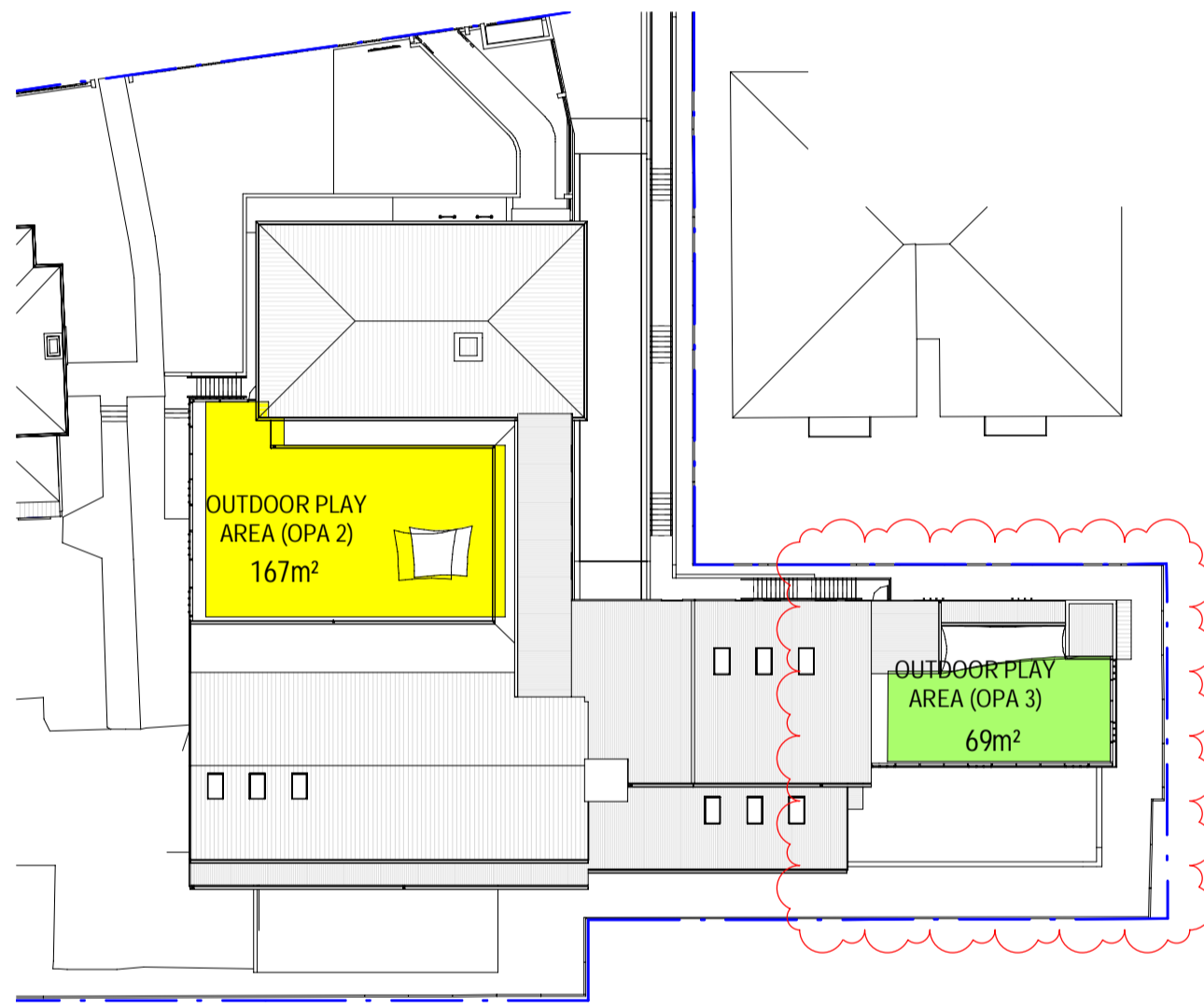
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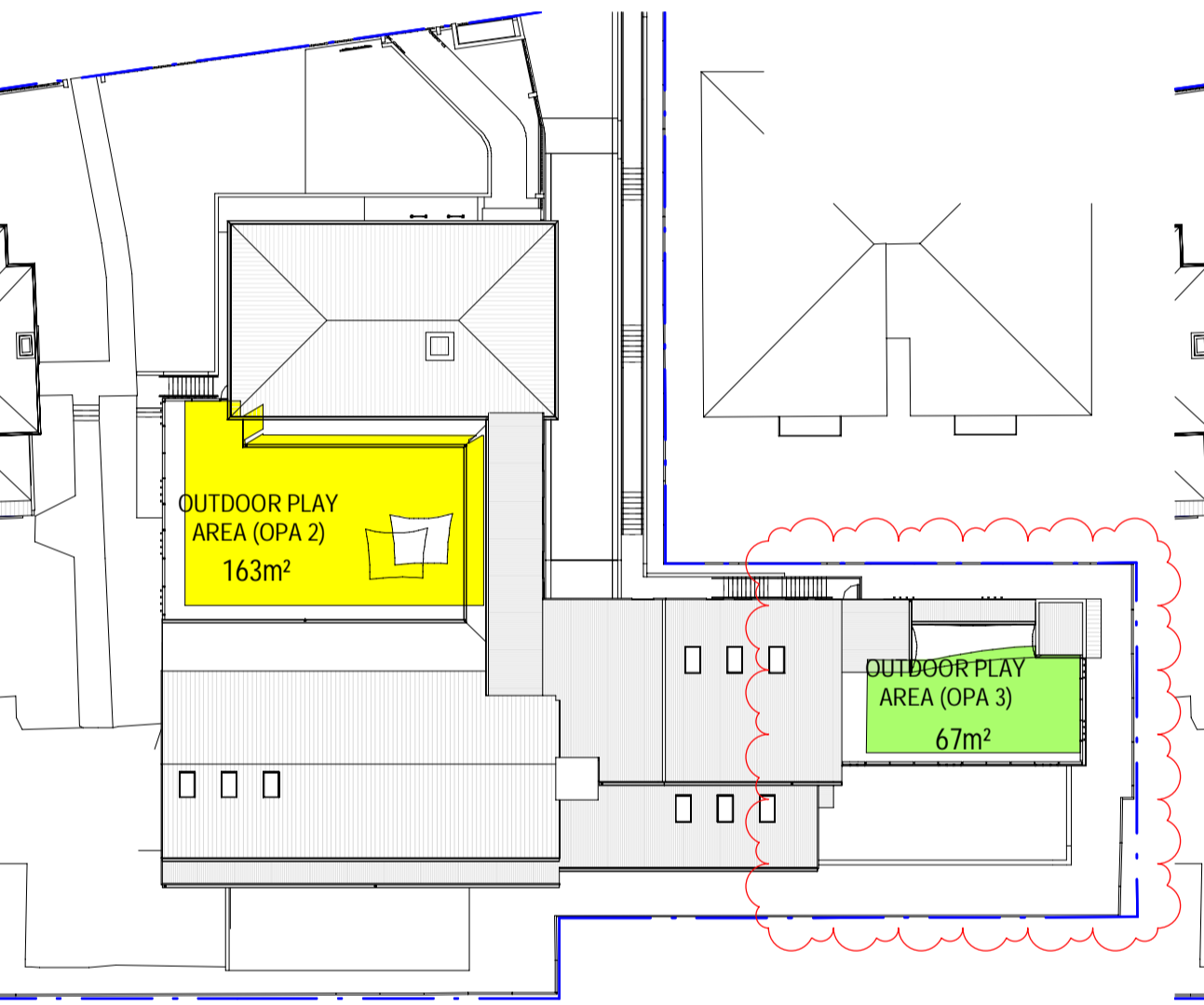
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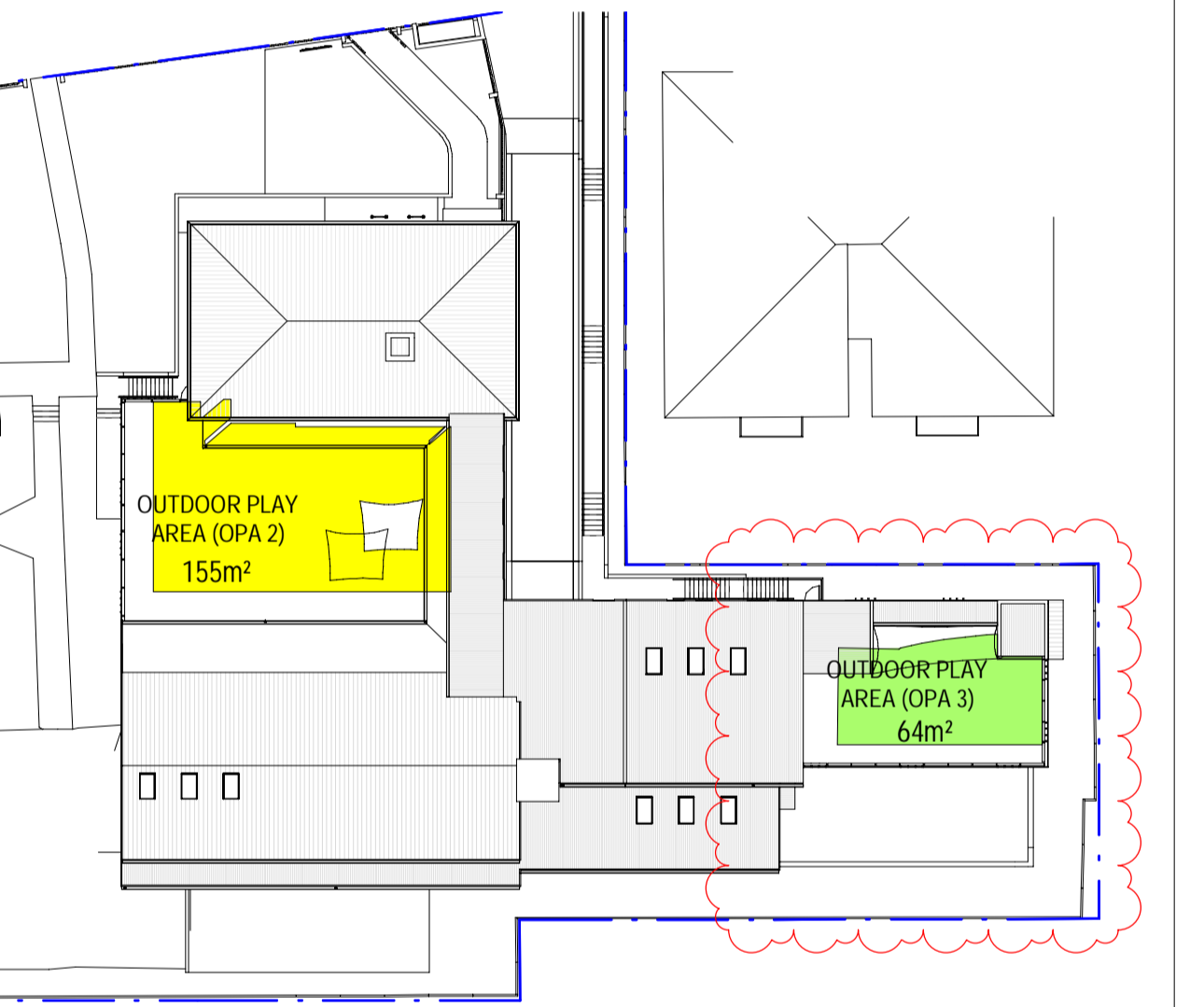
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6 22 DEC - 2PM  
Scale:1 : 400



7 22 DEC - 3PM  
Scale:1 : 400



8 22 DEC - 4PM  
Scale:1 : 400

OUTDOOR PLAY AREA SUNLIGHT DIAGRAMS					
	SUMMER PERIOD	WINTER PERIOD	SUMMER PERIOD		
	JANUARY 31	JUNE 22	OCTOBER 1	NOVEMBER 1	DECEMBER 22
LOWER GROUND OPA 1	DA0024			DA0021	DA0022
UPPER GROUND OPA 2		DA0020			
UPPER GROUND OPA 3			DA0023 (OPA 3)		DA0025

OUTDOOR PLAY AREA SCHEDULE BASED ON SUNLIGHT REQUIREMENTS			
	OPA 1 LOWER GROUND FLOOR	OPA 2 UPPER GROUND FLOOR	OPA 3 UPPER GROUND FLOOR
JAN			
FEB	31st OF JAN		
MAR		1st OF FEB	
APR			
MAY			
JUN			
AUG			
SEP			
OCT			
NOV	1st OF NOV		
DEC		31st OF OCT	

- 3-6 YEAR OLD
- 2-3 YEAR OLD
- 0-2 YEAR OLD

DECEMBER 22nd - UPPER LEVEL - OUTDOOR PLAY AREA 2 (35 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	124m²	9-10	133.5m²	63
10AM	143m²	10-11	149m²	71
11AM	155m²	11-12	159.5m²	76
12PM	164m²	12-1	165.5m²	78
1PM	167m²	1-2	167m²	79
2PM	167m²	2-3	165m²	78
3PM	163m²	3-4	159m²	75
4PM	155m²			

ANY 2 HOUR PERIOD DURING THIS 7 HOUR RANGE

DECEMBER 22nd - UPPER LEVEL - OUTDOOR PLAY AREA 3 (17 CHILDREN)				
HOUR OF DAY	AREA OF SUNLIGHT	1 HOUR PERIOD	AVERAGE AREA OF SUNLIGHT	NO. OF CHILDREN ACCOMMODATED FOR EACH HR (2.1m² PER CHILD)
9AM	40m²	9-10	46.5m²	22
10AM	53m²	10-11	56m²	26
11AM	59m²	11-12	61.5m²	29
12PM	64m²	12-1	66m²	31
1PM	68m²	1-2	68.5m²	32
2PM	69m²	2-3	68m²	32
3PM	67m²	3-4	65.5m²	31
4PM	64m²			

ANY 2 HOUR PERIOD DURING THIS 7 HOUR RANGE

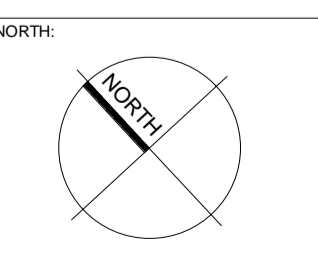
CLIENT:  
THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
SUNLIGHT DIAGRAMS - 22 DECEMBER - UPPER GROUND

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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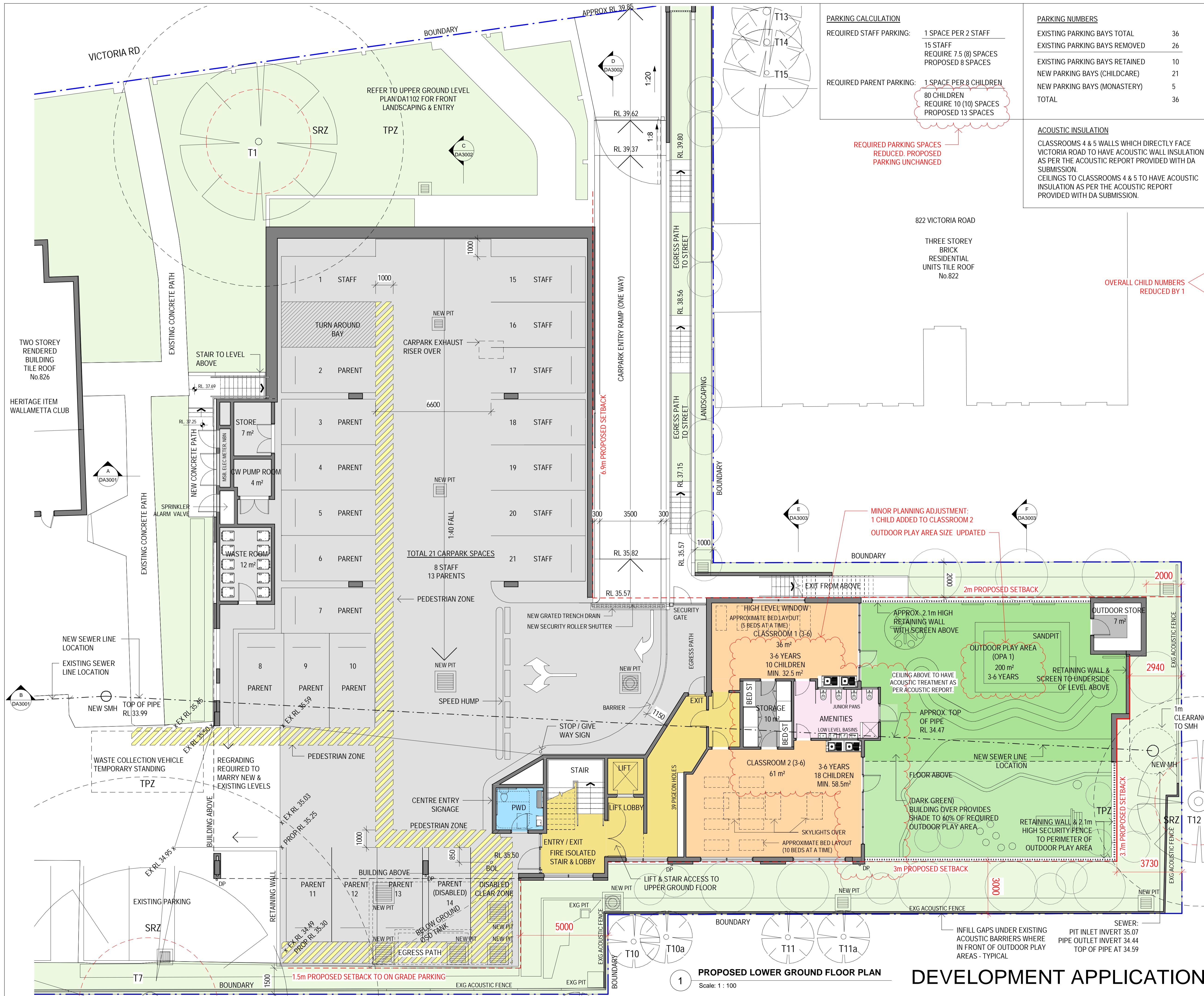


SCALE:	DATE:
As indicated @ A1	NOVEMBER 2024
DRAWN BY: DB	CHECKED BY: AW
PROJECT NO: 3110.01	DRAWING NO: DA0025
CAD FILE:	ISSUE: 2

DEVELOPMENT APPLICATION

8/11/2024 1:28:18 PM





**PARKING CALCULATION**

REQUIRED STAFF PARKING: 1 SPACE PER 2 STAFF  
15 STAFF  
REQUIRE 7.5 (8) SPACES  
PROPOSED 8 SPACES

REQUIRED PARENT PARKING: 1 SPACE PER 8 CHILDREN  
80 CHILDREN  
REQUIRE 10 (10) SPACES  
PROPOSED 13 SPACES

**PARKING NUMBERS**

EXISTING PARKING BAYS TOTAL	36
EXISTING PARKING BAYS REMOVED	26
EXISTING PARKING BAYS RETAINED	10
NEW PARKING BAYS (CHILDCARE)	21
NEW PARKING BAYS (MONASTERY)	5
TOTAL	36

**ACOUSTIC INSULATION**

CLASSROOMS 4 & 5 WALLS WHICH DIRECTLY FACE VICTORIA ROAD TO HAVE ACOUSTIC WALL INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

CEILING TO CLASSROOMS 4 & 5 TO HAVE ACOUSTIC INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

**ISSUE**

DATE	DESCRIPTION
1 31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2 05/04/2023	DRAFT COUNCIL RFI RESPONSE
3 28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4 01/05/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
5 01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
6 04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
7 25/03/2024	PRELIMINARY DA ISSUE
8 27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
9 16/10/2024	1 PLACE ADDED TO CLASSROOM 2
10 08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

**CLASSROOM SCHEDULE**

Name	UNENCUMBERED AREA	NO. OF CHILDREN
CLASSROOM 1 (3-6)	36 m <sup>2</sup>	10
CLASSROOM 2 (3-6)	61 m <sup>2</sup>	18
CLASSROOM 3 (2-3)	71 m <sup>2</sup>	20
CLASSROOM 4 (2-3)	55 m <sup>2</sup>	15
CLASSROOM 5 (0-2)	59 m <sup>2</sup>	17
TOTAL	282 m <sup>2</sup>	80

3.25m<sup>2</sup> OF UNENCUMBERED AREA PER CHILD REQUIRED

TOTAL NUMBER OF CHILDREN = 80

MINIMUM REQUIRED UNENCUMBERED CLASSROOM AREA = 260m<sup>2</sup>

OVERALL CHILD NUMBERS REDUCED BY 1

**OUTDOOR PLAY**

TOTAL NUMBER OF CHILDREN = 80

UNENCUMBERED OUTDOOR PLAY AREA REQUIREMENT = 7m<sup>2</sup> PER CHILD

MINIMUM REQUIRED UNENCUMBERED OUTDOOR PLAY AREA = 80 x 7 = 560m<sup>2</sup>

PROPOSED UNENCUMBERED OUTDOOR PLAY AREA

LOWER GROUND	
OPA 1	= 200 m <sup>2</sup>
UPPER GROUND	
OPA 2	= 255 m <sup>2</sup>
OPA 3	= 124 m <sup>2</sup>
TOTAL	= 579 m <sup>2</sup>

**SECTION J - BUILDING FABRIC REQUIREMENTS (WALLS)**

THE BELOW ACHIEVES DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION. METHOD OF COMPLIANCE WILL BE CONFIRMED DURING THE CONSTRUCTION CERTIFICATE STAGE.

**MASONRY VENEER WALLS**

MINIMUM TOTAL R-VALUE = R1.40  
- WALLS TO INCORPORATE MIN. R1.6 BULK INSULATION

**FRAMED EXTERNAL WALLS**

MINIMUM TOTAL R-VALUE = R1.40  
- WALLS TO INCORPORATE MIN. R2.10 BULK INSULATION

**INTERNAL WALLS (CONDITIONED TO NON-CONDITIONED SPACE)**

MINIMUM TOTAL R-VALUE = R1.40

CLIENT:

**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:

**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**

ARCHITECT:

**ALTIS ARCHITECTURE**

DRAWING TITLE:

**LOWER GROUND LEVEL FLOOR PLAN**

NOTES:

Nominated architect: Andrew O'Connell - 9018  
Copyright remains the property of Altis Architecture Pty Ltd.  
Use only figured dimensions.  
All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

SCALE: As indicated @ A1

DATE: NOVEMBER 2024

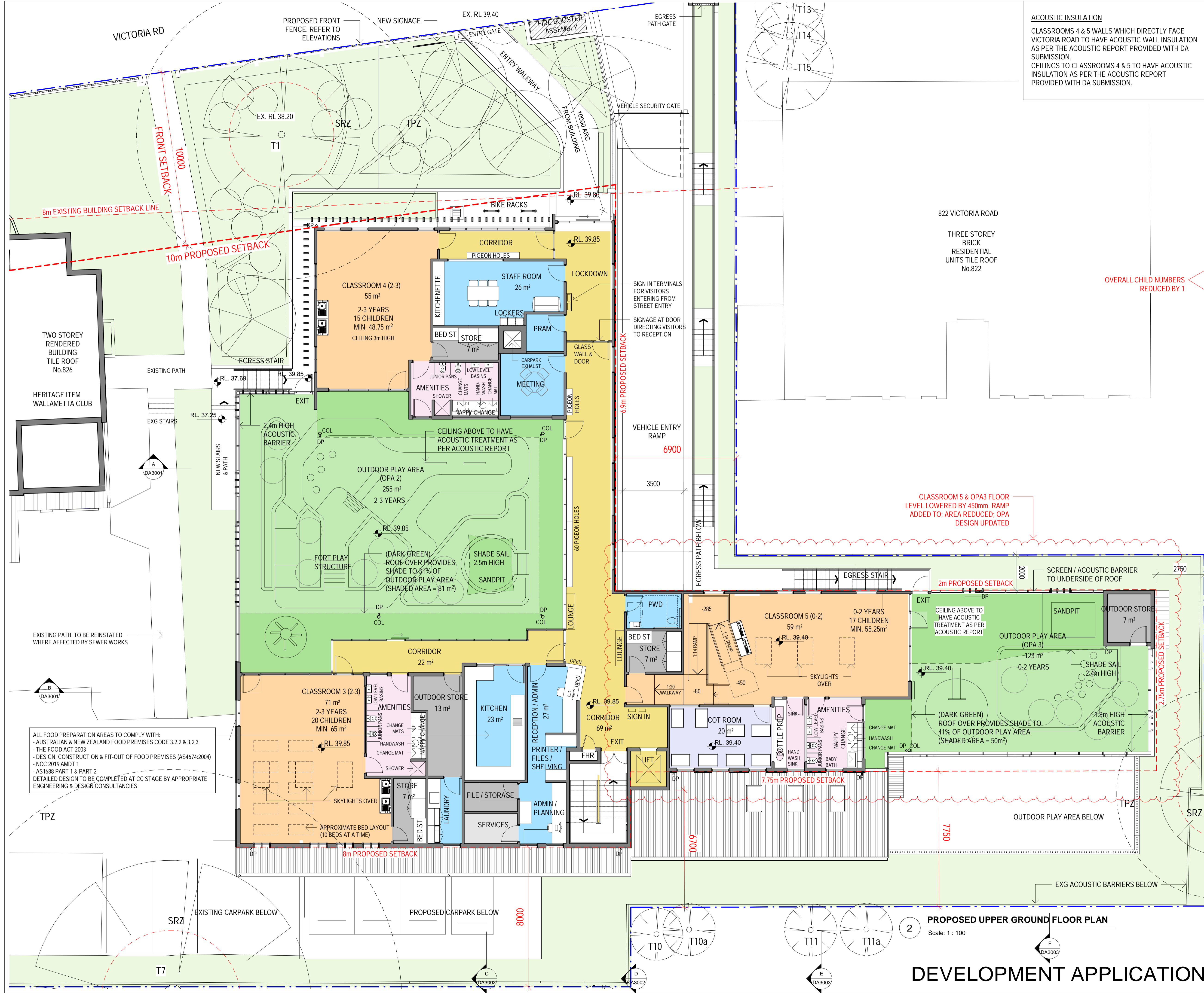
DRAWN BY: JW	CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA1101	ISSUE: 10
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**1 PROPOSED LOWER GROUND FLOOR PLAN**  
Scale: 1 : 100

**DEVELOPMENT APPLICATION**

9/11/2024 1:29:32 PM





**ACOUSTIC INSULATION**  
 CLASSROOMS 4 & 5 WALLS WHICH DIRECTLY FACE VICTORIA ROAD TO HAVE ACOUSTIC WALL INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.  
 CEILINGS TO CLASSROOMS 4 & 5 TO HAVE ACOUSTIC INSULATION AS PER THE ACOUSTIC REPORT PROVIDED WITH DA SUBMISSION.

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	29/04/2023	NAPPY CHANGE DETAIL ADDED
5	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
6	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
7	25/03/2024	PRELIMINARY DA ISSUE
8	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
9	16/10/2024	CLASSROOM 5 & OPA 3 ADJUSTED TO ACCOMMODATE LEVEL CHANGE WITHIN CLASSROOM 5
10	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

CLASSROOM SCHEDULE		
Name	UNENCUMBERED AREA	NO. OF CHILDREN
CLASSROOM 1 (3-6)	36 m <sup>2</sup>	10
CLASSROOM 2 (3-6)	61 m <sup>2</sup>	18
CLASSROOM 3 (2-3)	71 m <sup>2</sup>	20
CLASSROOM 4 (2-3)	55 m <sup>2</sup>	15
CLASSROOM 5 (0-2)	59 m <sup>2</sup>	17
	282 m <sup>2</sup>	80

3.25m<sup>2</sup> OF UNENCUMBERED AREA PER CHILD REQUIRED  
 TOTAL NUMBER OF CHILDREN = 80  
 MINIMUM REQUIRED UNENCUMBERED CLASSROOM AREA = 260m<sup>2</sup>

**OVERALL CHILD NUMBERS REDUCED BY 1**

**OUTDOOR PLAY**  
 TOTAL NUMBER OF CHILDREN = 80  
 UNENCUMBERED OUTDOOR PLAY AREA REQUIREMENT = 7m<sup>2</sup> PER CHILD  
 MINIMUM REQUIRED UNENCUMBERED OUTDOOR PLAY AREA = 80 x 7 = 560m<sup>2</sup>  
 PROPOSED UNENCUMBERED OUTDOOR PLAY AREA  
 LOWER GROUND  
 OPA 1 = 200 m<sup>2</sup>  
 UPPER GROUND  
 OPA 2 = 255 m<sup>2</sup>  
 OPA 3 = 124 m<sup>2</sup>  
 TOTAL = 579 m<sup>2</sup>

**SECTION J - BUILDING FABRIC REQUIREMENTS (WALLS)**  
 THE BELOW ACHIEVES DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION. METHOD OF COMPLIANCE WILL BE CONFIRMED DURING THE CONSTRUCTION CERTIFICATE STAGE.

**MASONRY VENEER WALLS**  
 MINIMUM TOTAL R-VALUE = R1 1.40  
 - WALLS TO INCORPORATE MIN. R1.6 BULK INSULATION

**FRAMED EXTERNAL WALLS**  
 MINIMUM TOTAL R-VALUE = R1 1.40  
 - WALLS TO INCORPORATE MIN. R2.10 BULK INSULATION

**INTERNAL WALLS - (CONDITIONED TO NON-CONDITIONED SPACE)**  
 MINIMUM TOTAL R-VALUE = R1 1.40

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**



DRAWING TITLE:  
**UPPER GROUND LEVEL FLOOR PLAN**

NOTES:		DATE:	
Nominated architect: Andrew O'Connell - 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.		NOVEMBER 2024	
SCALE: As indicated @ A1	CHECKED BY: DB	PROJECT NO: 3110.01	ISSUE: DA1102
DRAWN BY: JW	CAD FILE:		10

**PROPOSED UPPER GROUND FLOOR PLAN**  
 Scale: 1 : 100

**DEVELOPMENT APPLICATION**

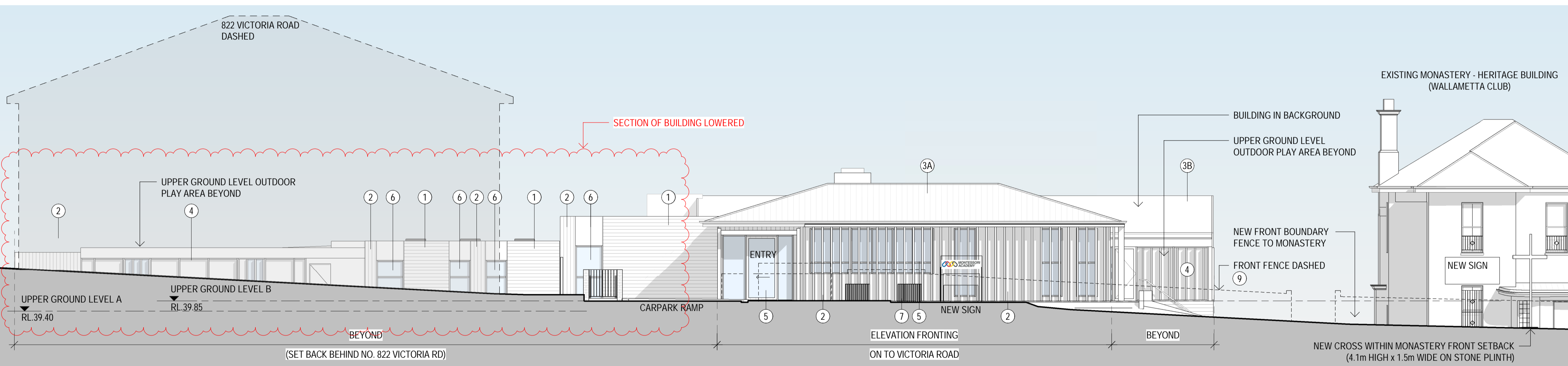
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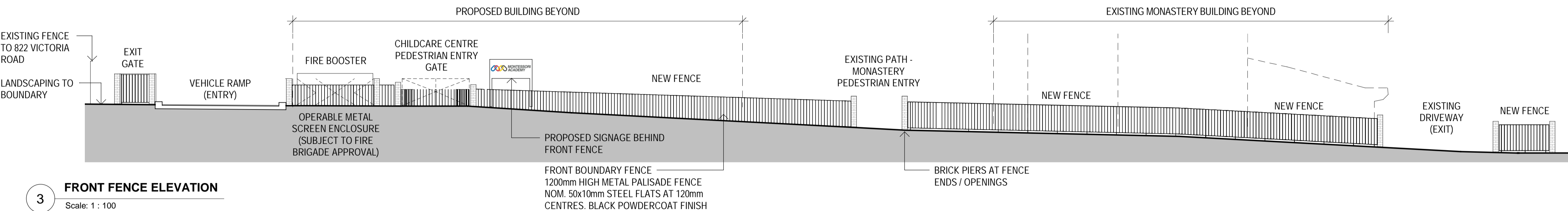
**1 PROPOSED VICTORIA ROAD (NORTH EAST) PERSPECTIVE ELEVATION**

Scale: 1 : 500



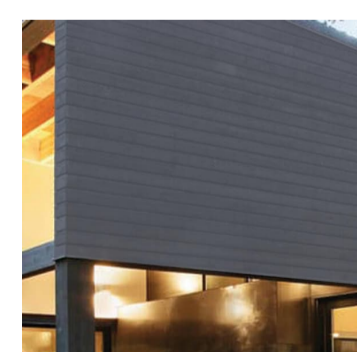
**2 PROPOSED NORTH EAST ELEVATION**

Scale: 1 : 100



**3 FRONT FENCE ELEVATION**

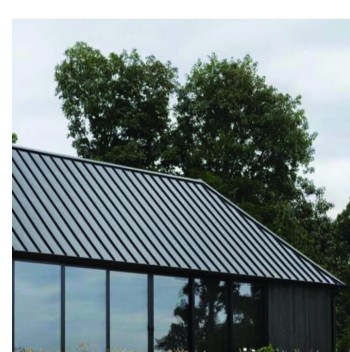
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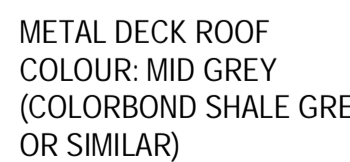
**1** HORIZONTAL CLADDING EXPRESSED JOINTS COLOUR: CHARCOAL GREY



**2** VERTICAL CLADDING EXPRESSED JOINTS COLOUR: CHARCOAL GREY



**3A** METAL DECK ROOF COLOUR: CHARCOAL GREY (COLORBOND MONUMENT OR SIMILAR)



**3B** METAL DECK ROOF COLOUR: MID GREY (COLORBOND SHALE GREY OR SIMILAR)



**4** GLASS / PERSPEX ACOUSTIC BARRIERS WITH VERTICAL BATTENS **7**



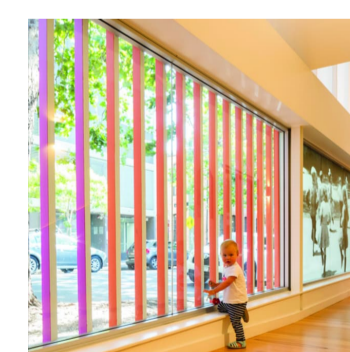
**5** ALUMINIUM FRAMED GLAZED WINDOWS & DOORS  
- WINDOWS TO INCORPORATE OPENABLE PANELS  
- FRAME COLOUR: CHARCOAL

**ACOUSTIC MIN. REQUIREMENT (REFER TO ACOUSTIC REPORT)**  
- MIN. 10mm THICK EXTERNAL GLAZING TO CLASSROOMS 4 & 5

**SECTION J - BUILDING FABRIC REQUIREMENTS**  
ALL GLAZING - SYSTEM MAX U-VALUE = 4.30  
ALL GLAZING - SYSTEM MAX SHGC = 0.45



**6** WINDOWS WITH COLOURED REVEALS



**7** VERTICAL BATTENS WITH COLOURED REVEALS



**8** RENDERED AND PAINTED MASONRY, PAINTED BRICK OR PAINTED FC CLADDING. COLOUR: WHITE / NEUTRAL RANGE



**9** FRONT BOUNDARY FENCE. BLACK METAL VERTICAL BLADE FENCE. REFER TO DETAIL 3 / DA2101 - FRONT FENCE ELEVATION

ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	22/03/2024	PRELIMINARY DA ISSUE
6	25/03/2024	PRELIMINARY DA ISSUE
7	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
8	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

**NOTES**  
THE GLAZING REQUIREMENTS NOTED ACHIEVE DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

VENTILATION LOUVRES SHOWN ON ELEVATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER DETAILED DESIGN AT CONSTRUCTION CERTIFICATE STAGE

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**

ARCHITECT:  
**ALTIS ARCHITECTURE**

DRAWING TITLE:  
**PROPOSED ELEVATIONS - SHEET 1**

NOTES:  
Nominated architect: Andrew O'Connell - 9018  
Copyright remains the property of Altis Architecture Pty Ltd.  
Use only figured dimensions.  
All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

SCALE:	DATE:
As indicated @ A1	NOVEMBER 2024
DRAWN BY: JW	CHECKED BY: AW
PROJECT NO: 3110.01	DRAWING NO: DA2101
CAD FILE:	ISSUE: 8

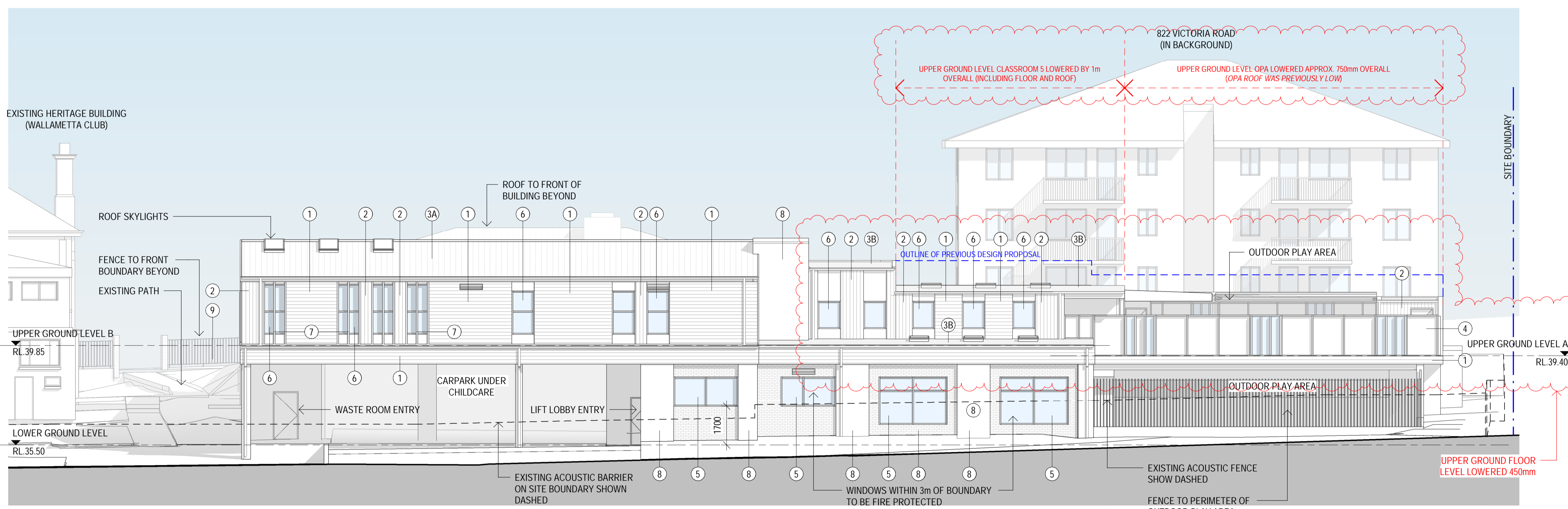
**DEVELOPMENT APPLICATION**



ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	25/03/2024	PRELIMINARY DA ISSUE
4	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
5	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



**1 PROPOSED OVERALL SOUTH WEST ELEVATION**  
Scale: 1 : 150



**2 PROPOSED SOUTH WEST ELEVATION**  
Scale: 1 : 100

**NOTES**  
THE GLAZING REQUIREMENTS NOTED ACHIEVE DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

VENTILATION LOUVRES SHOWN ON ELEVATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER DETAILED DESIGN AT CONSTRUCTION CERTIFICATE STAGE

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**



DRAWING TITLE:  
**PROPOSED ELEVATIONS - SHEET 3**



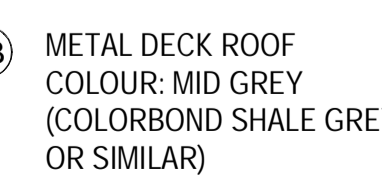
**1** HORIZONTAL CLADDING EXPRESSED JOINTS  
COLOUR: CHARCOAL GREY



**2** VERTICAL CLADDING EXPRESSED JOINTS  
COLOUR: CHARCOAL GREY



**3A** METAL DECK ROOF  
COLOUR: CHARCOAL GREY (COLORBOND MONUMENT OR SIMILAR)



**3B** METAL DECK ROOF  
COLOUR: MID GREY (COLORBOND SHALE GREY OR SIMILAR)



**4** GLASS / PERSPEX ACOUSTIC BARRIERS WITH VERTICAL BATTENS **7**



**5** ALUMINIUM FRAMED GLAZED WINDOWS & DOORS  
- WINDOWS TO INCORPORATE OPENABLE PANELS  
- FRAME COLOUR: CHARCOAL

**ACOUSTIC MIN. REQUIREMENT (REFER TO ACOUSTIC REPORT)**  
- MIN. 10mm THICK EXTERNAL GLAZING TO CLASSROOMS 4 & 5

**SECTION J - BUILDING FABRIC REQUIREMENTS**  
ALL GLAZING - SYSTEM MAX U-VALUE = 4.30  
ALL GLAZING - SYSTEM MAX SHGC = 0.45



**6** WINDOWS WITH COLOURED REVEALS



**7** VERTICAL BATTENS WITH COLOURED REVEALS



**8** RENDERED AND PAINTED MASONRY, PAINTED BRICK OR PAINTED FC CLADDING.  
COLOUR: WHITE / NEUTRAL RANGE



**9** FRONT BOUNDARY FENCE. BLACK METAL VERTICAL BLADE FENCE. REFER TO DETAIL 3 / DA2101 - FRONT FENCE ELEVATION

**DEVELOPMENT APPLICATION**

NOTES: Nominated architect: Andrew O'Connell - 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.	NORTH:
SCALE: As indicated @ A1	DATE: NOVEMBER 2024
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PROJECT NO: 3110.01	DRAWING NO: DA2103
CAD FILE:	ISSUE: 5

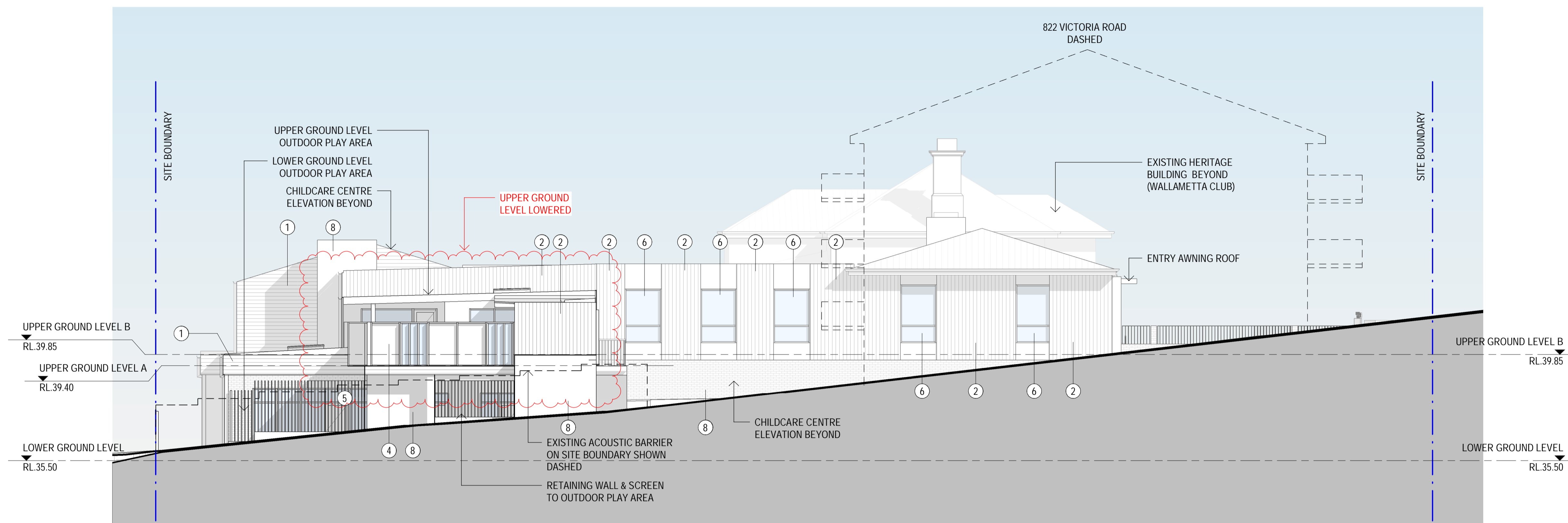
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ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	25/03/2024	PRELIMINARY DA ISSUE
4	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
5	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



**1 PROPOSED SOUTH EAST ELEVATION**  
Scale: 1 : 100

**NOTES**

THE GLAZING REQUIREMENTS NOTED ACHIEVE DTS COMPLIANCE WITH NCC SECTION J. COMPLIANCE IS ALSO ACHIEVABLE THROUGH A PERFORMANCE BASED SOLUTION & WILL BE FURTHER CLARIFIED DURING THE CONSTRUCTION CERTIFICATE STAGE

VENTILATION LOUVRES SHOWN ON ELEVATIONS ARE APPROXIMATE AND SUBJECT TO FURTHER DETAILED DESIGN AT CONSTRUCTION CERTIFICATE STAGE

**CLIENT:**

THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

**PROJECT:**

CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE

**ARCHITECT:**



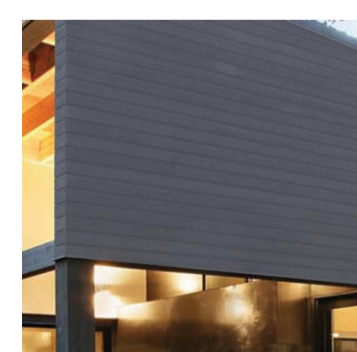
**DRAWING TITLE:**

PROPOSED ELEVATIONS - SHEET 4

**NOTES:**  
Nominated architect: Andrew O'Connell : 9018  
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Use only figured dimensions.  
All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

**NORTH:**

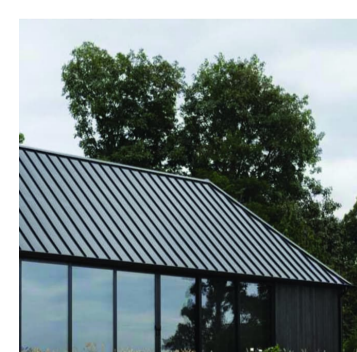
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CAD FILE:		ISSUE: 5	



1 HORIZONTAL CLADDING EXPRESSED JOINTS COLOUR: CHARCOAL GREY



2 VERTICAL CLADDING EXPRESSED JOINTS COLOUR: CHARCOAL GREY



3A METAL DECK ROOF COLOUR: CHARCOAL GREY (COLORBOND MONUMENT OR SIMILAR)



3B METAL DECK ROOF COLOUR: MID GREY (COLORBOND SHALE GREY OR SIMILAR)



4 GLASS / PERSPEX ACOUSTIC BARRIERS WITH VERTICAL BATTENS 7



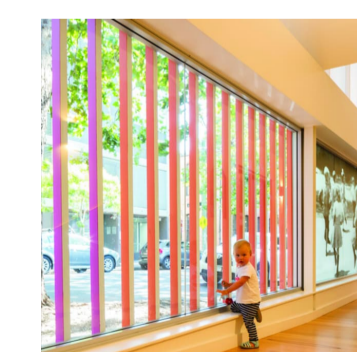
5 ALUMINIUM FRAMED GLAZED WINDOWS & DOORS  
- WINDOWS TO INCORPORATE OPENABLE PANELS  
- FRAME COLOUR: CHARCOAL

**ACOUSTIC MIN. REQUIREMENT (REFER TO ACOUSTIC REPORT)**  
- MIN. 10mm THICK EXTERNAL GLAZING TO CLASSROOMS 4 & 5

**SECTION J - BUILDING FABRIC REQUIREMENTS**  
ALL GLAZING - SYSTEM MAX U-VALUE = 4.30  
ALL GLAZING - SYSTEM MAX SHGC = 0.45



6 WINDOWS WITH COLOURED REVEALS



7 VERTICAL BATTENS WITH COLOURED REVEALS



8 RENDERED AND PAINTED MASONRY, PAINTED BRICK OR PAINTED FC CLADDING. COLOUR: WHITE / NEUTRAL RANGE

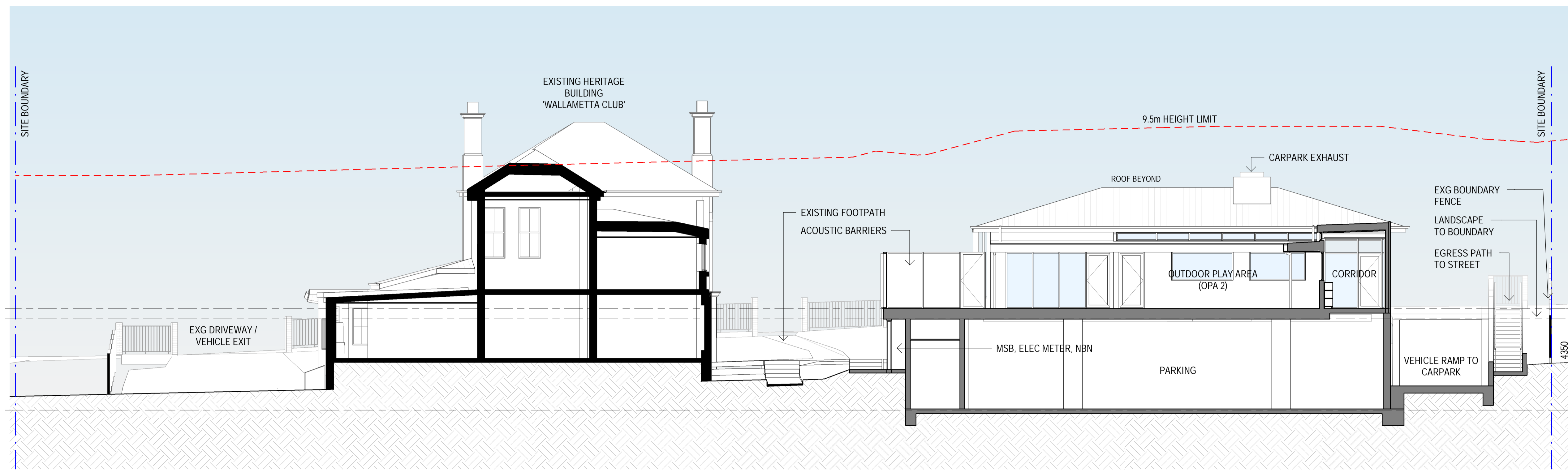


9 FRONT BOUNDARY FENCE. BLACK METAL VERTICAL BLADE FENCE. REFER TO DETAIL 3 / DA2101 - FRONT FENCE ELEVATION

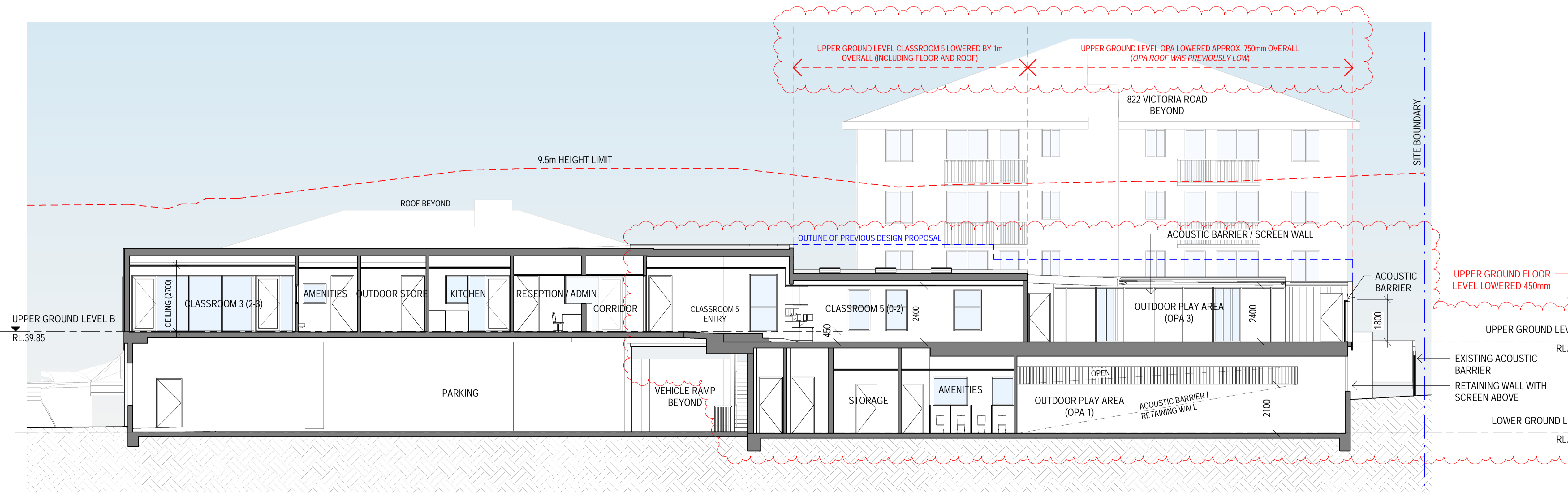
**DEVELOPMENT APPLICATION**



ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



**A SECTION A**  
Scale: 1 : 100



**B SECTION B**  
Scale: 1 : 100

9.5m HEIGHT LIMIT  
HEIGHT LIMIT LINE RELATES TO BUILDING AND NATURAL GROUND LEVEL WHERE SECTION IS CUT. BUILDING ELEMENTS SHOWN IN ELEVATION DO NOT RELATE TO THE HEIGHT LIMIT LINE.  
REFER TO DA3004 HEIGHT LIMIT PLAN FOR DETAIL.

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**

ARCHITECT:  
**ALTIS ARCHITECTURE**

DRAWING TITLE:  
**PROPOSED SECTIONS - SHEET 1**

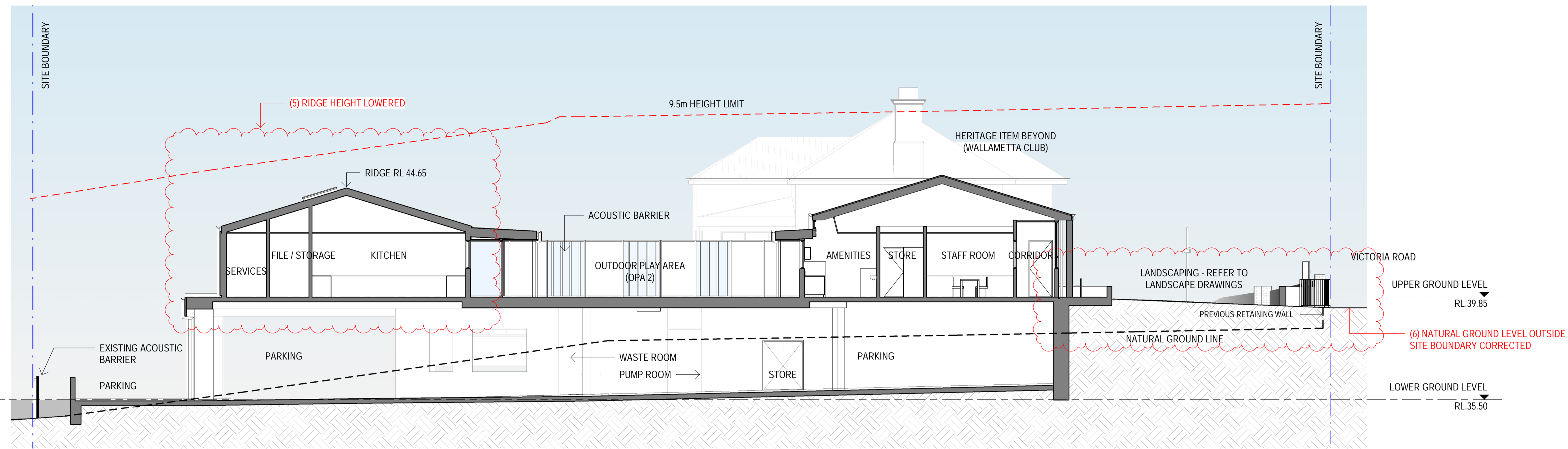
NOTES: Nominated architect: Andrew O'Connell : 9018 Copyright remains the property of Altis Architecture Pty Ltd. Use only figured dimensions. All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction. Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.		NORTH:
SCALE: <b>1 : 100 @ A1</b>	DATE: <b>NOVEMBER 2024</b>	
DRAWN BY: JW	CHECKED BY: AW	PROJECT NO: 3110.01
CAD FILE:	DRAWING NO: DA3001	ISSUE: 7

**DEVELOPMENT APPLICATION**

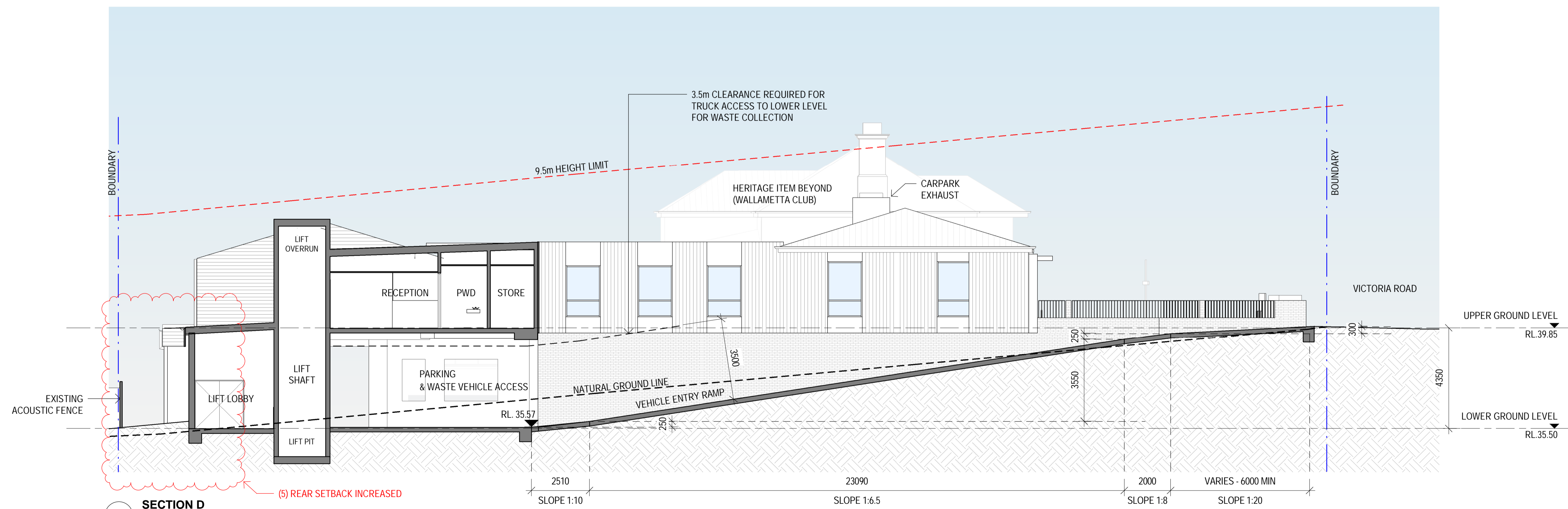
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ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	25/03/2024	PRELIMINARY DA ISSUE
5	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
6	13/06/2024	DRAWING UPDATED - ISSUED FOR DEVELOPMENT APPLICATION



**C SECTION C**  
Scale: 1 : 100



**D SECTION D**  
Scale: 1 : 100

9.5m HEIGHT LIMIT  
HEIGHT LIMIT LINE RELATES TO BUILDING AND NATURAL GROUND LEVEL WHERE SECTION IS CUT. BUILDING ELEMENTS SHOWN IN ELEVATION DO NOT RELATE TO THE HEIGHT LIMIT LINE.  
REFER TO DA3004 HEIGHT LIMIT PLAN FOR DETAIL.

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**



DRAWING TITLE:  
**PROPOSED SECTIONS - SHEET 2**

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
Copyright remains the property of Altis Architecture Pty Ltd.  
Use only figured dimensions.  
All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

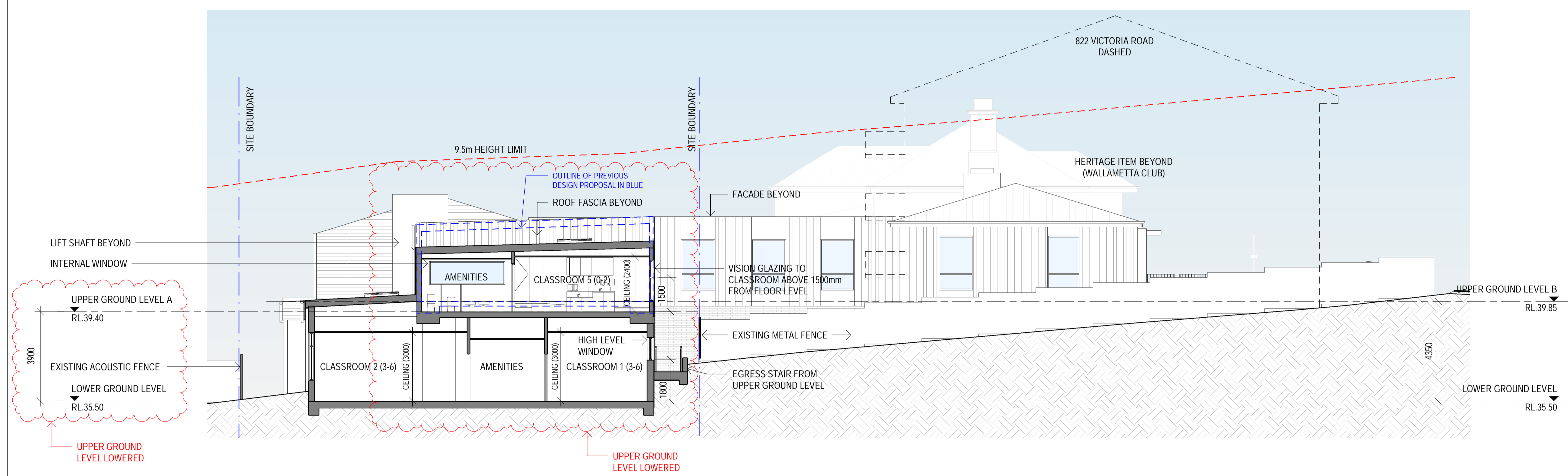
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PROJECT NO: 3110.01	DRAWING NO: DA3002
CAD FILE:	ISSUE: 6

**DEVELOPMENT APPLICATION**

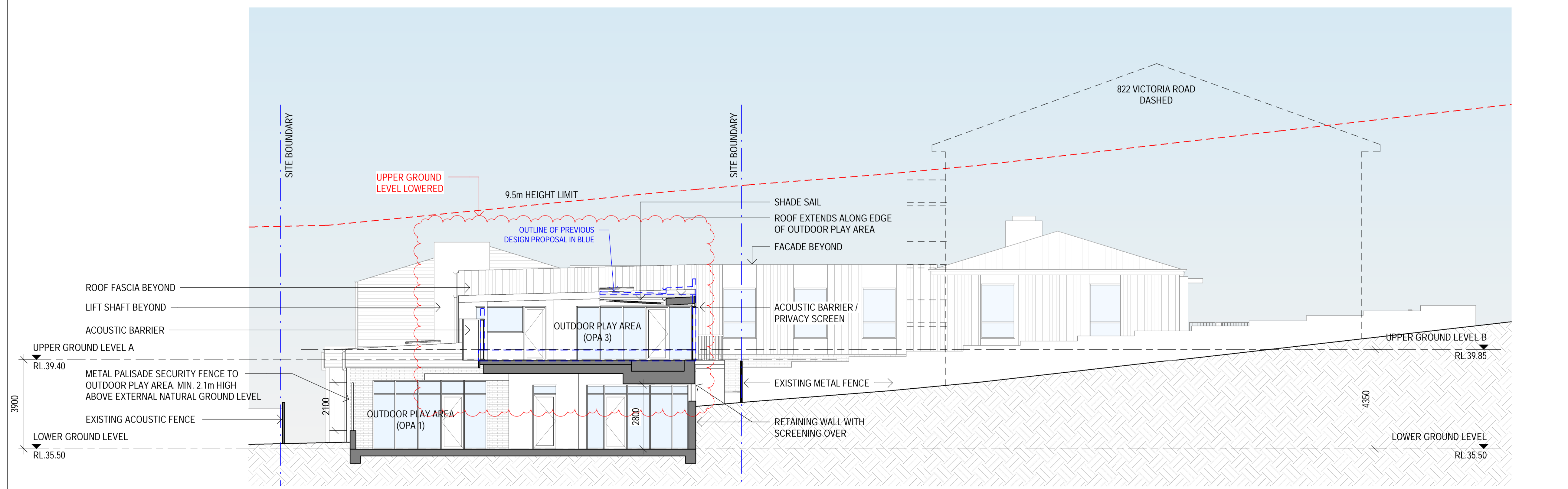
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ISSUE	DATE	DESCRIPTION
1	31/10/2022	ISSUED FOR DEVELOPMENT APPLICATION
2	05/04/2023	DRAFT COUNCIL RFI RESPONSE
3	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
4	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION



**E** SECTION E  
Scale: 1 : 100



**F** SECTION F  
Scale: 1 : 100

9.5m HEIGHT LIMIT  
HEIGHT LIMIT LINE RELATES TO BUILDING AND NATURAL GROUND LEVEL WHERE SECTION IS CUT. BUILDING ELEMENTS SHOWN IN ELEVATION DO NOT RELATE TO THE HEIGHT LIMIT LINE.  
REFER TO DA3004 HEIGHT LIMIT PLAN FOR DETAIL.

CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**



DRAWING TITLE:  
**PROPOSED SECTIONS - SHEET 3**

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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Use only figured dimensions.  
All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authority requirements.

SCALE: <b>1 : 100 @ A1</b>	DATE: <b>NOVEMBER 2024</b>
DRAWN BY: TL	CHECKED BY: DB
PROJECT NO: 3110.01	DRAWING NO: DA3003
CAD FILE:	ISSUE: 7

**DEVELOPMENT APPLICATION**

8/11/2024 1:31 PM













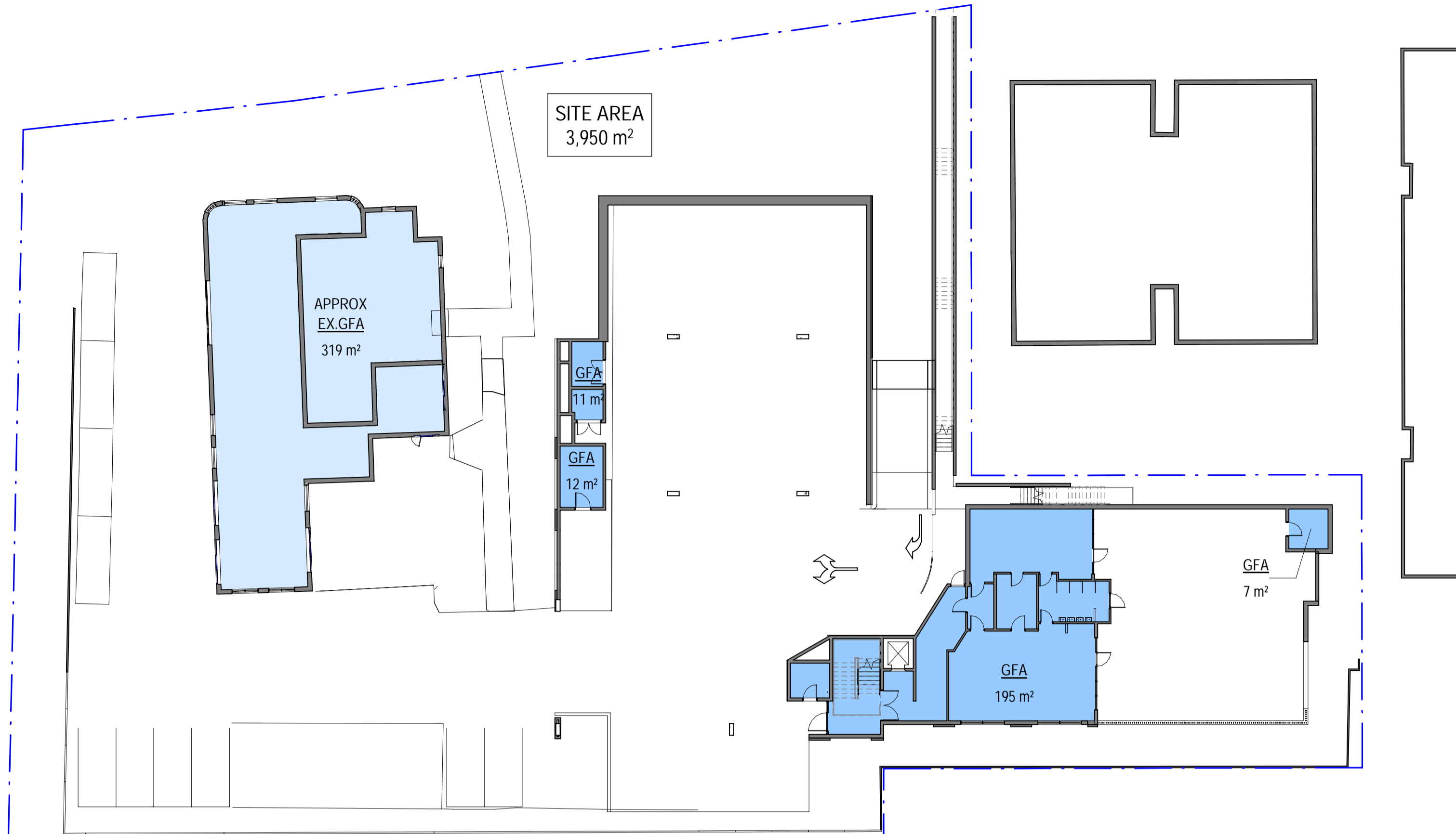


ISSUE	DATE	DESCRIPTION
1	05/04/2023	DRAFT COUNCIL RFI RESPONSE
2	28/04/2023	UPDATED IN RESPONSE TO COUNCIL RFI AND RE-ISSUED FOR DEVELOPMENT APPLICATION
3	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
4	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
5	25/03/2024	PRELIMINARY DA ISSUE
6	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
7	13/06/2024	DRAWING UPDATED - ISSUED FOR DEVELOPMENT APPLICATION
8	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

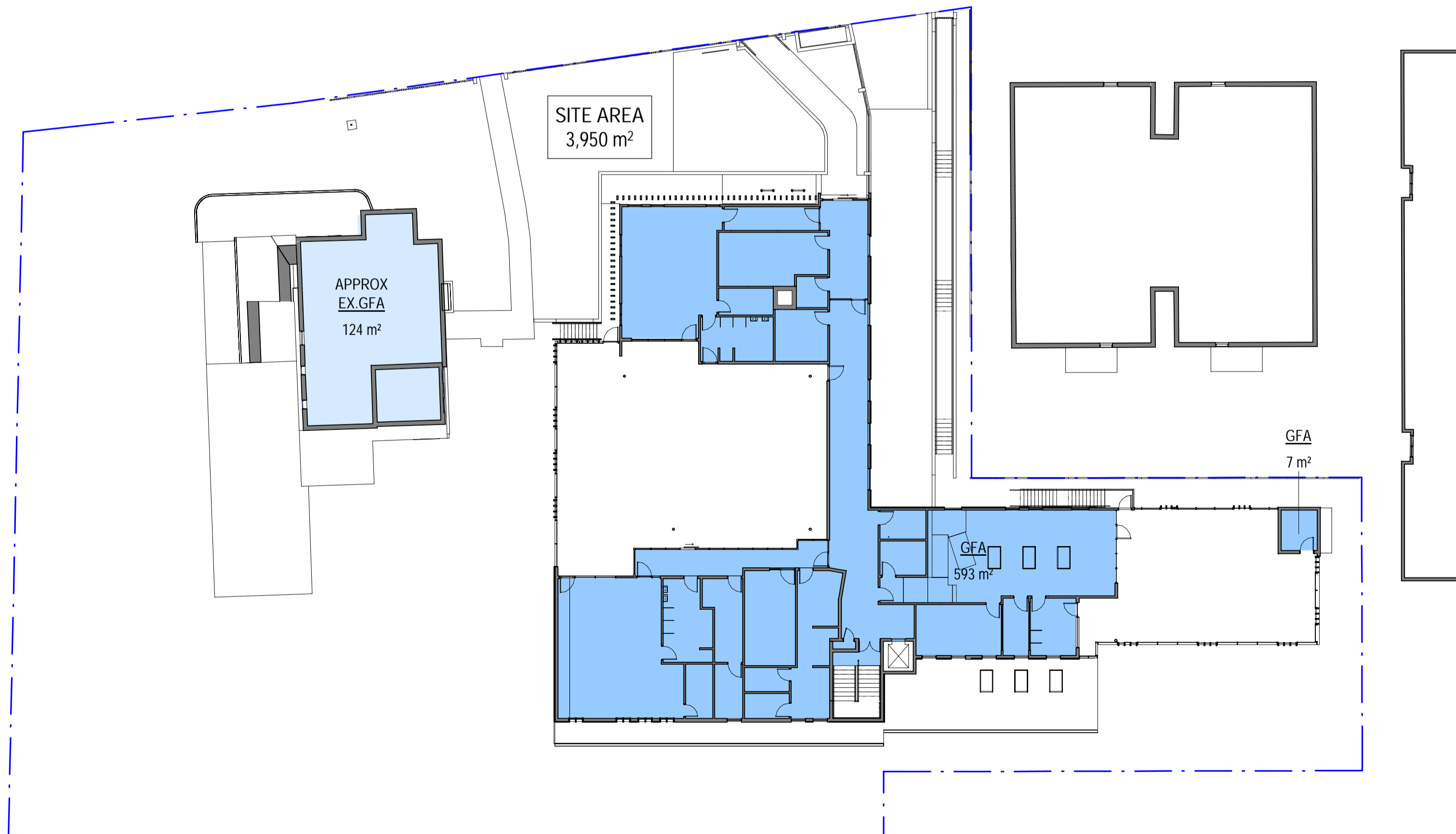
**GFA & FSR CALCULATIONS**

SITE AREA: 3,950m<sup>2</sup> (CONSOLIDATED LOTS)  
 MAX FSR: 0.5 : 1  
 MAX PERMISSIBLE GFA: 1,975m<sup>2</sup>

LEVEL	DESCRIPTION	AREA (m <sup>2</sup> )
LOWER GROUND LEVEL	GROSS FLOOR AREA LOWER FLOOR (PROPOSED)	225m <sup>2</sup>
	GROSS FLOOR AREA LOWER FLOOR (EXG BUILDING)	319m <sup>2</sup>
UPPER GROUND LEVEL	GROSS FLOOR AREA UPPER FLOOR (PROPOSED)	600m <sup>2</sup>
	GROSS FLOOR AREA UPPER FLOOR (EXG BUILDING)	124m <sup>2</sup>
TOTAL GROSS FLOOR AREA		1,268 m <sup>2</sup> (FSR 0.32 : 1)



**1 LOWER GROUND LEVEL**  
Scale: 1 : 250



**2 UPPER GROUND LEVEL**  
Scale: 1 : 250

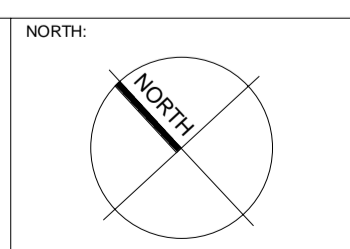
CLIENT:  
 THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
 CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
 AREA PLANS

NOTES:  
 Nominated architect: Andrew O'Connell : 9018  
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 Use only figured dimensions.  
 All discrepancies to be referred to Altis Architecture Pty Ltd prior to construction.  
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SCALE: As indicated @ A1	DATE: NOVEMBER 2024
DRAWN BY: AW/DB	CHECKED BY: DB
PROJECT NO: 3110.01	DRAWING NO: DA9012
CAD FILE:	ISSUE: 8

**DEVELOPMENT APPLICATION**

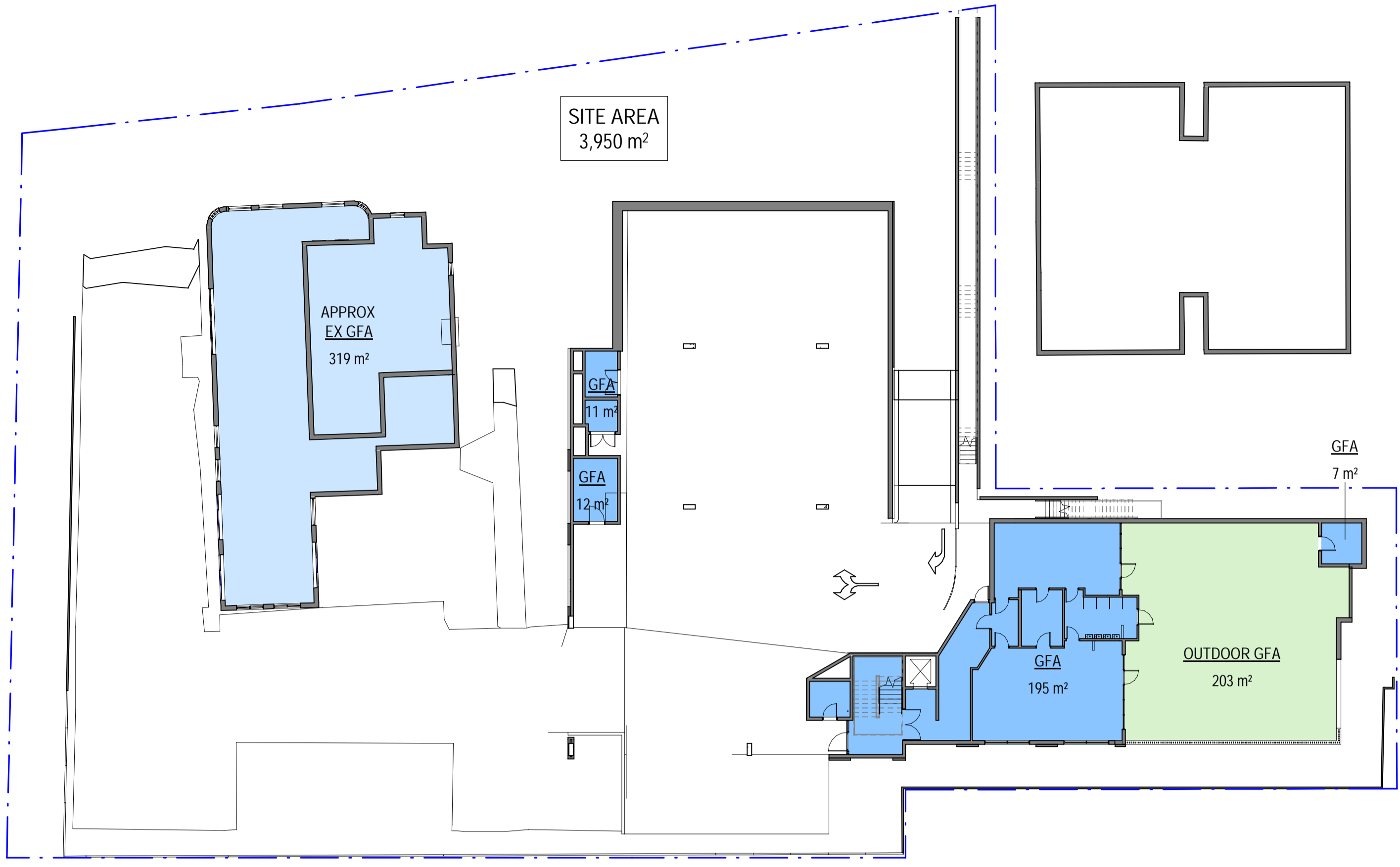


ISSUE	DATE	DESCRIPTION
1	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
2	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
4	13/06/2024	DRAWING UPDATED - ISSUED FOR DEVELOPMENT APPLICATION
5	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

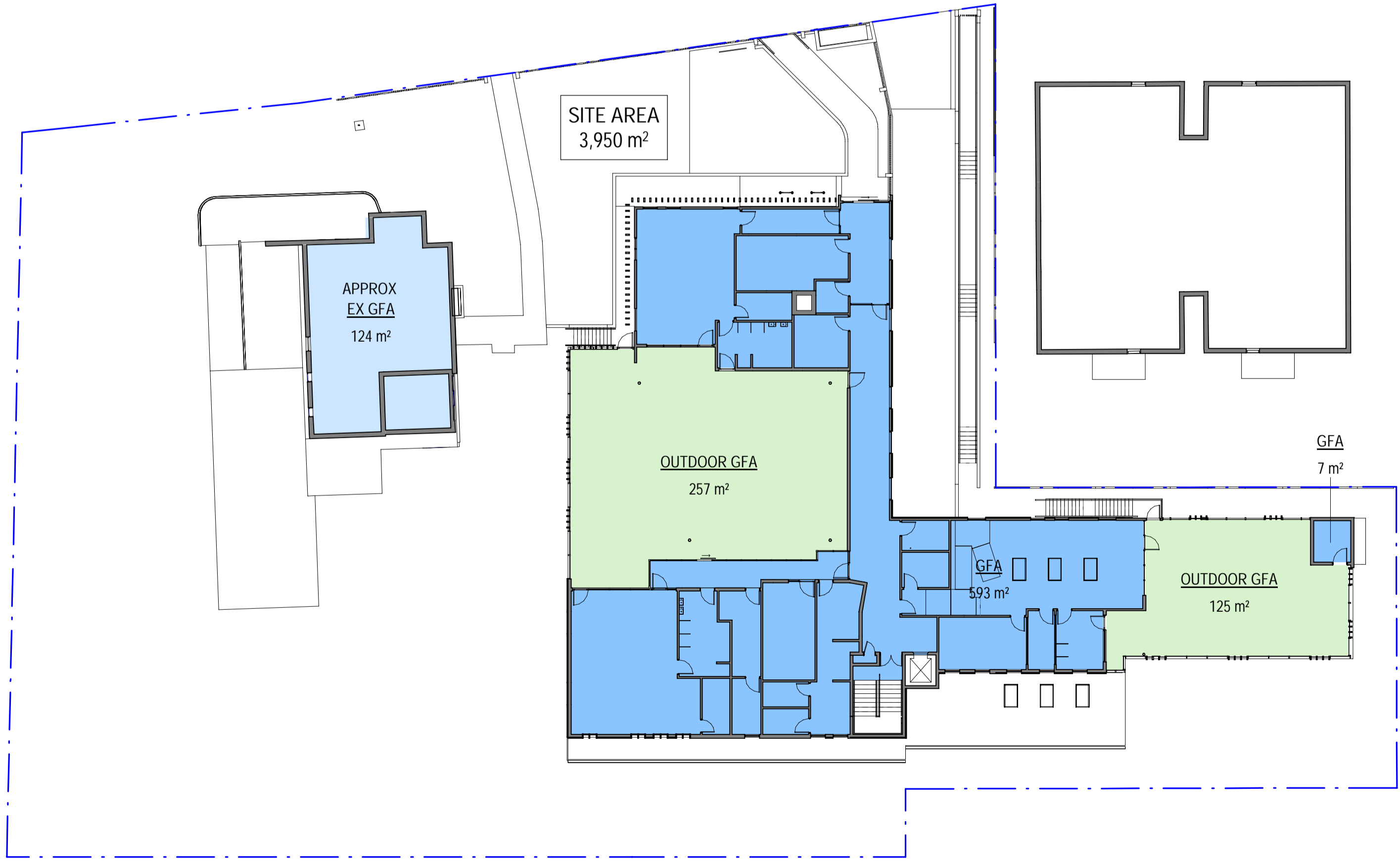
**GFA & FSR CALCULATIONS**

SITE AREA: 3,950m<sup>2</sup> (CONSOLIDATED LOTS)  
 MAX FSR: 0.5 : 1  
 MAX PERMISSIBLE GFA: 1,975m<sup>2</sup>

LEVEL	AREA TYPE	AREA (m <sup>2</sup> )
LOWER GROUND LEVEL	GROSS FLOOR AREA LOWER FLOOR (PROPOSED)	225m <sup>2</sup>
	GROSS FLOOR AREA LOWER FLOOR (EXG BUILDING)	319m <sup>2</sup>
	GROSS FLOOR AREA LOWER FLOOR OUTDOOR PLAY AREA	203m <sup>2</sup>
UPPER GROUND LEVEL	GROSS FLOOR AREA UPPER FLOOR (PROPOSED)	600m <sup>2</sup>
	GROSS FLOOR AREA UPPER FLOOR (EXG BUILDING)	124m <sup>2</sup>
	GROSS FLOOR AREA UPPER FLOOR OUTDOOR PLAY AREAS	382m <sup>2</sup>
TOTAL GROSS FLOOR AREA		1,853m <sup>2</sup> (FSR 0.47 : 1)



**1 LOWER GROUND LEVEL**  
Scale: 1 : 250



**2 UPPER GROUND LEVEL**  
Scale: 1 : 250

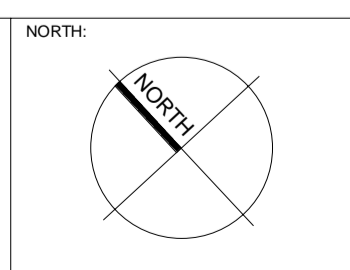
CLIENT:  
 THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY

PROJECT:  
 CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE



DRAWING TITLE:  
 AREA PLANS INCLUDING OPAs

NOTES:  
 Nominated architect: Andrew O'Connell : 9018  
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SCALE: As indicated @ A1	DATE: NOVEMBER 2024
DRAWN BY: DL	CHECKED BY: DB
PROJECT NO: 3110.01	DRAWING NO: DA9012a
CAD FILE:	ISSUE: 5

**DEVELOPMENT APPLICATION**

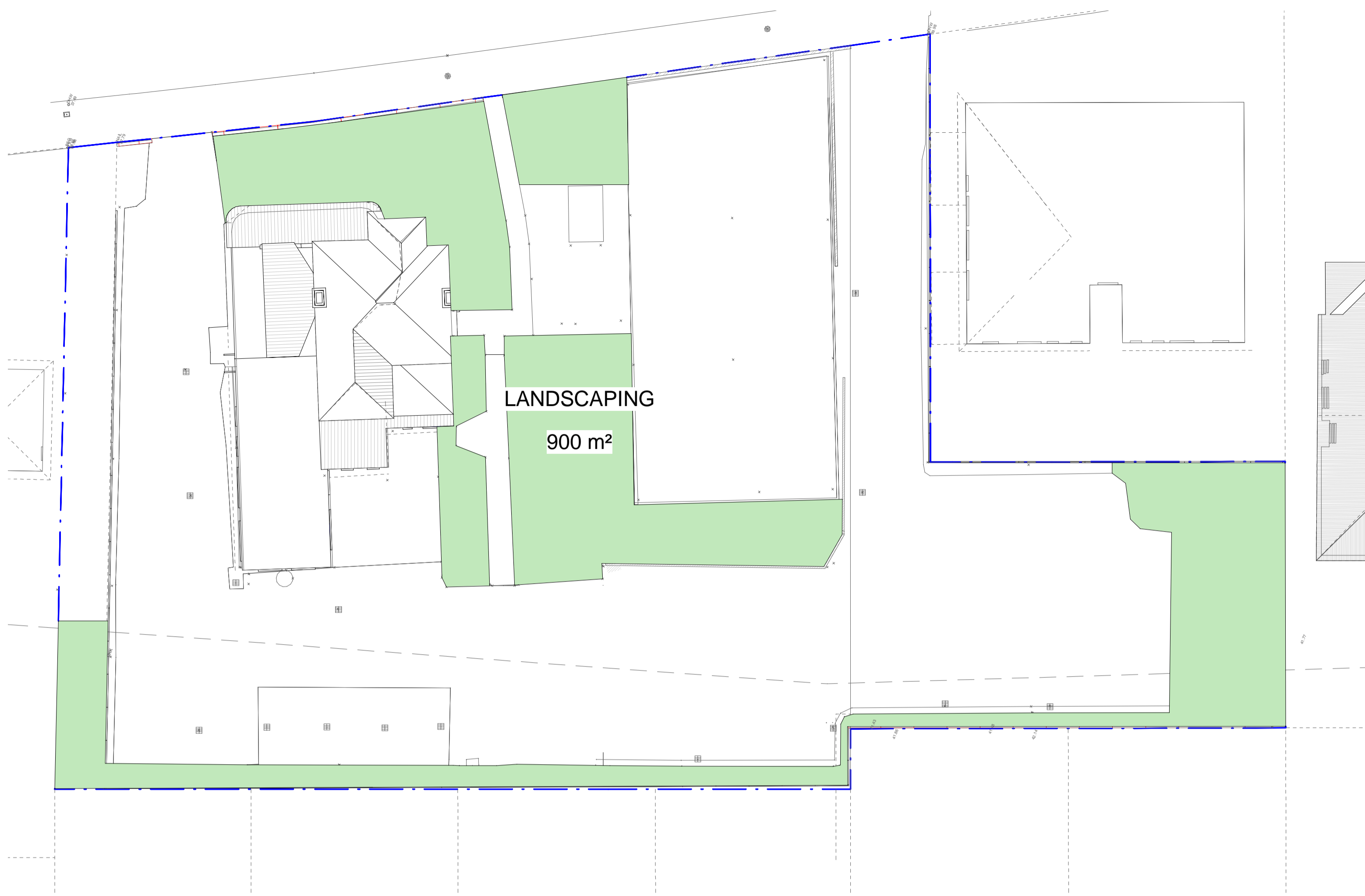
8/11/2024 1:32:10 PM









ISSUE	DATE	DESCRIPTION
1	01/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
2	04/03/2024	UPDATED IN RESPONSE TO COUNCIL RFI
3	27/03/2024	ISSUED FOR DEVELOPMENT APPLICATION
4	08/11/2024	UPDATED FOR DEVELOPMENT APPLICATION

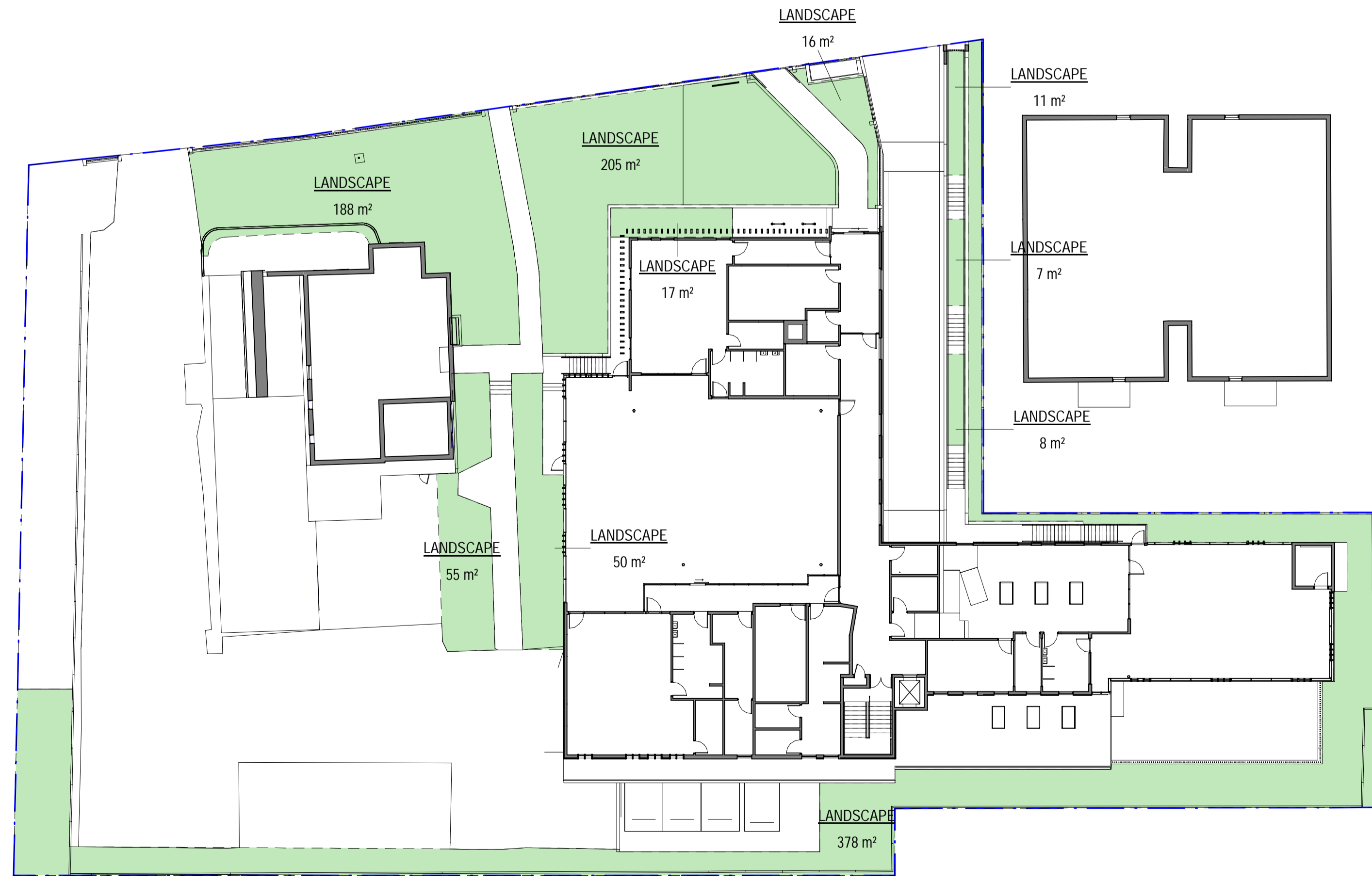


**2** EXISTING LANDSCAPED AREA PLAN  
Scale: 1 : 250

**LANDSCAPED AREA / SITE COVERAGE**

TOTAL SITE AREA: 3,950m<sup>2</sup>

	EXISTING LANDSCAPED AREA	900m <sup>2</sup> OF 3,950m <sup>2</sup> (22.8% OF TOTAL LOT AREA)
	PROPOSED AND EXISTING LANDSCAPED AREA (NOT INCLUDING OUTDOOR PLAY AREA)	935m <sup>2</sup> OF 3,950m <sup>2</sup> (24% OF LOT AREA)
	SITE COVERAGE BASED ON LANDSCAPED AREA (EXISTING & PROPOSED)	3,015m <sup>2</sup> (76% OF LOT AREA)



**1** PROPOSED LANDSCAPED AREA PLAN  
Scale: 1 : 250

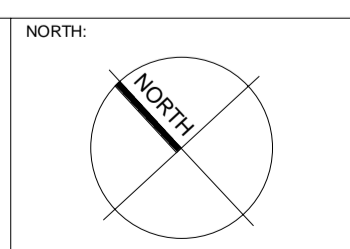
CLIENT:  
**THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF SAINT MARON SYDNEY**

PROJECT:  
**CHILDCARE CENTRE AT 826 VICTORIA ROAD, RYDE**



DRAWING TITLE:  
**EXISTING AND PROPOSED LANDSCAPED AREA**

NOTES:  
Nominated architect: Andrew O'Connell : 9018  
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SCALE:			DATE:		
As indicated @ A1			NOVEMBER 2024		
DRAWN BY: DL	CHECKED BY: DB	PROJECT NO: 3110.01	DRAWING NO: DA9015	ISSUE: 4	

**DEVELOPMENT APPLICATION**



# Childcare

## Landscape Development Application 826 Victoria Road, Ryde

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The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

### Drawing Schedule

Drawing Number	Drawing Title	Scale
000	Coversheet	N/A
001	Existing tree management plan	1:100
002	Existing tree management plan	1:100
101	General arrangement- Upper Ground Floor	1:100
102	Detailed plan - Upper Ground Floor 1	1:50
103	Detailed plan - Upper Ground Floor 2	1:50
104	General arrangement- Lower Ground Floor	1:100
105	Detailed plan- Lower Ground Floor 1	1:50
301	Planting plan- Upper Ground Floor	1:100
302	Planting plan- Lower Ground Floor	1:100
303	Planting plan- Upper & Lower Ground Outdoor Play	1:100
501	Landscape details	As shown
502	Landscape details	As shown

E	For DA	NH	RS	24.10.2024
D	For DA - Response to Council RFI	NH	RS	19.03.2024
C	For DA	NH	RS	31.10.2022
B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022
Issue	Revision Description	Drawn	Check	Date

### Legend

### Key Plan

Client

Project

**Childcare**  
826 Victoria Road, Ryde

Level 1, 3-5 Baptist Street  
Redfern NSW 2016  
Australia

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S I T E I M A G E



Landscape Architects

DEVELOPMENT APPLICATION

Drawing Name

**Coversheet**

Scale

Job Number

Drawing Number

Issue

SS20-5010

000 E

NOT FOR CONSTRUCTION

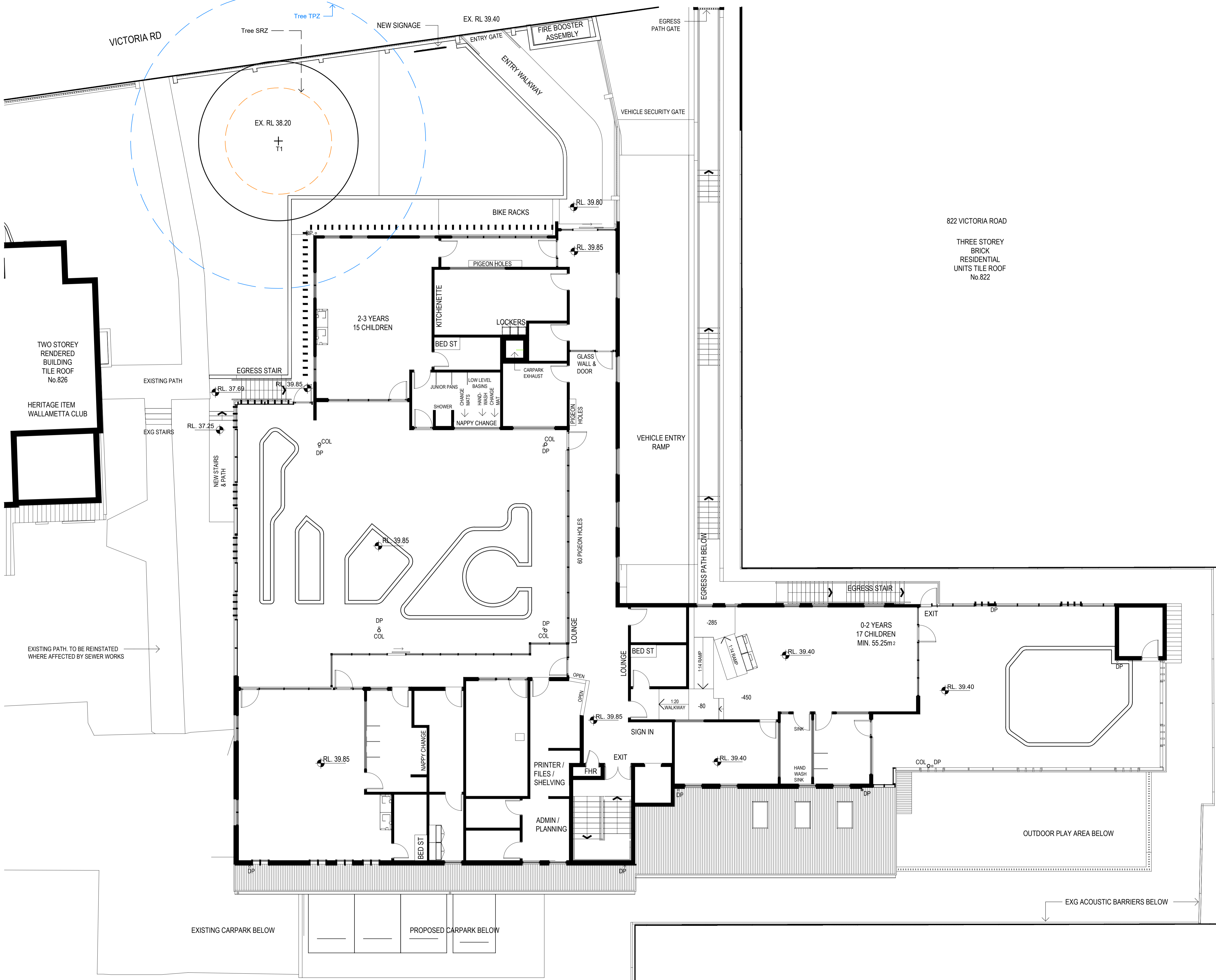


The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

Issue	Revision Description	Drawn	Check	Date
E	For DA	NH	RS	24.10.2024
D	For DA - Response to Council RFI	NH	RS	19.03.2024
C	For DA	NH	RS	31.10.2022
B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022

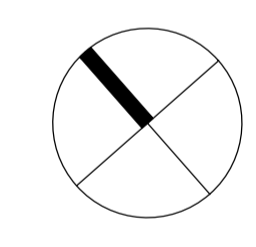
**Legend**

- Existing tree to be retained
- Tree protection zone (TPZ) (Refer to Arborist report for details)
- Structural Root Zone (SRZ) (Refer to Arborist report for details)



822 VICTORIA ROAD  
THREE STOREY BRICK RESIDENTIAL UNITS TILE ROOF No.822

Key Plan



Client

Project  
**Childcare**  
826 Victoria Road, Ryde

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Landscape Architects

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DEVELOPMENT APPLICATION

Drawing Name  
**Existing tree management plan**  
Upper Ground

Scale 1:100 @ A1

Job Number  
SS20-5010

Drawing Number  
001

Issue  
E

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Issue	Revision Description	Drawn	Check	Date
E	For DA	NH	RS	24.10.2024
D	For DA - Response to Council RFI	NH	RS	19.03.2024
C	For DA	NH	RS	31.10.2022
B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022

**Legend**

- Existing tree to be retained
- Tree protection zone (TPZ)  
(Refer to Arborist report for details)
- Structural Root Zone (SRZ)  
(Refer to Arborist report for details)

Key Plan



Client  
 Project  
**Childcare**  
 826 Victoria Road, Ryde

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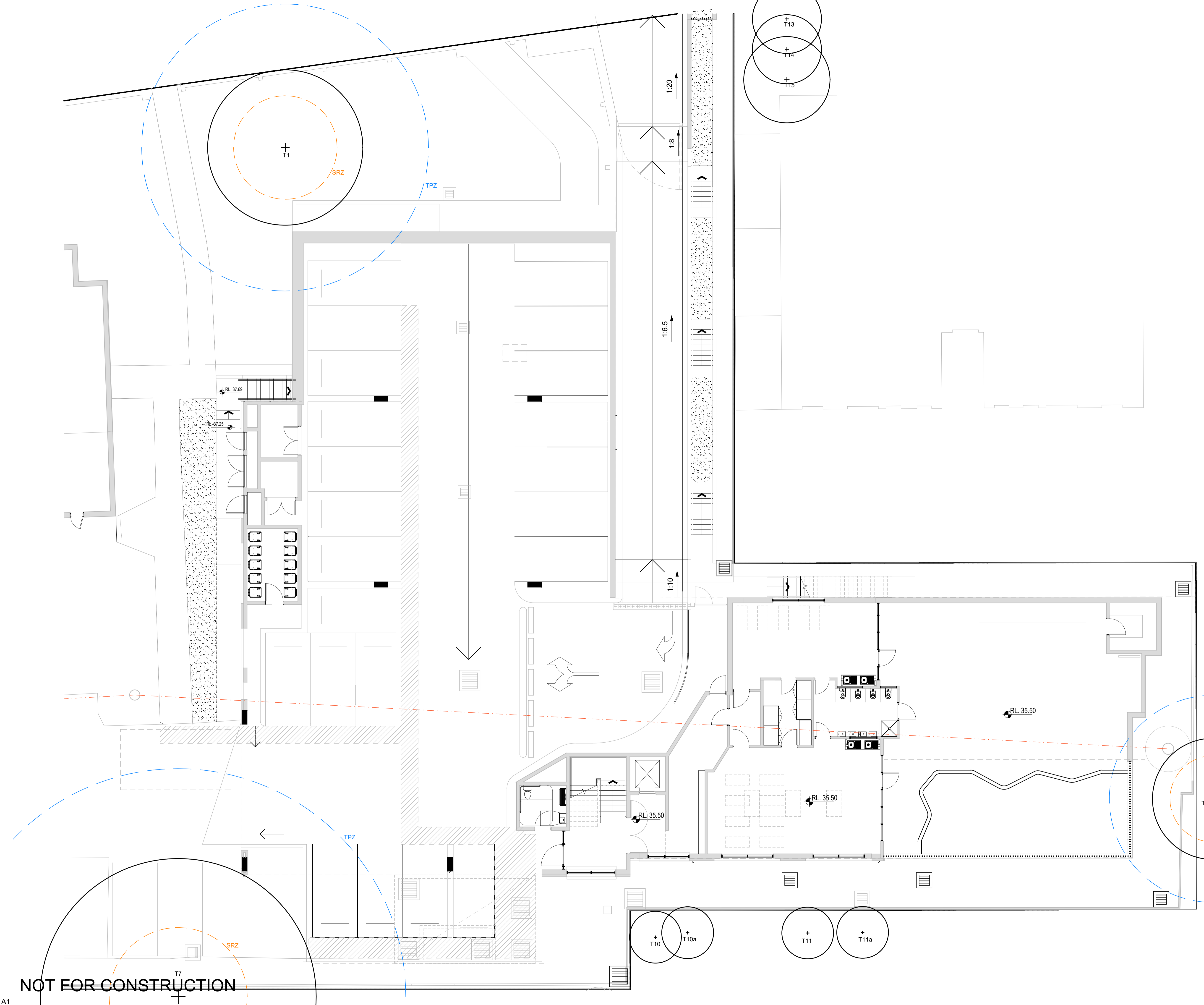


Landscape Architects

**DEVELOPMENT APPLICATION**

Drawing Name  
**Existing tree management plan**  
**Lower Ground**  
 Scale 1:100 @ A1  
 Job Number  
**SS20-5010**

0 1 2 3 4 5m  
 Drawing Number  
**002** Issue





**G** - Sandpit & garden bed reconfigured to meet council's materiality requirement

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G	For DA	MJW	RS	01.11.2024
F	For DA	NH	RS	24.10.2024
E	For DA - Response to Council RFI	NH	RS	19.03.2024
D	For DA	NH	RS	31.10.2022
C	For DA Approval	EN	RS	21.09.2022
B	Preliminary	EN	RS	06.09.2022
A	Preliminary	NH	RS	02.09.2022
Issue	Revision Description	Drawn	Check	Date


- Legend**
- Existing tree to be retained
  - Proposed tree
  - Proposed shrub & accents
  - Proposed groundcovers
  - Artificial Turf
  - Rubber softfall surfacing
  - Timber decking
  - Sandpit
  - Unit pavers
  - Exposed aggregate concrete paving
  - Timber Teepee
  - Totem poles
  - Blockwork landscape wall
  - Shade sail

Key Plan

Client

Project  
**Childcare**  
 826 Victoria Road, Ryde

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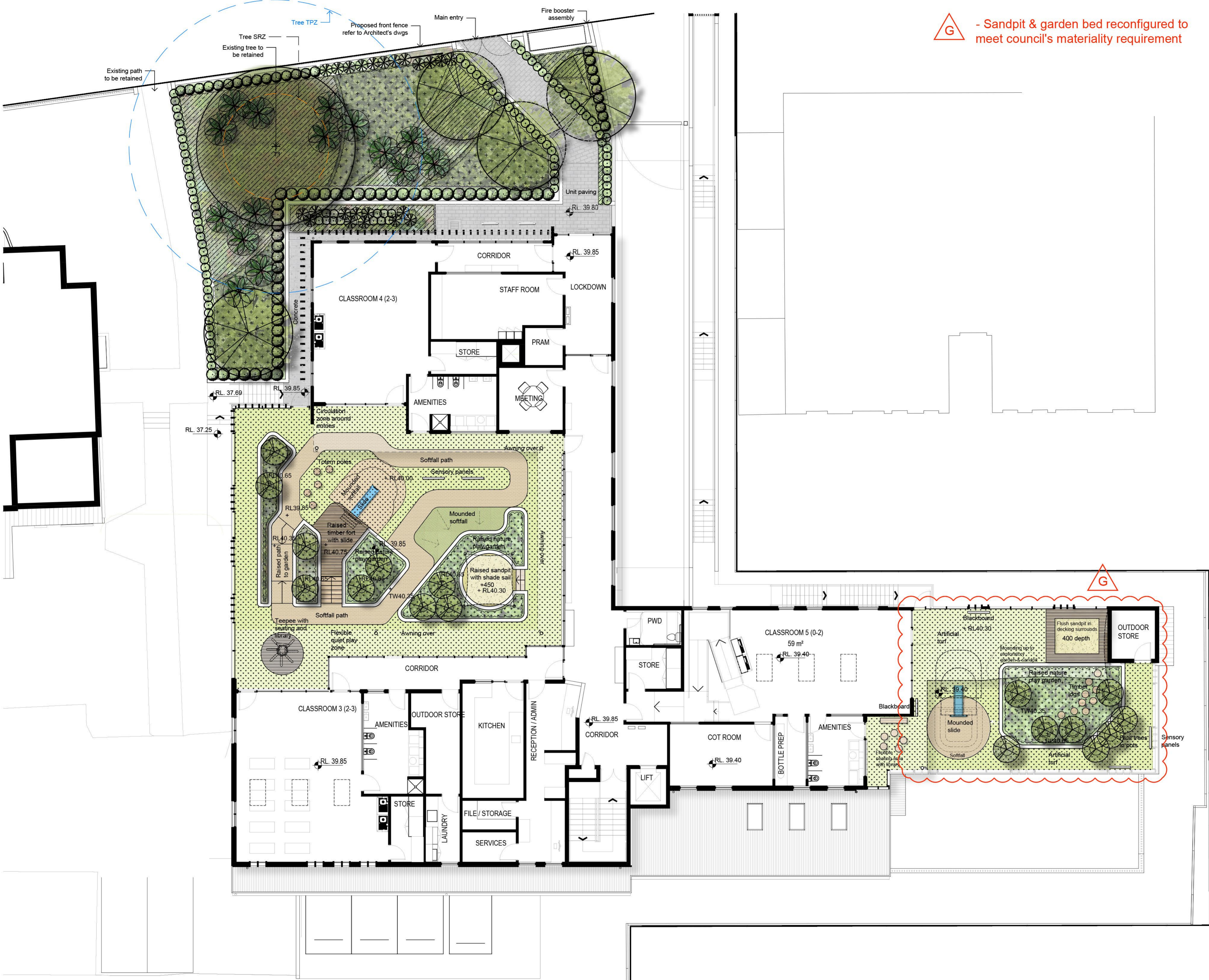
Landscape Architects

**DEVELOPMENT APPLICATION**

Drawing Name  
**General arrangement**  
**Upper ground floor**

Scale 1:100 @ A1  
 Job Number  
 Drawing Number  
 Issue

SS20-5010 101 G



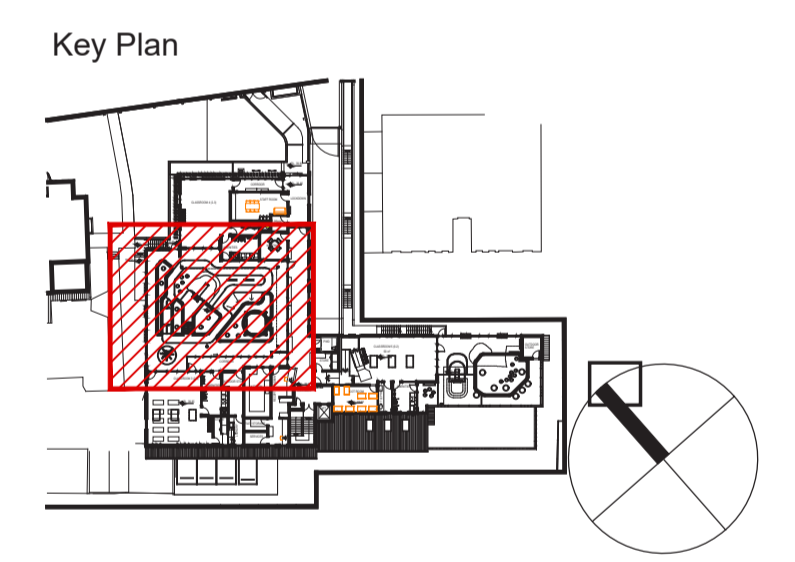
**NOT FOR CONSTRUCTION**



The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.

Issue	Revision Description	Drawn	Check	Date
F	For DA	NH	RS	24.10.2024
E	For DA - Response to Council RFI	NH	RS	19.03.2024
D	For DA	NH	RS	31.10.2022
C	For DA Approval	EN	RS	21.09.2022
B	Preliminary	EN	RS	06.09.2022
A	Preliminary	NH	RS	02.09.2022

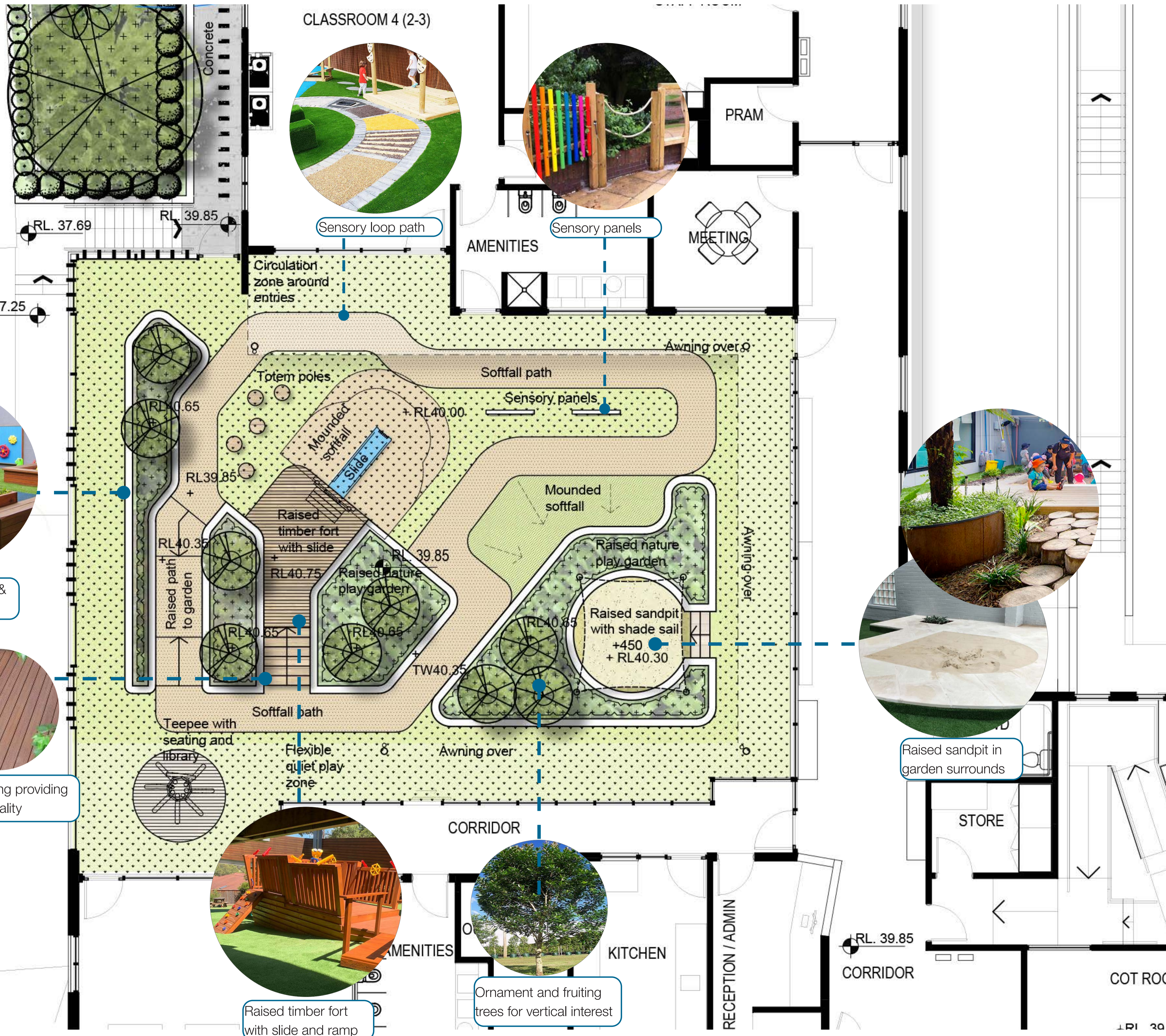
- Legend**
- Existing tree to be retained
  - Proposed tree
  - Proposed shrub & accents
  - Proposed groundcovers
  - Artificial Turf
  - Rubber softfall surfacing
  - Timber decking
  - Sandpit
  - Unit pavers
  - Exposed aggregate concrete paving
  - Timber Teepee
  - Totem poles
  - Blockwork landscape wall
  - Shade sail



Client  
 Project  
**Childcare**  
 826 Victoria Road, Ryde

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 Landscape Architects

**DEVELOPMENT APPLICATION**  
 Drawing Name  
**Detailed plan-  
 Upper ground floor 1**  
 Scale 1:100 @ A1  
 Job Number  
**SS20-5010**  
 Drawing Number  
**102**  
 Issue  
**F**



Raised vegetable & explorative garden



Timber decking providing natural materiality



Raised timber fort with slide and ramp



Ornament and fruiting trees for vertical interest



Raised sandpit in garden surrounds



The contractor shall check and verify all work on site (including work by others) before commencing the landscape installation. Any discrepancies are to be reported to the Project Manager or Landscape Architect prior to commencing work. Do not scale this drawing. Any required dimensions not shown shall be referred to the Landscape Architect for confirmation.



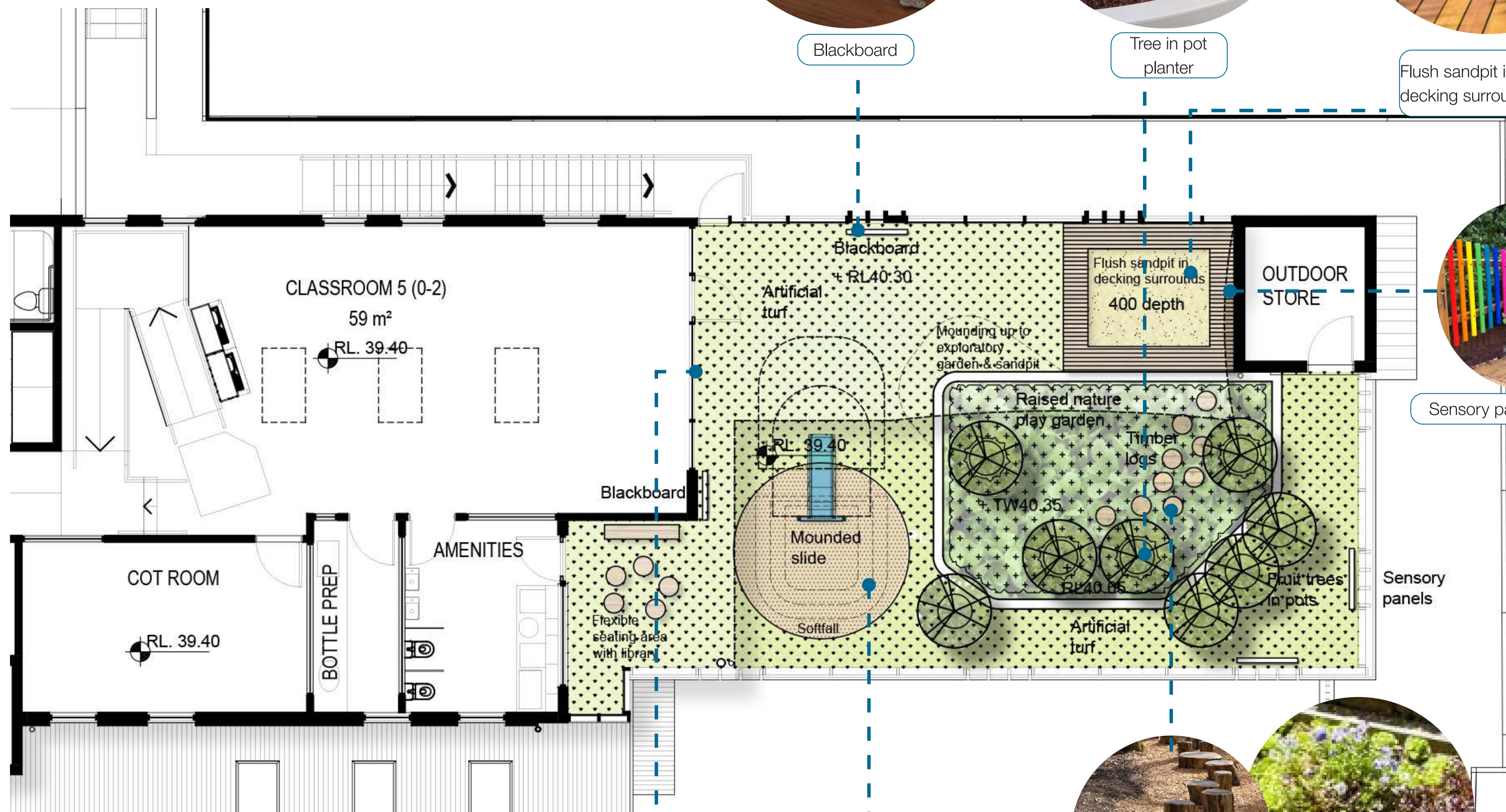
Blackboard



Tree in pot planter

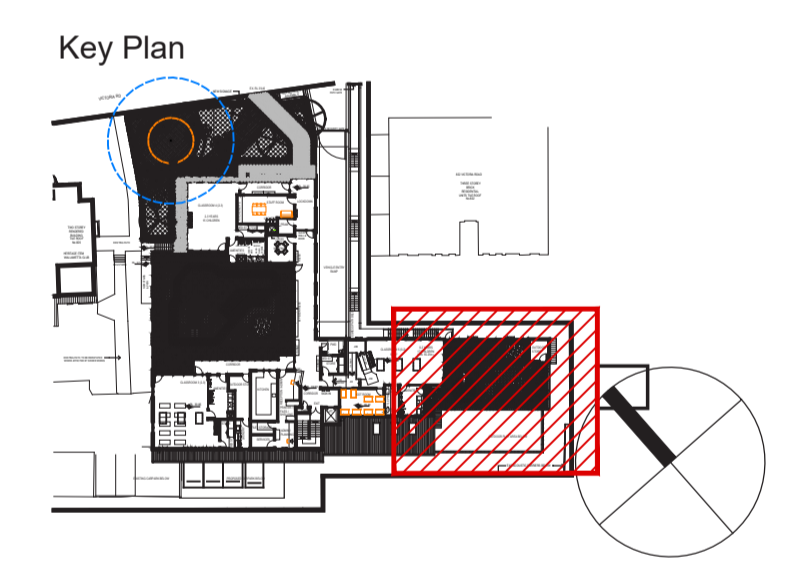


Flush sandpit in decking surrounds



G	For DA	MJW	RS	01.11.2024
F	For DA	NH	RS	24.10.2024
E	For DA - Response to Council RFI	NH	RS	19.03.2024
D	For DA	NH	RS	31.10.2022
C	For DA Approval	EN	RS	21.09.2022
B	Preliminary	EN	RS	06.09.2022
A	Preliminary	NH	RS	02.09.2022
Issue	Revision Description	Drawn	Check	Date

- Legend**
- Existing tree to be retained
  - Proposed tree
  - Proposed shrub & accents
  - Proposed groundcovers
  - Artificial Turf
  - Rubber softfall surfacing
  - Timber decking
  - Sandpit
  - Unit pavers
  - Exposed aggregate concrete paving
  - Timber Teepee
  - Totem poles
  - Blockwork landscape wall
  - Shade sail



Client

Project  
**Childcare**  
 826 Victoria Road, Ryde

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**DEVELOPMENT APPLICATION**

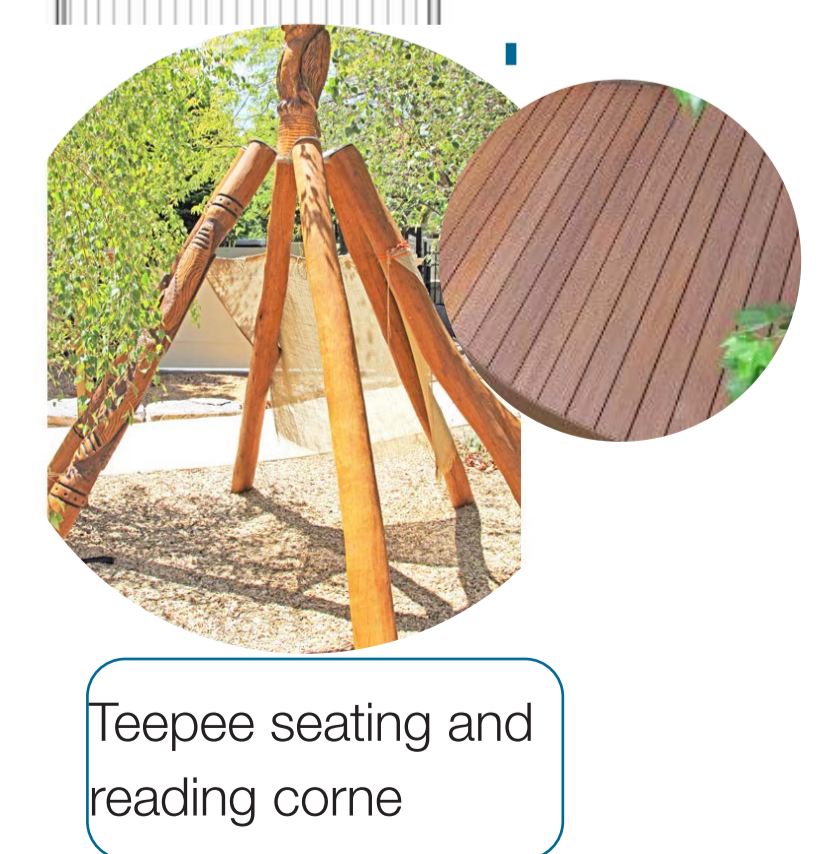
Drawing Name  
**Detailed plan-  
 Upper ground floor 2**

Scale 1:100 @ A1

Job Number  
**SS20-5010**

0 1 2 3 4 5m  
 Drawing Number Issue

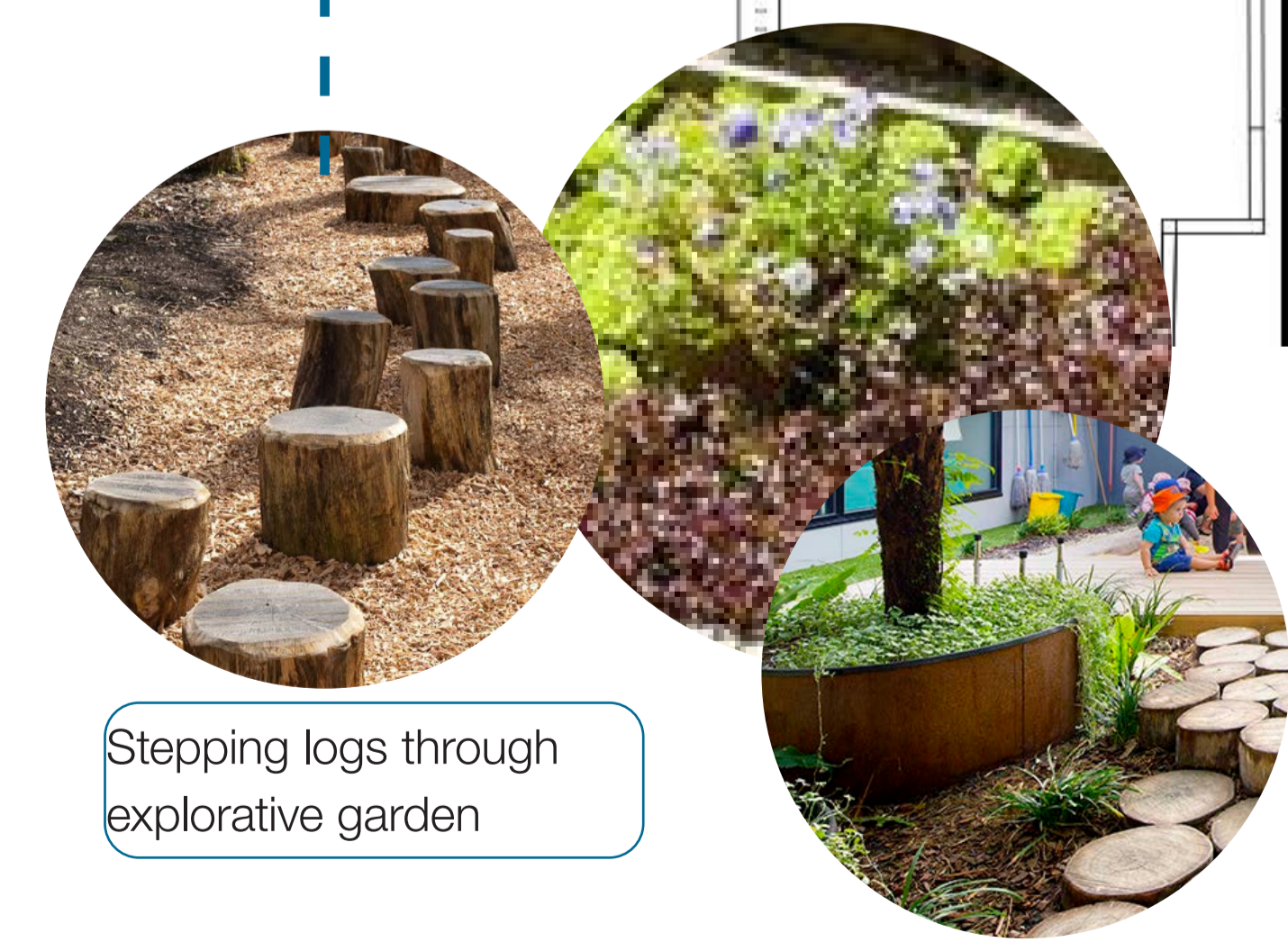
103 G



Teepee seating and reading corner



Mounded slide on softfall



Stepping logs through explorative garden



**G** - Flush sandpit (previously a raised sandpit)

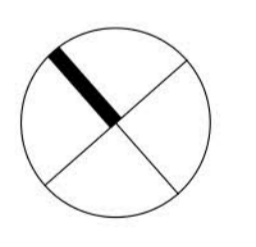
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G	For DA	MJW	RS	01.11.2024
F	For DA	NH	RS	24.10.2024
E	For DA - Response to Council RFI	NH	RS	19.03.2024
D	For DA	NH	RS	31.10.2022
C	For DA Approval	EN	RS	21.09.2022
B	Preliminary	EN	RS	06.09.2022
A	Preliminary	NH	RS	02.09.2022
Issue	Revision Description	Drawn	Check	Date

- Legend**
- Existing tree to be retained
  - Proposed tree
  - Proposed shrub & accents
  - Proposed groundcovers
  - Artificial Turf
  - Rubber softfall surfacing
  - Timber decking
  - Sandpit
  - Unit pavers
  - Exposed aggregate concrete paving
  - Timber Teepee
  - Totem poles
  - Blockwork landscape wall
  - Shade sail

Key Plan



Client

Project  
**Childcare**  
 826 Victoria Road, Ryde

**SITE IMAGE**

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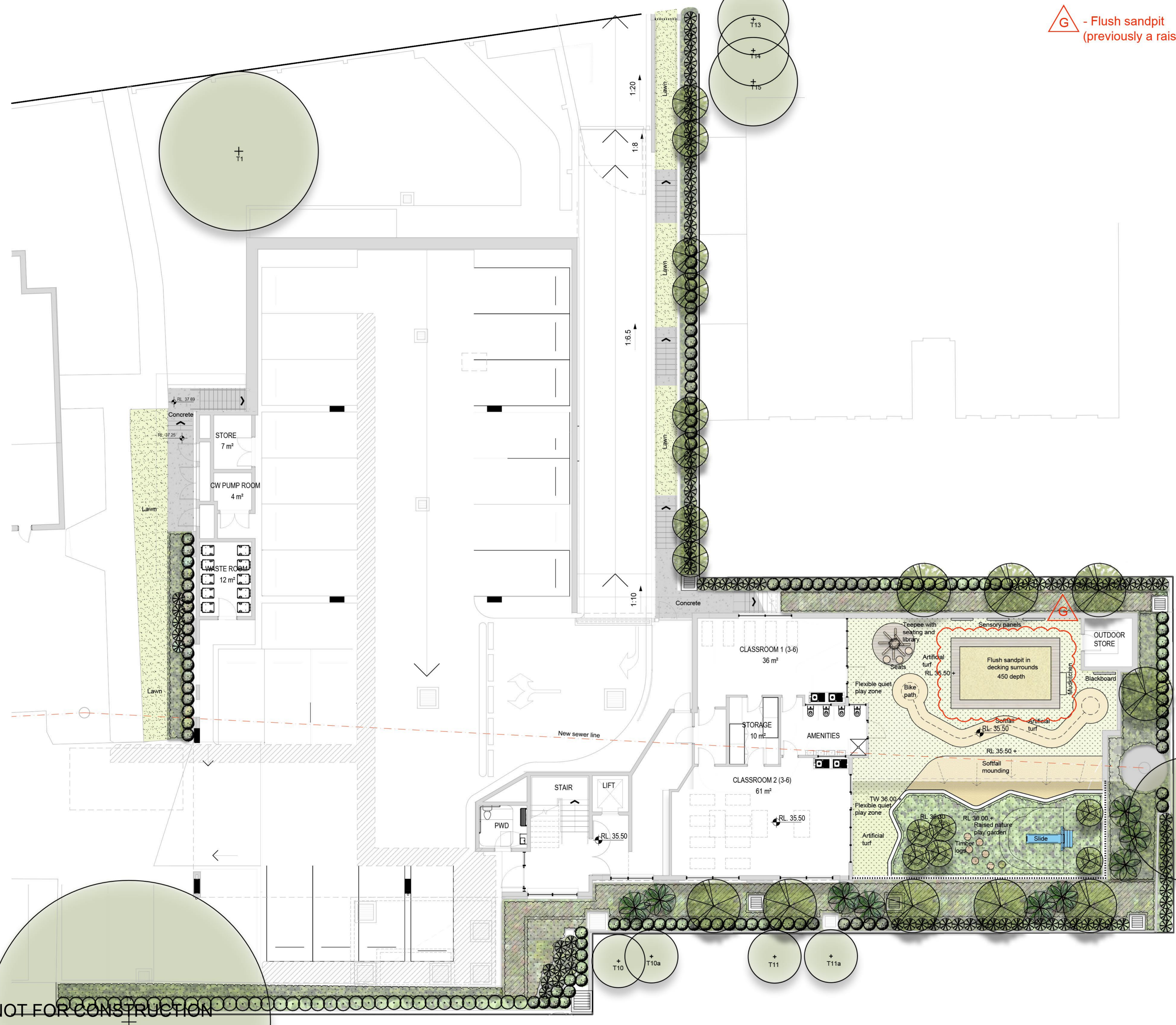


**DEVELOPMENT APPLICATION**

Drawing Name  
**General arrangement**  
 Lower ground floor

Scale 1:100 @ A1  
 Job Number  
 Drawing Number  
 Issue

SS20-5010 104 G



NOT FOR CONSTRUCTION



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Teepee seating and reading corner



Screen hedging with trafficable low planting for maintenance access



Sensory panels



Blackboard along wall



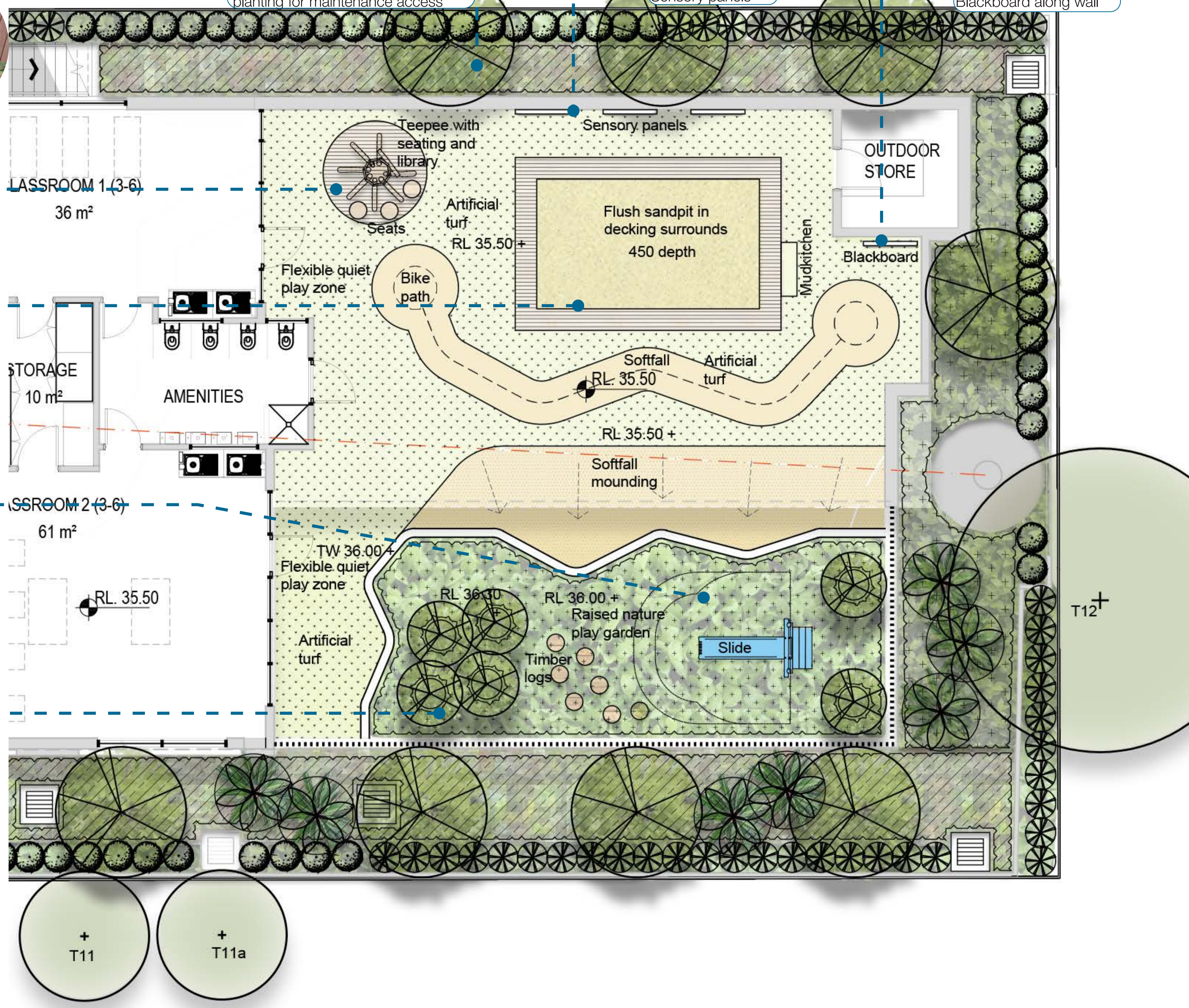
Flush sandpit in decking surrounds



Mounded in explorative garden



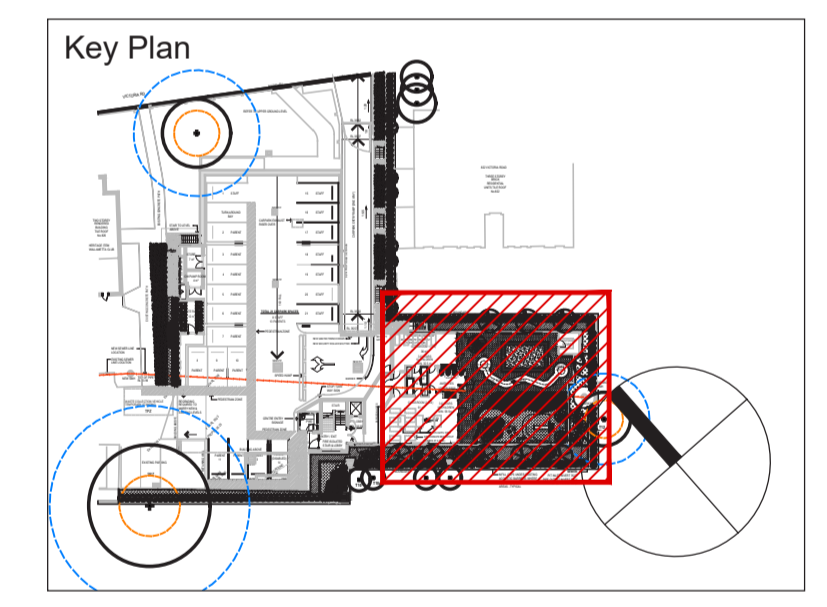
Explorative garden with herbs, veggies and ornamental & fruit trees



G	For DA	MJW	RS	01.11.2024
F	For DA	NH	RS	24.10.2024
E	For DA - Response to Council RFI	NH	RS	19.03.2024
D	For DA	NH	RS	31.10.2022
C	For DA Approval	EN	RS	21.09.2022
B	Preliminary	EN	RS	06.09.2022
A	Preliminary	NH	RS	02.09.2022
Issue	Revision Description	Drawn	Check	Date

**Legend**

- Existing tree to be retained
- Proposed tree
- Proposed shrub & accents
- Proposed groundcovers
- Artificial Turf
- Rubber softfall surfacing
- Timber decking
- Sandpit
- Unit pavers
- Exposed aggregate concrete paving
- Timber Teepee
- Totem poles
- Blockwork landscape wall
- Shade sail



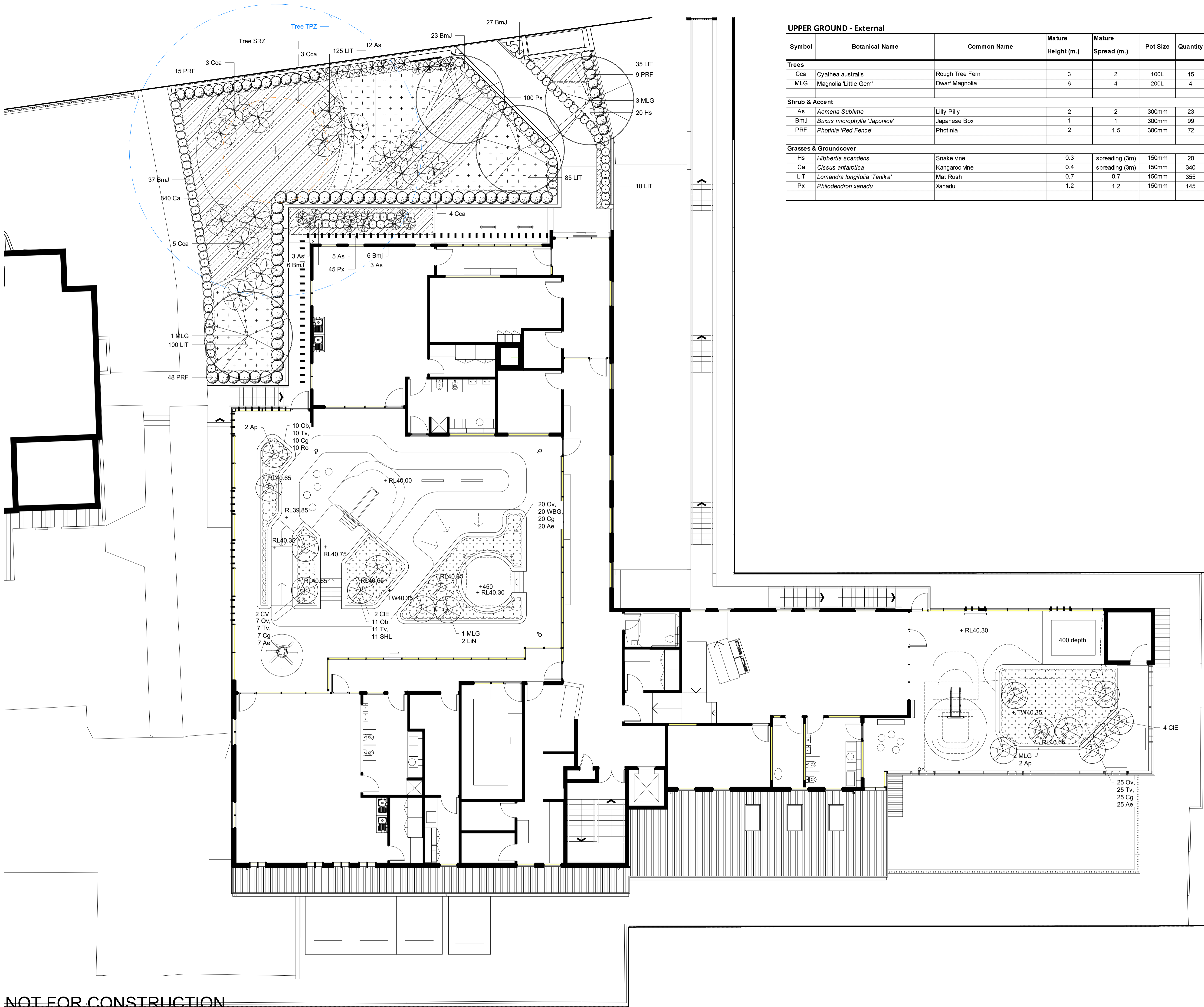
Client  
 Project  
**Childcare**  
 826 Victoria Road, Ryde

**SITE IMAGE**  
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**DEVELOPMENT APPLICATION**  
 Drawing Name  
**Detailed plan-  
 Lower ground floor**  
 Scale 1:100 @ A1  
 Job Number  
**SS20-5010**  
 Drawing Number  
**105**  
 Issue  
**G**





**UPPER GROUND - External**

Symbol	Botanical Name	Common Name	Mature Height (m.)	Mature Spread (m.)	Pot Size	Quantity
<b>Trees</b>						
Cca	<i>Cyathea australis</i>	Rough Tree Fern	3	2	100L	15
MLG	<i>Magnolia 'Little Gem'</i>	Dwarf Magnolia	6	4	200L	4
<b>Shrub &amp; Accent</b>						
As	<i>Acmena Sublime</i>	Lilly Pilly	2	2	300mm	23
BmJ	<i>Buxus microphylla 'Japonica'</i>	Japanese Box	1	1	300mm	99
PRF	<i>Photinia 'Red Fence'</i>	Photinia	2	1.5	300mm	72
<b>Grasses &amp; Groundcover</b>						
Hs	<i>Hibbertia scandens</i>	Snake vine	0.3	spreading (3m)	150mm	20
Ca	<i>Cissus antarctica</i>	Kangaroo vine	0.4	spreading (3m)	150mm	340
LIT	<i>Lomandra longifolia 'Tanika'</i>	Mat Rush	0.7	0.7	150mm	355
Px	<i>Philodendron xanadu</i>	Xanadu	1.2	1.2	150mm	145

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G	For DA	MJW	RS	01.11.2024
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B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022
Issue	Revision Description	Drawn	Check	Date

**Legend**

- Existing tree to be retained
- Proposed tree
- Proposed shrub & accents
- Proposed groundcovers
- Artificial Turf

**Key Plan**

Client

Project  
**Childcare**  
 826 Victoria Road, Ryde

**SITE IMAGE**

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**DEVELOPMENT APPLICATION**

Drawing Name  
**Planting plan**  
 Upper ground floor

Scale 1:100 @ A1

Job Number  
 SS20-5010

Drawing Number  
 301

Issue  
 G

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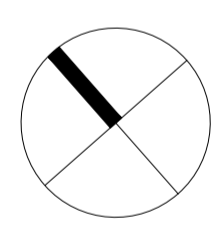
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E	For DA	NH	RS	24.10.2024
D	For DA - Response to Council RFI	NH	RS	19.03.2024
C	For DA	NH	RS	31.10.2022
B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022
Issue	Revision Description	Drawn	Check	Date

**LOWER GROUND - External**

Symbol	Botanical Name	Common Name	Mature Height (m.)	Mature Spread (m.)	Pot Size	Quantity
<b>Trees</b>						
Cca	<i>Cyathea australis</i>	Rough Tree Fern	3	2	100L	11
Ee	<i>Elaeocarpus eumundii</i>	Quandong	16	8	100L	9
Er	<i>Elaeocarpus reticulatis</i>	Blueberry Ash	12	6	100L	8
<b>Shrub &amp; Accent</b>						
As	<i>Acmena Sublime</i>	Lilly Pilly	2	2	300mm	78
BmJ	<i>Buxus microphylla 'Japonica'</i>	Japanese Box	1	1	300mm	54
PRF	<i>Photinia 'Red Fence'</i>	Photinia	2	1.5	300mm	110
<b>Grasses &amp; Groundcover</b>						
Ca	<i>Cissus antarctica</i>	Kangaroo vine	0.4	spreading (3m)	150mm	90
Hs	<i>Hibbertia scandens</i>	Snake vine	0.3	spreading (3m)	150mm	250
LIT	<i>Lomandra longifolia 'Tanika'</i>	Mat Rush	0.7	0.7	150mm	145
Px	<i>Philodendron xanadu</i>	Xanadu	1.2	1.2	150mm	74

- Legend**
- Existing tree to be retained
  - Proposed tree
  - Proposed shrub & accents
  - Proposed groundcovers
  - Artificial Turf

**Key Plan**



Client

Project  
**Childcare**  
 826 Victoria Road, Ryde

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Landscape Architects

**DEVELOPMENT APPLICATION**

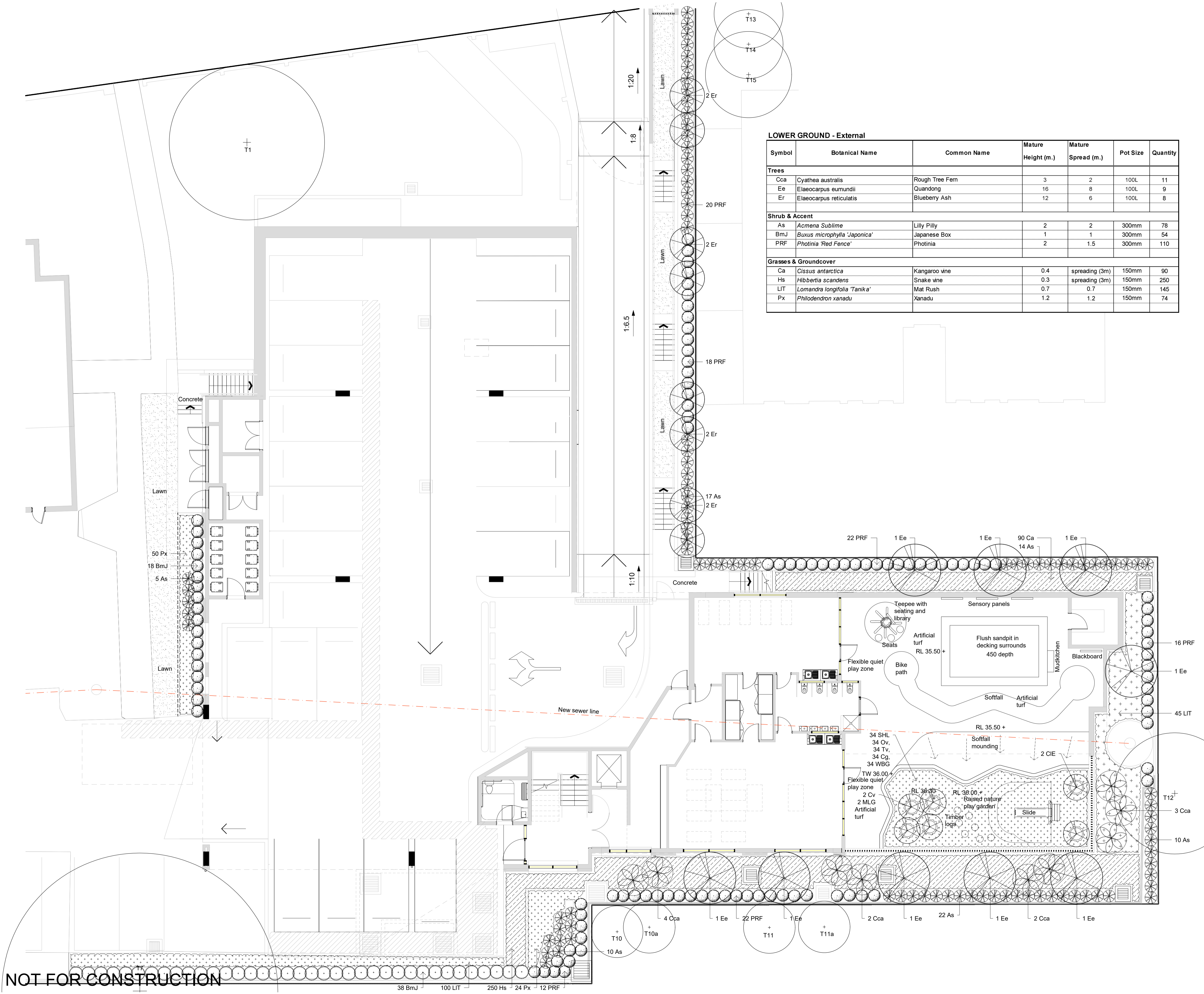
Drawing Name

**Planting plan**  
**Lower ground floor**

Scale 1:100 @ A1

Job Number Drawing Number Issue

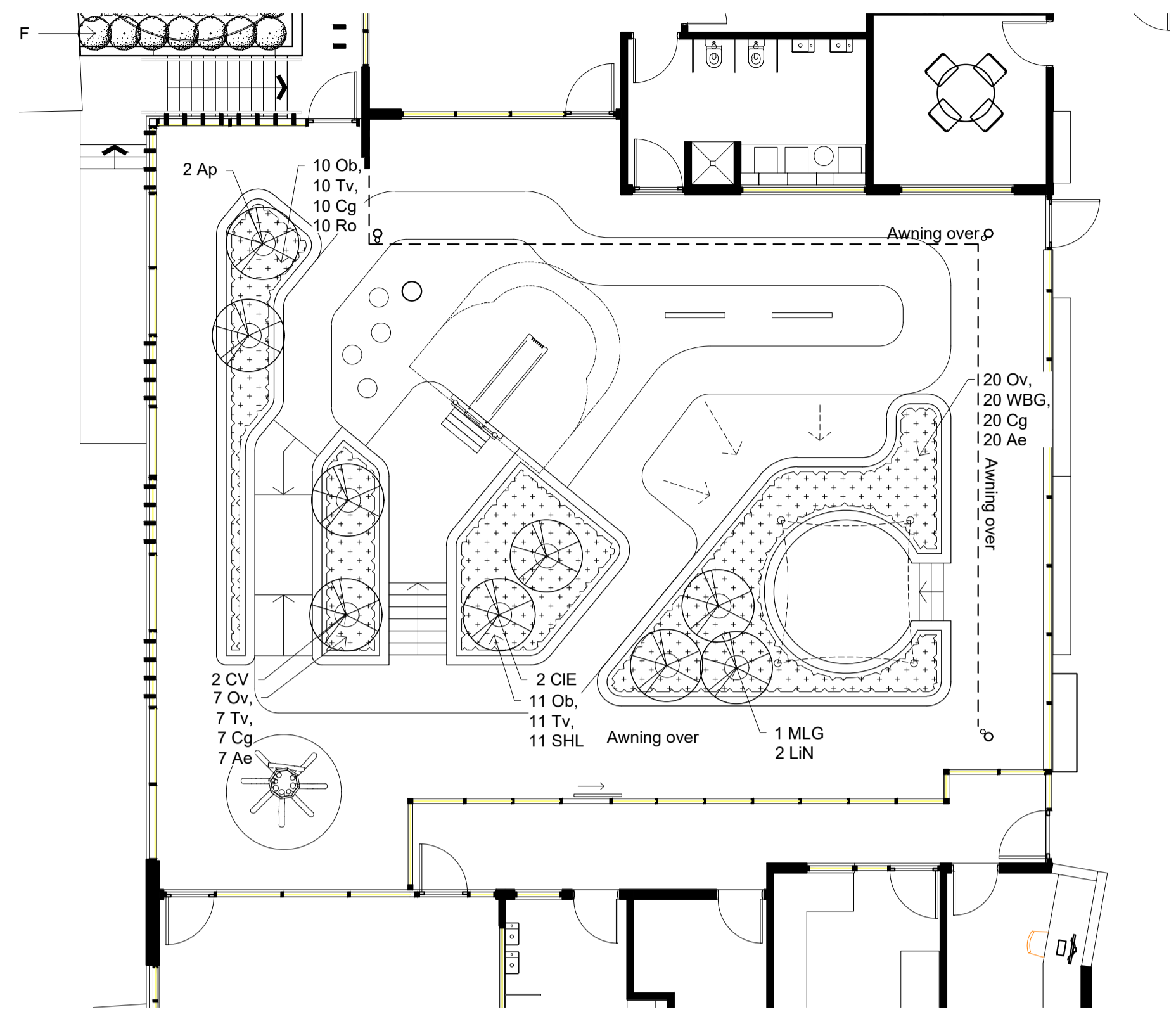
SS20-5010 302 F



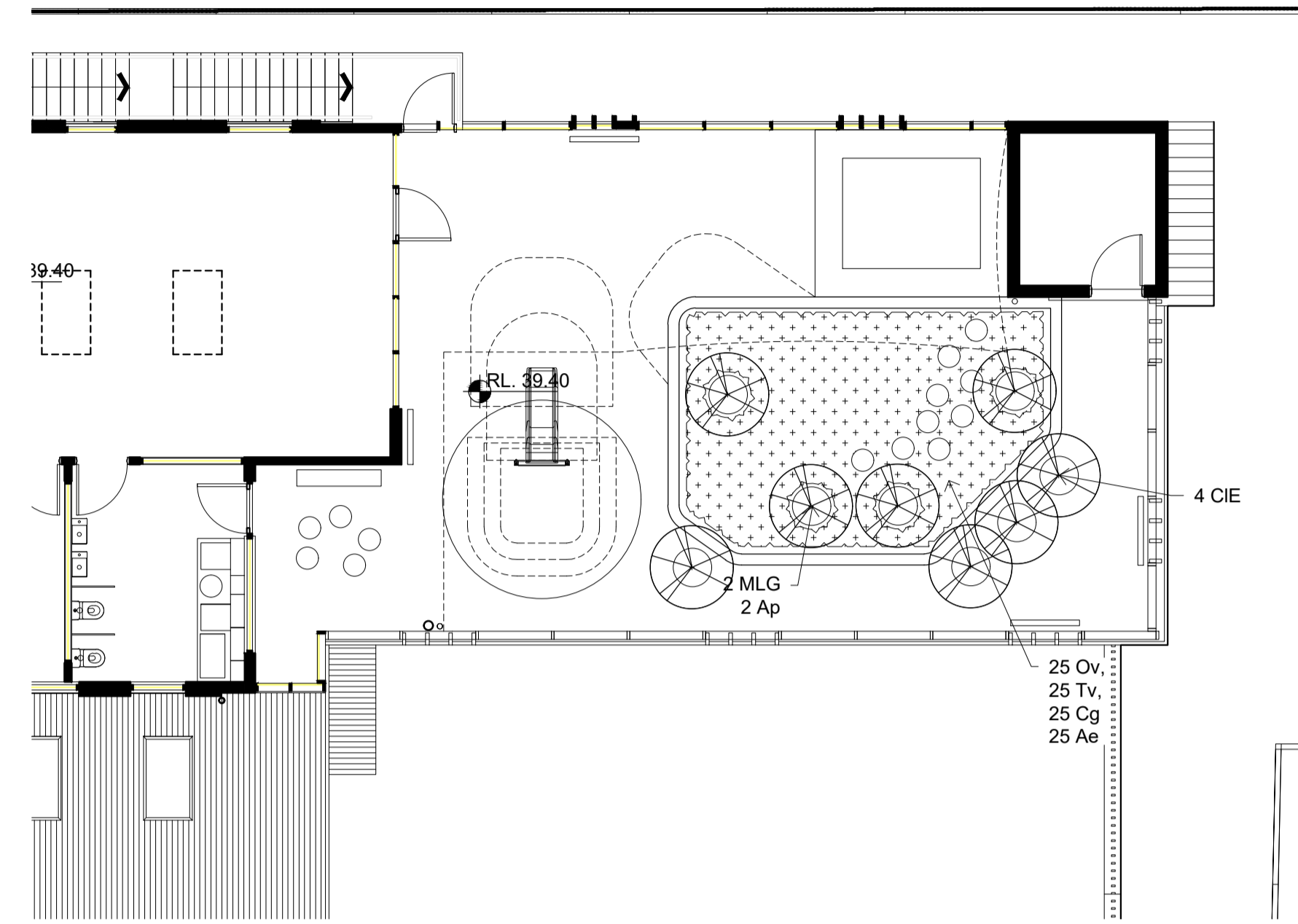
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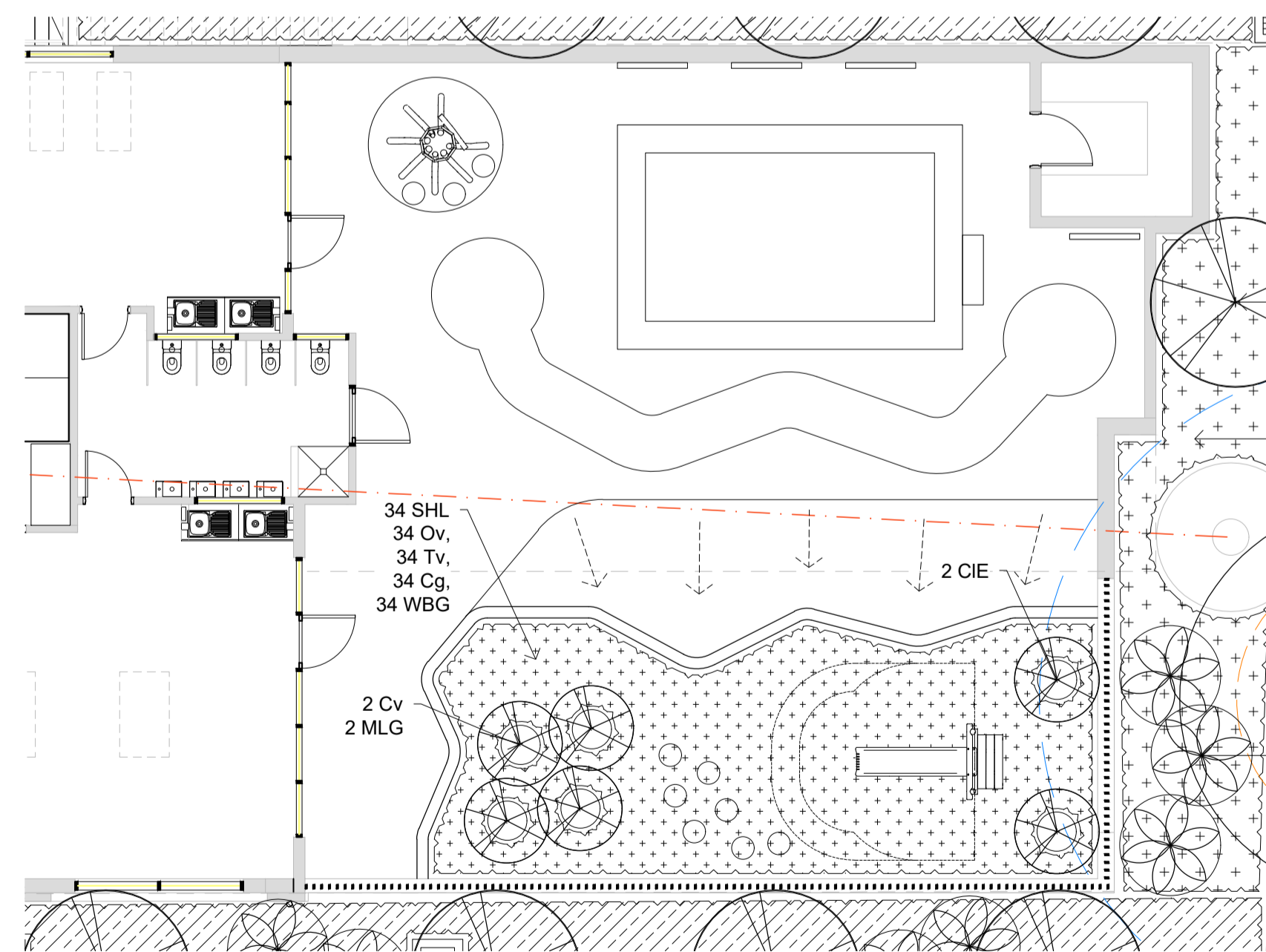
Upper ground: 2-3 years



Upper ground: 0-2 years

Issue	Revision Description	Drawn	Check	Date
C	For DA	MJW	RS	01.11.2024
B	For DA	NH	RS	24.10.2024
A	For DA - Response to Council RFI	NH	RS	19.03.2024

- Legend**
- Existing tree to be retained
  - Proposed tree
  - Proposed shrub & accents
  - Proposed groundcovers
  - Artificial Turf

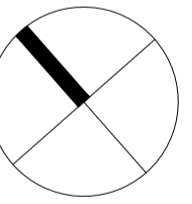


Lower ground: 3-6 years

**Sensory garden - outdoor play areas**

Symbol	Botanical Name	Common Name	Mature Height (m.)	Mature Spread (m.)	Pot Size	Quantity
<b>Trees</b>						
Ap	<i>Acer palmatum</i>	Japanese maple	4	3	100L	3
CLE	<i>Citrus 'Eureka'</i>	Eureka lemon	3	2	100L	7
CV	<i>Citrus 'Valencia'</i>	Valencia orange	3	2	100L	4
LIN	<i>Lagerstroemia 'Natchez'</i>	Crepe myrtle	5	4	100L	2
MLG	<i>Magnolia 'Little Gem'</i>	Dwarf Magnolia	6	4	200L	5
<b>Shrub &amp; Accent</b>						
Ro	<i>Rosmarinus officinalis</i>	Rosemary	1	1	300mm	10
SHL	<i>Salvia 'Hot Lips'</i>	Salvia	0.5	0.5	300mm	45
WBG	<i>Westringia 'Blue Gem'</i>	Coastal rosemary	1	1	300mm	54
<b>Grasses &amp; Groundcover</b>						
Ae	<i>Aspidistra elatior</i>	Cast iron plant	0.4	0.2	150mm	52
Cg	<i>Carpobrotus glaucescens</i>	Pigface	0.2	spreading (3m)	150mm	96
Ob	<i>Ocimum basilicum</i>	Basil	0.5	0.3	150mm	21
Ov	<i>Origanum vulgare</i>	Oregano	0.3	spreading (1m)	150mm	86
Tv	<i>Thymus vulgaris</i>	Thyme	0.3	0.2	150mm	87

Key Plan



Client

Project  
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**DEVELOPMENT APPLICATION**

Drawing Name  
**Planting plan**  
 Upper & Lower ground outdoor play

Scale 1:100 @ A1  
 Job Number Drawing Number Issue

SS20-5010 303 C

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B	For DA Approval	EN	RS	21.09.2022
A	Preliminary	EN	RS	06.09.2022
Issue	Revision Description	Drawn	Check	Date

**Legend**

**Key Plan**

Client

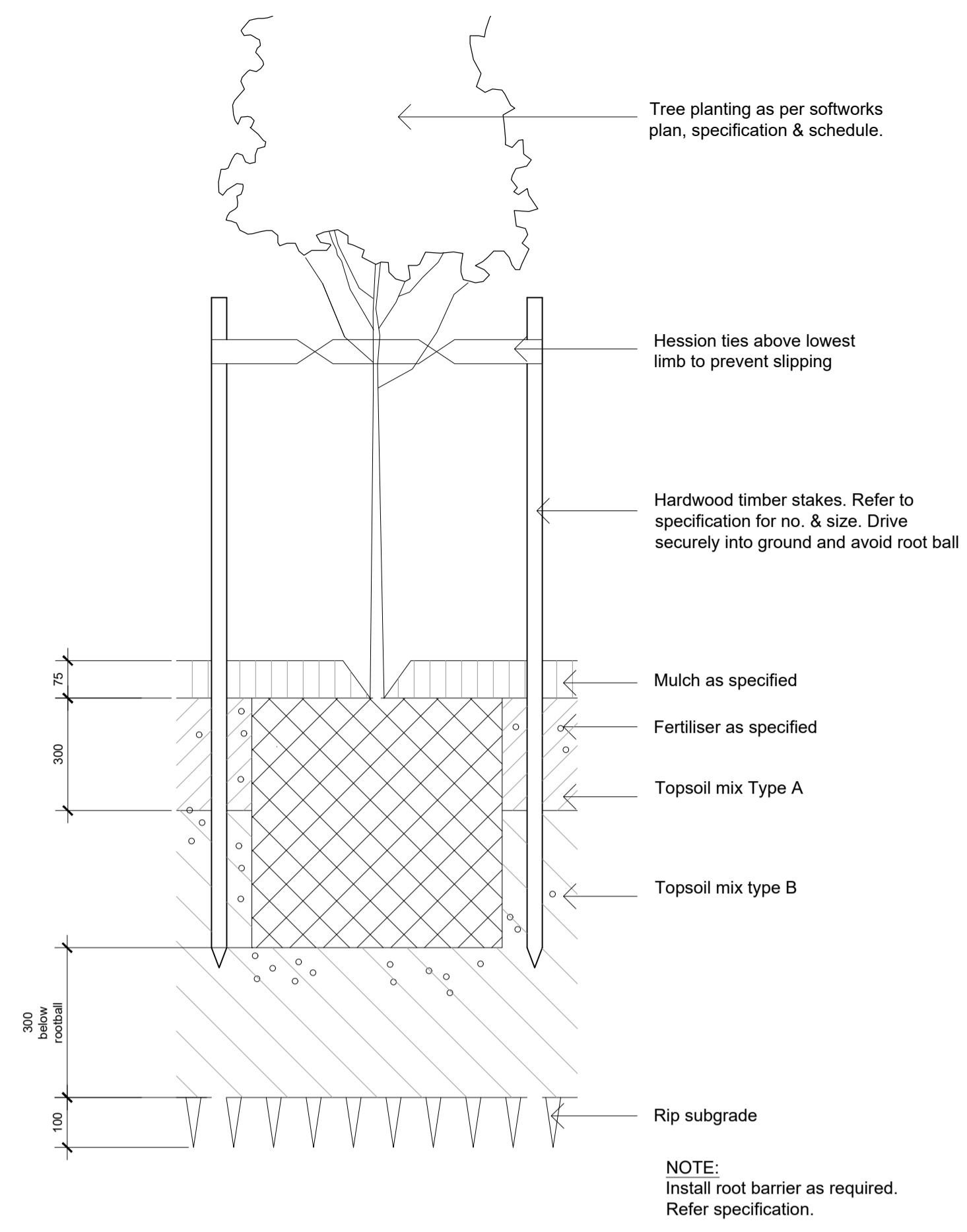
Project  
**Childcare**  
 826 Victoria Road, Ryde

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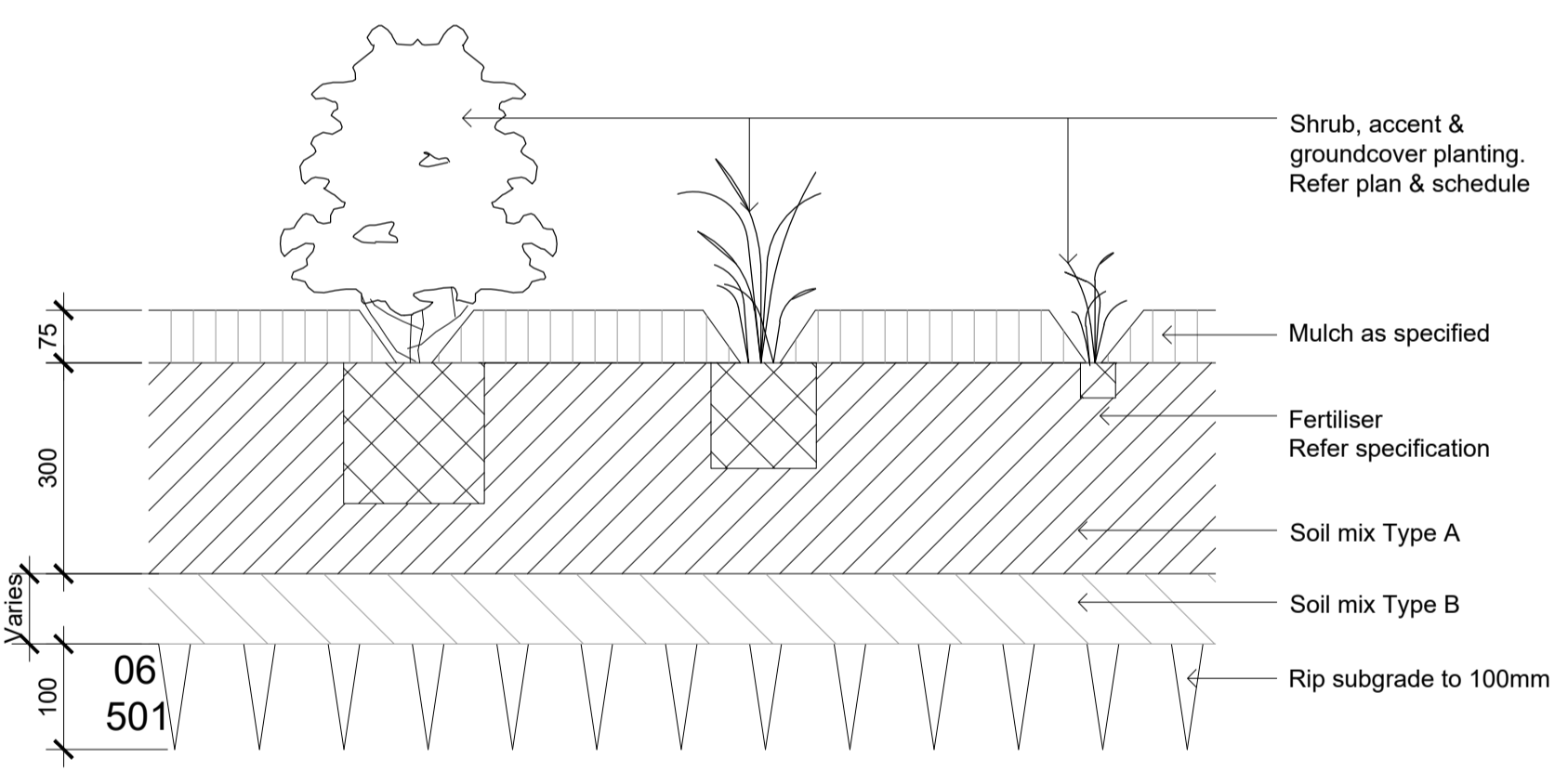
**DEVELOPMENT APPLICATION**

Drawing Name  
**Landscape detail**

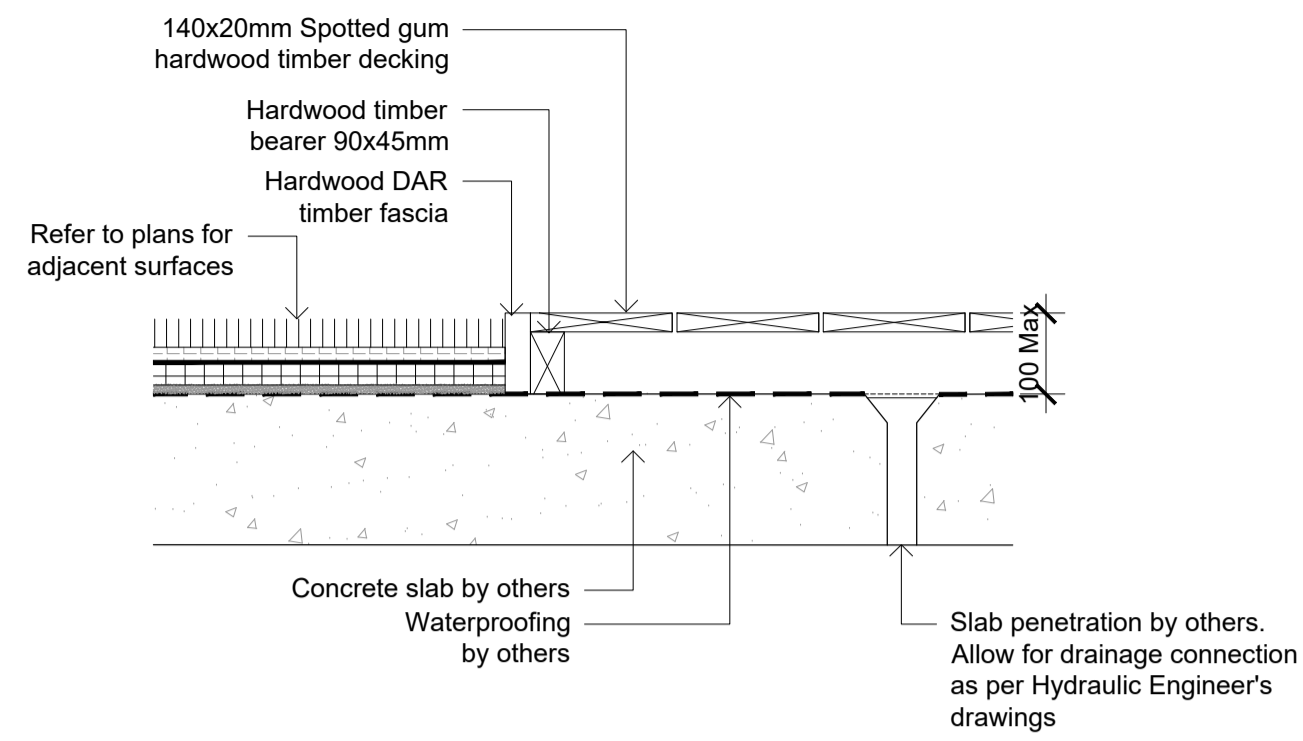
Scale	As shown
Job Number	SS20-5010
Drawing Number	501
Issue	C



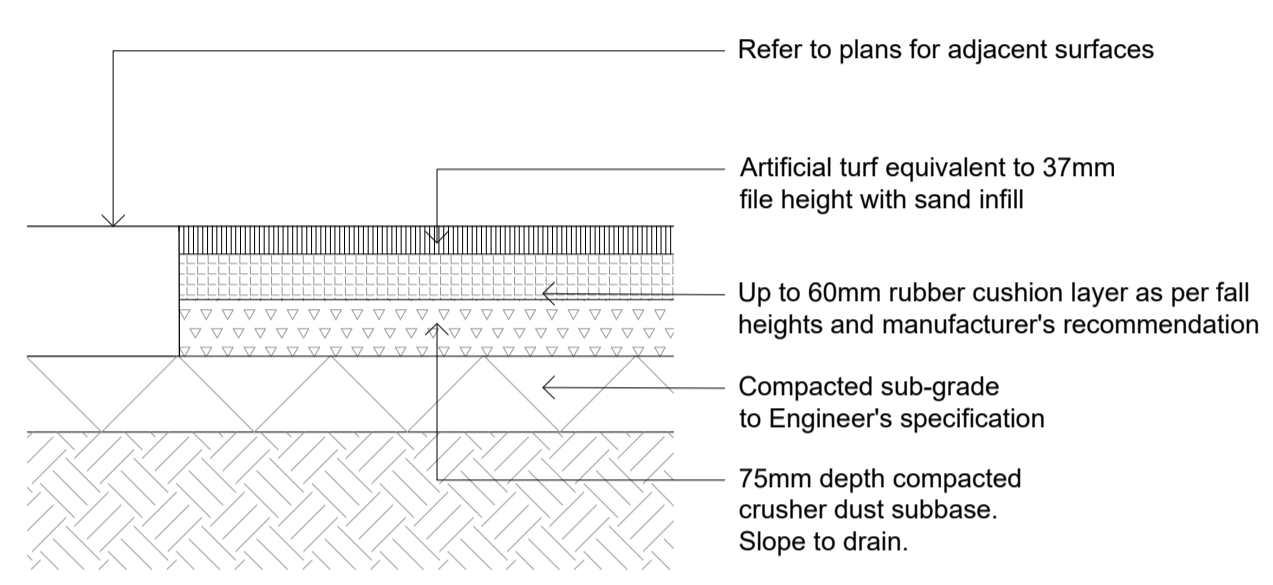
**01 75-200L Tree planting on grade**  
 501 1:10



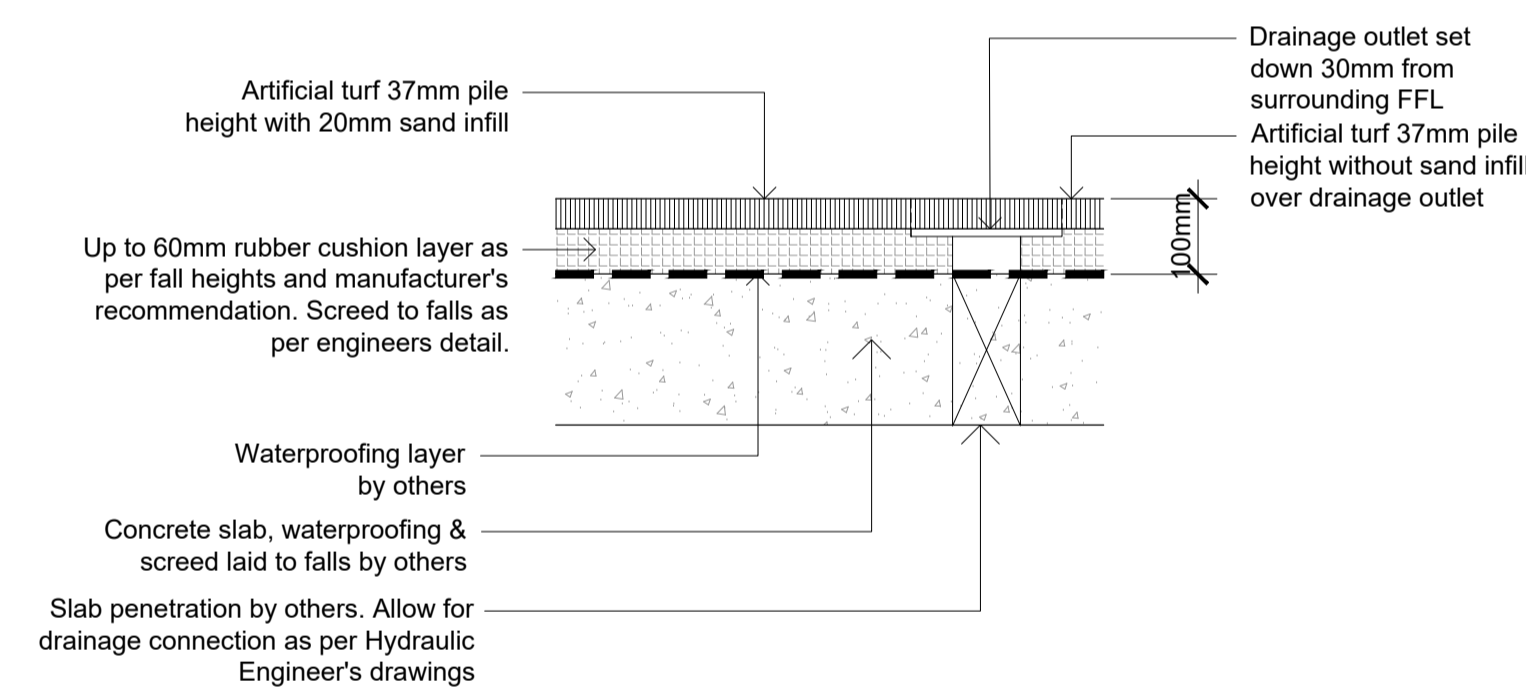
**02 Shrub, accent and groundcover planting on grade**  
 501 1:10



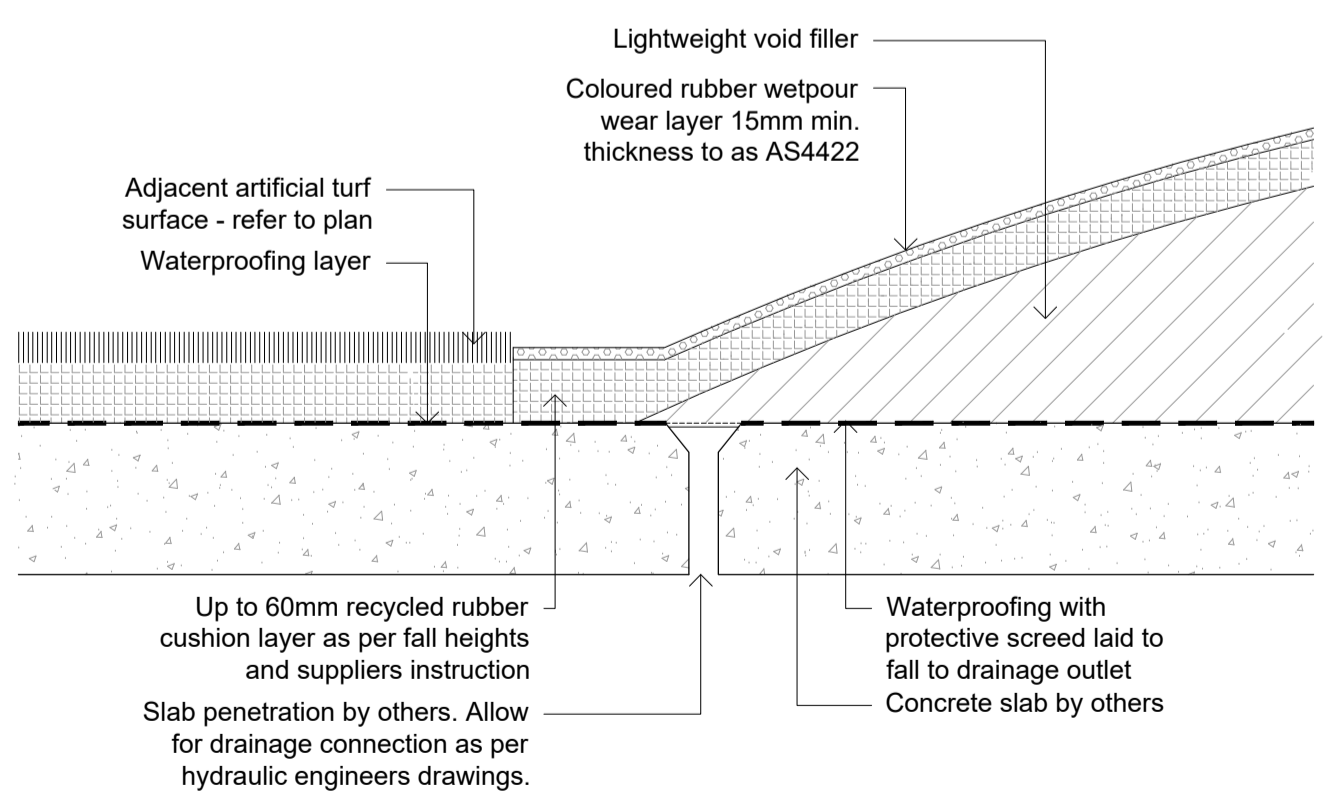
**03 On-slab timber decking**  
 501 1:10



**04 Artificial Turf on Grade**  
 501 1:10



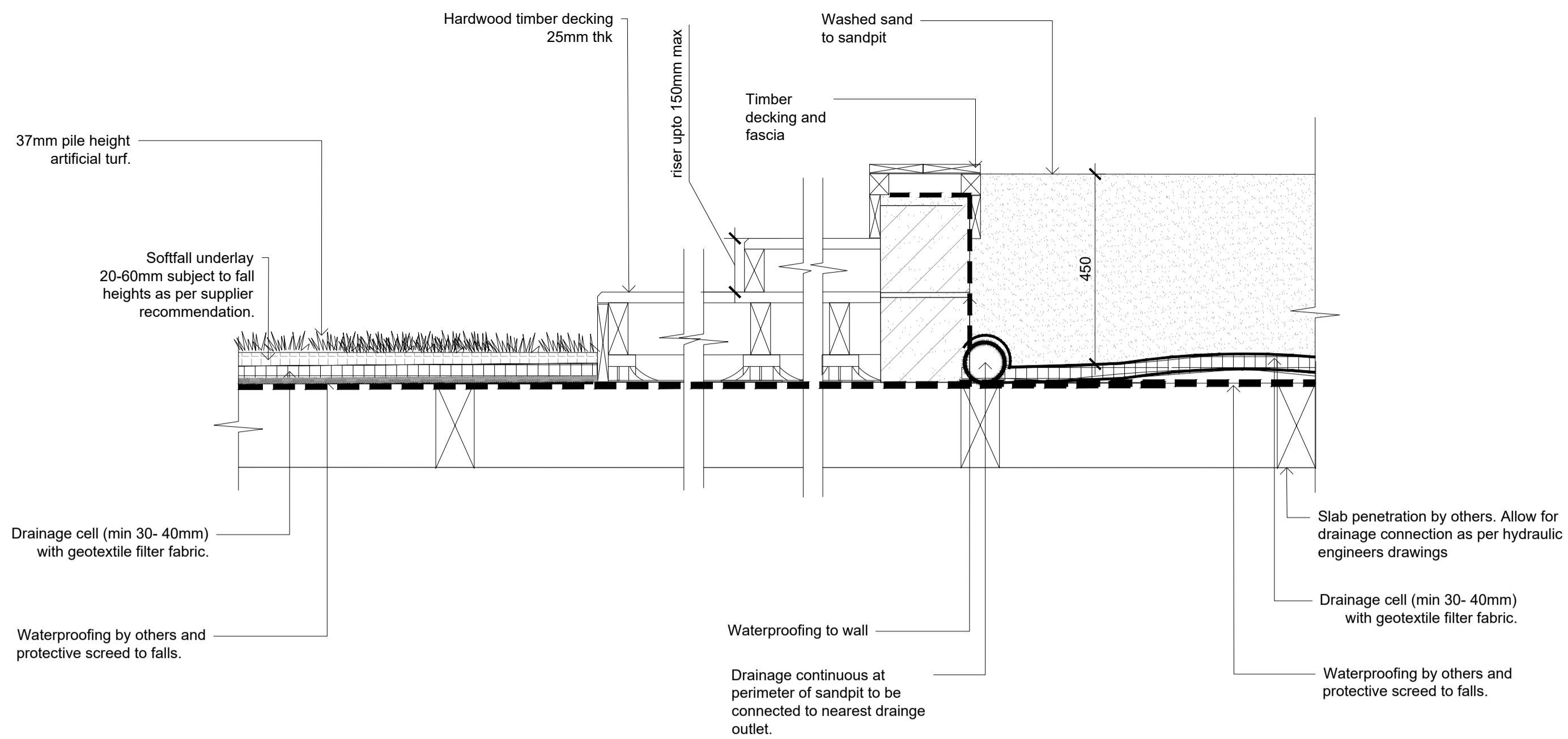
**05 Artificial Turf on Slab**  
 501 Scale 1:10



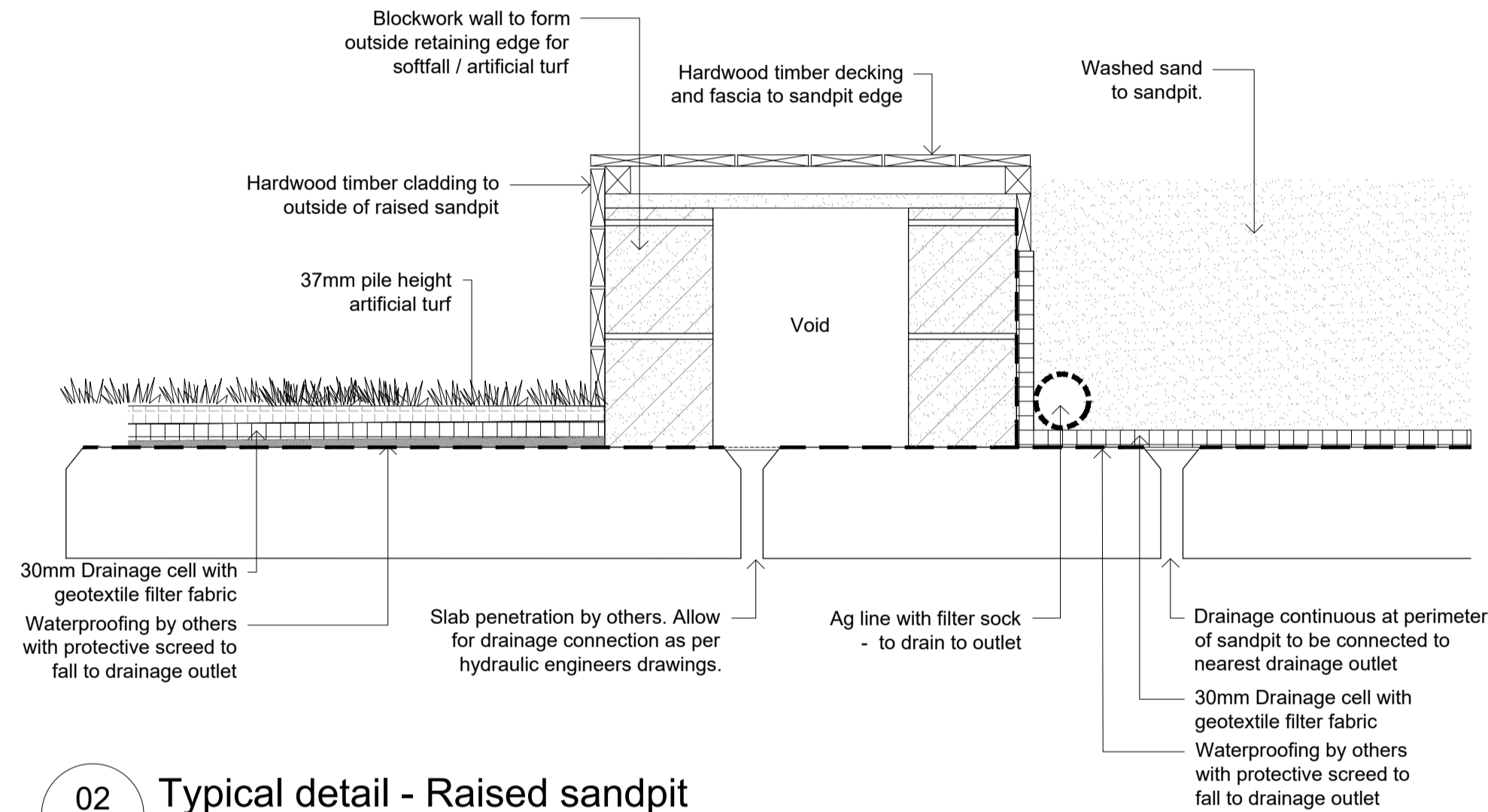
**06 Rubber softfall mound**  
 501 1:10

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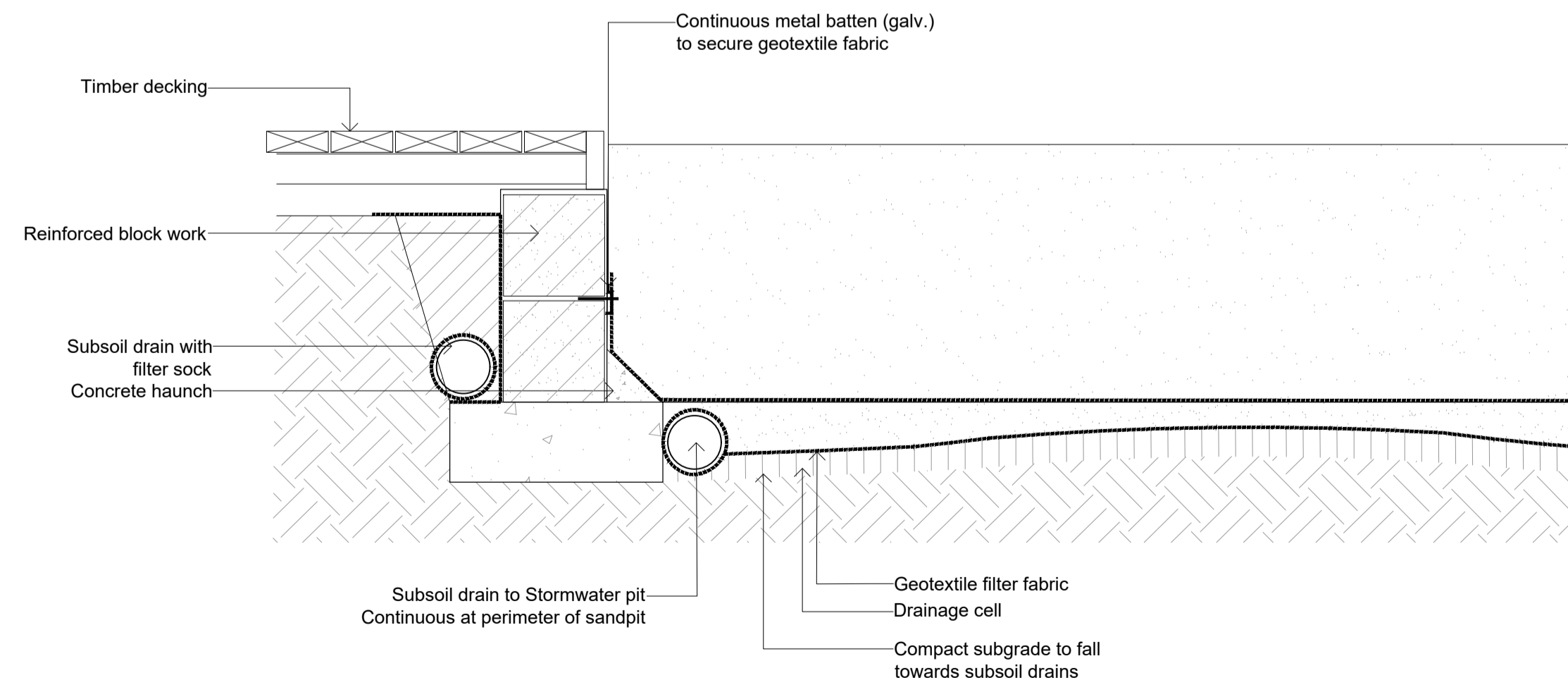




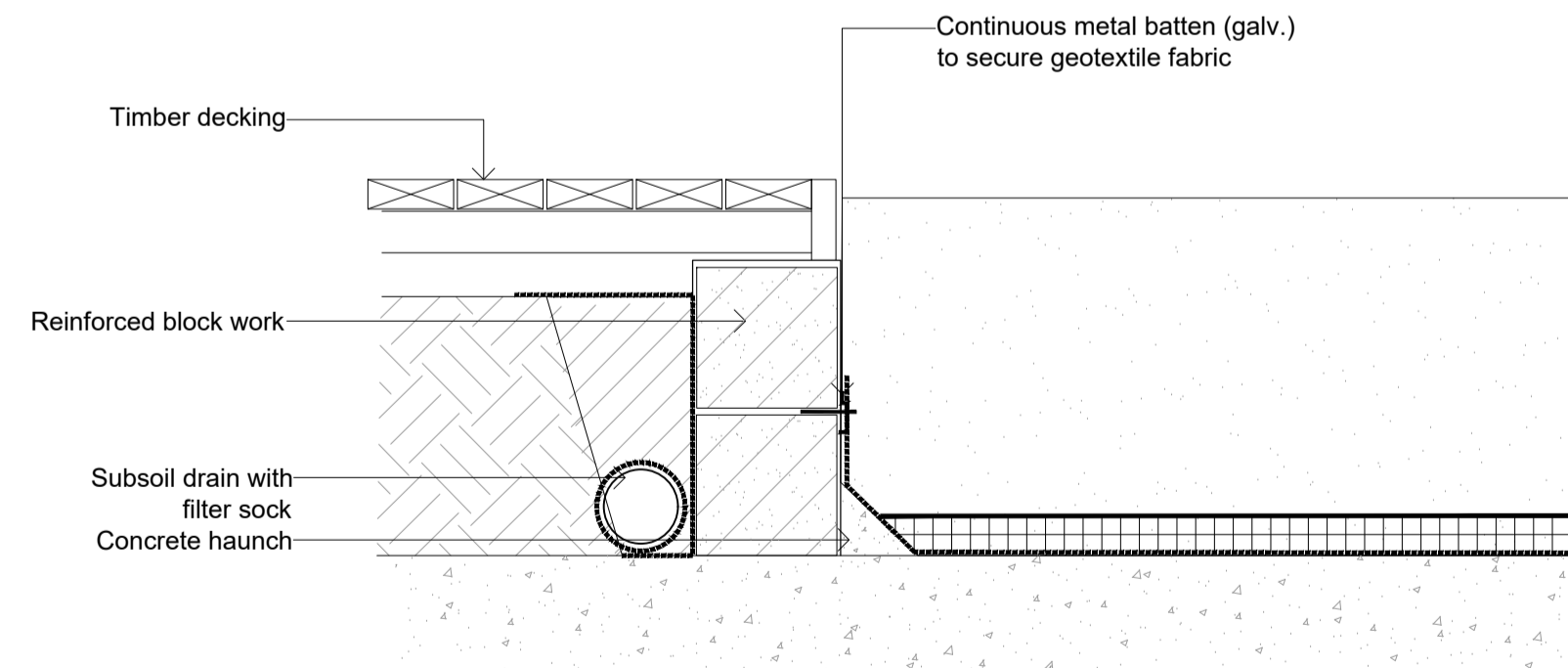
01 Typical Detail of Sand Pit on slab  
502 Scale 1:10



02 Typical detail - Raised sandpit  
502 1:10



03 Typical detail - On grade sandpit with decking edge  
502 1:10



04 Typical detail - On slab sandpit with decking edge  
502 1:10

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C	For DA	MJW	RS	01.11.2024
B	For DA	NH	RS	31.10.2022
A	For DA Approval	EN	RS	21.09.2022

Legend

Key Plan

Client

Project  
Childcare  
826 Victoria Road, Ryde

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DEVELOPMENT APPLICATION

Drawing Name  
Landscape detail

Scale As shown  
Job Number Drawing Number Issue  
SS20-5010 501 C

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## **Independent Technical Peer Review and Monitoring Assessment**

**826 Victoria Road Ryde**

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Project Number.: 0292

Date: 19 November 2024



Document details	
Document title	Independent Technical Peer Review and Monitoring Assessment
Document subtitle	826 Victoria Road Ryde
Project No.	0292
Date	19 November 2024
Version	Draft
Author	Jane Barnett
Client Name	The Maronite Church of Australia

#### Document history

Version	Date	Author	Reviewed by	Comments
D01	08.11.2024	Jane Barnett	Russ Francis	Draft for comment
D02	15.11.2024	Jane Barnett	Russ Francis	Final draft
F01	19.11.2024	Jane Barnett	Russ Francis	Final



Zephyr Environmental Pty Ltd  
PO Box 41  
Rozelle NSW 2039



## 1 INTRODUCTION

The Maronite Church of Australia has engaged Zephyr Environmental Pty Ltd (Zephyr) to provide an independent technical peer review of the Air Quality Impact Assessment (AQIA), prepared by Northstar Air Quality Pty Ltd (Northstar) for the property at 826 Victoria Road, Ryde (the Project).

The Northstar AQIA was prepared to support a Development Application (DA) DA 2022/0365 which was lodged with City of Ryde Council (Council) in November 2022. The Northstar AQIA was completed in July 2024. There were a number of other documents produced in response to this Northstar report, as shown in the table below. For the purposes of this review, each of these documents has been considered.

**Table 1: Summary of documents reviewed**

Item	Report description	Prepared by	Date
1	Northstar Air Quality Impact Assessment (AQIA)	Northstar	22 July 2024
2	Northstar Addendum Report	Northstar	9 September 2024
3	Benbow Review of Northstar AQIA and Addendum Report	Benbow Environmental	11 September 2024
4	City of Ryde Local Planning Panel Report - LDA2022/0365	City of Ryde Council	12 September 2024

## 2 SCOPE OF THIS REVIEW

The scope of this technical review is summarised as follows:

- to review the Northstar AQIA and subsequent response documentation
- to consider the methodology and approach of the AQIA, with regard to the characterisation of the existing environment, accuracy of emissions estimation and the suitability of models used, the inputs and outputs
- to compare these methods with best practice
- to identify any data gaps, errors or inconsistencies in the AQIA
- to provide advice as to the adequacy and accuracy of the assessment of likely impacts to inform decisions going forward

Zephyr has also completed on-site air quality monitoring at 826 Victoria Road Ryde, and these data are summarised in this report.



### 3 DETAILED REVIEW

The following sections provide a detailed review of the Northstar AQIA and its alignment to the NSW EPA *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (NSW EPA, 2022), hereafter referred to as the Approved Methods.

#### 3.1 General methodology and approach

Dispersion modelling, rather than monitoring, is an appropriate and commonly used approach for evaluating the risk of air quality impacts at sensitive receptors in NSW. The AQIA was completed generally in accordance with the NSW EPA's Approved Methods, which specifies how air quality assessments in NSW should be undertaken. The steps in this methodology are broadly as follows:

1. Identify nearby sensitive receptors
2. Identify relevant sources of pollution
3. Determine the local meteorological conditions in the area
4. Determine the background air quality representative of the area (without influence from the modelled source if possible)
5. Estimate the emissions of the main pollution source – in this case, vehicle emissions from traffic on Victoria Road
6. Model the dispersion of these pollutants from the source to the nearest sensitive receptors using the local meteorological conditions as determined in Step 3
7. Add these predictions to the existing concentrations determined in Step 4
8. Compare the cumulative concentrations to their relevant air quality assessment criteria noted in the Approved Methods

This is an acceptable assessment approach in NSW to determine the impact of a pollution source on a sensitive receptor. The following sections provide a more detailed review of these individual steps.

#### 3.2 Identification of sensitive receptors

The receptors for which model predictions have been estimated are identified in Section 4.2 of the Northstar AQIA. These represent areas within the proposed development, most importantly the outdoor play areas closest to Victoria Road.

The locations chosen are appropriate and representative.

#### 3.3 Identification of relevant sources of pollution

Vehicles on Victoria Road are the main source of air pollutants at this site. Those most relevant for this project are NO<sub>x</sub> (which forms NO<sub>2</sub>) and PM<sub>2.5</sub> (fine particles). The coarser particle fraction, PM<sub>10</sub>, has also been assessed.

#### 3.4 Meteorology

In the Northstar AQIA, local meteorology was characterised by using data from the Bureau of Meteorology's (BoM) Sydney Olympic Park automatic weather station. An analysis of the last five years of data was completed to define a representative year. The year 2021 was chosen as representative.



The prognostic model TAPM was then used to generate additional parameters required for the dispersion modelling, representative of the site. An analysis of these data is presented in the report and is sufficient to establish the on-site data are appropriate for use in this assessment.

### 3.5 Background air quality

Existing concentrations (background) have been estimated for the relevant pollutants, in this case PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>2</sub>. The purpose of this background estimate is to add together the modelled concentrations resulting from the traffic emissions, and the background concentrations, therefore providing an estimate of the total concentration. For this reason, it is important to use measured concentrations from a site away from the impacts of a road. In other words, as the road is the source in this case, the background concentrations should be representative of all sources other than the road.

The approach used by Northstar was to use the air quality monitoring station (AQMS) at Macquarie Park. This station is the closest site operated by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and is located more than 350 m from the nearest busy road, the M2 motorway.

This is a reasonable and appropriate approach for determining background concentrations. Model predictions at sensitive receptor locations are then added to these to determine the total cumulative concentrations.

### 3.6 Model selection

There are several models that can be used for the assessment of vehicle emissions from roadways. Individual decisions are generally made on a case-by-case basis and may depend on, among other things, the type of source, distance of source to receptor and available datasets.

The GRAMM/GRAL modelling suite is used in this assessment and the reasons for using this model are outlined in Section 5.1 of the Northstar assessment report. It has been used in multiple studies of this nature to estimate concentrations of various pollutants close to busy roads and is an appropriate model in this case.

### 3.7 Emission estimation

There are several datasets available for estimating vehicle emissions. Important factors to consider when estimating vehicle emissions are generally the fleet mix and the inclusion of non-exhaust PM. Both have been considered in the Northstar AQIA. Site specific traffic volume data was used, and this included the split of heavy and light vehicles. The emission estimates incorporate non-exhaust PM, accounting for brake, tyre and road wear. The AQIA also categorised Victoria Road as 'Commercial arterial' which is the appropriate classification.

In summary, the emission estimates and assumptions used are appropriate and maintain a reasonable level of conservatism.

### 3.8 Air quality assessment criteria

The impact assessment criteria that are noted in the Northstar AQIA are appropriate for use for this assessment. There are criteria for both particulate matter (TSP, PM<sub>10</sub> and PM<sub>2.5</sub>) and for nitrogen dioxide (NO<sub>2</sub>) and are consistent with the Approved Methods.



### 3.9 Assessment of impacts

Both incremental and cumulative predicted concentrations are presented which is appropriate and aligns with best practice and the Approved Methods. Results indicate that the total cumulative concentrations are predicted to be below each of the relevant cumulative criteria.

## 4 ADDITIONAL INFORMATION

After the Northstar AQIA was submitted, Council provided comment on the adequacy of the assessment. Northstar then responded to these comments, submitting an addendum to the original report (the Northstar response).

Council also sought a peer review of the original Northstar assessment from Benbow Environmental, however, Northstar were not aware of this review before providing their addendum report and so does not address that letter directly. The following sections present a brief review of each of these documents.

### 4.1 Council Response

On 12 September 2024, the City of Ryde Council (Council) provided a Local Planning Panel Report refusing the application and noting that the Air Quality Impact Assessment was inadequate. It appears the Council may have misunderstood the purpose of dispersion modelling, and also the need for background data to be sourced away from busy roads. The reasons for this are so that the modelled concentrations resulting from vehicle emissions are not double counted by adding them to measurements also made at the roadside, resulting in an overly conservative assessment. As noted above in Section 3.5, using air quality data from Macquarie Park is suitable because it is away from the busy road.

Council notes that “*data sourced from the Macquarie University [sic] AQMS is not site specific and does not provide an accurate representation of localised air quality at the subject site.*” For the reasons stated above and also in the Northstar report and addendum, this is a misunderstanding of the purpose for which the background monitoring data are used.

In their summary relating to air quality, the Council note two main concerns:

1. “*A review of the Air Quality assessment has determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.*”
2. “*Site specific measurements of pollutants associated with heavy vehicles were not measured, and data utilised from a AQMS cannot be considered an appropriate comparison. There is no objection to the modelling methodology utilised, however without an appropriate data set, there is too much uncertainty as to the validity of the predictions.*”

As described above, the Council appears to have misunderstood the purpose of the background air quality monitoring data in a modelling assessment. That is, to use data that is not located near a busy road and add the modelled increment from vehicle emissions.

Northstar notes that monitoring is highly reliant on contemporaneous meteorology, which is correct. The Council notes this more justification for site specific monitoring, but this is why modelling is more appropriate. By modelling, the full range of meteorological conditions over the year can be incorporated, rather than basing outcomes on a limited dataset as explained in the Northstar response.



## 4.2 Northstar Response to Council

Northstar provided an addendum to their original assessment, responding to comments and reasons for refusal in the Council's report. The Northstar response summarises the Council's reasons for refusal and addresses each concern in detail. The purpose of the background dataset and the rationale for using it is further explained in this addendum report to address Council's misinterpretation.

Additional work is also contained in the addendum which addresses an increased traffic scenario and scales modelling results to account for this increase. It is concluded that this increase does not change the conclusions of the original assessment and does not give rise to any exceedances of the impact assessment criteria due to vehicle emissions.

Further, analysis was completed using different years for background data, to provide additional assurance regarding any sensitivity of the assessment to the year chosen. Again, this was shown not to alter the conclusions of the original assessment.

The additional information provided by Northstar in their response to Council clarifies the assessment, provides additional analysis and demonstrates that the conclusions of the original assessment remain unchanged.

## 4.3 Benbow Environmental Review

The Benbow review letter is brief and addressed both the original Northstar report and the addendum. It does not provide a technical review of the assessment as a modelling study but rather it has focused on the fact that neither of these documents contain roadside monitoring.

As noted above in Section 3, the purpose of the modelling study is to predict the likely ground level concentrations resulting from traffic on Victoria Road, and then add this to a representative background concentration to estimate the total cumulative concentrations at the site. This is standard procedure and follows the principals in the NSW Approved Methods and does not require roadside monitoring.

The Benbow letter notes there is a risk that the Northstar assessment has underestimated the NO<sub>2</sub> concentrations at the site. However, it does not refer to or provide comment on the methodology undertaken or why the modelling or emissions estimation is inadequate, instead noting the lack of site-specific monitoring data in the AQIA.

While site specific monitoring can be useful, a short-term monitoring campaign does not consider the wide variety of meteorological and traffic conditions that occur throughout the year. This is where a dispersion modelling assessment is more helpful, providing a prediction of the likely impacts of vehicle emissions at the site. As described in both the Northstar report and addendum, these predictions can then be added to the background levels to determine the total impact. When adopting this method, it is important to avoid double counting and so background concentrations should be determined away from the type of source being modelled – in this case, a busy road.

The Benbow letter recommends that NO<sub>2</sub> monitoring be completed for a period of at least 7 days. This has since been completed, for a longer period of 27 days, and the results from this monitoring campaign are described in Section 4.4.



#### 4.4 Site-specific monitoring

Zephyr was engaged to complete a short monitoring campaign at the site to understand the likely contributions from vehicle emissions on Victoria Road. The campaign lasted four weeks and consisted of continuous PM<sub>2.5</sub>, PM<sub>10</sub> and NO<sub>2</sub> monitoring as well as two discrete samples of volatile organic compounds (VOCs), specifically benzene, toluene, ethylbenzene and xylene (BTEX). The monitoring site was approximately 20 m from the road, representing the location of the outdoor play area closest to Victoria Road (Figure 1).



**Figure 1: Location of monitoring site relative to Victoria Road**



#### 4.4.1 Continuous PM<sub>2.5</sub>, PM<sub>10</sub> and NO<sub>2</sub>

Continuous measurements of NO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub> and were made using an AirMetER-AX multiparameter air quality monitoring station. Measurements were made every 1-minute, and these raw data processed into 1-hour averages for NO<sub>2</sub> and 24-hour averages for PM<sub>2.5</sub> and PM<sub>10</sub>, so they could be compared to their respective air quality criterion. The criterion for maximum 1-hour average NO<sub>2</sub> is 164 µg/m<sup>3</sup>. For maximum 24-hour average PM<sub>2.5</sub> and PM<sub>10</sub> the criteria are 25 µg/m<sup>3</sup> and 50 µg/m<sup>3</sup>, respectively.

NO<sub>2</sub> was measured from 27 days from 19 October to 14 November 2024 (inclusive). Figure 2 presents the measured 1-hour average NO<sub>2</sub> concentrations at the site for this period and shows is a general diurnal variation. This is a typical pattern for roadside monitoring with the highest concentrations occurring during the day when traffic volumes are at their peak. The maximum 1-hour average NO<sub>2</sub> concentration was 154 µg/m<sup>3</sup>, measured at 6 am on 7 November 2024, below the criterion of 164 µg/m<sup>3</sup>.

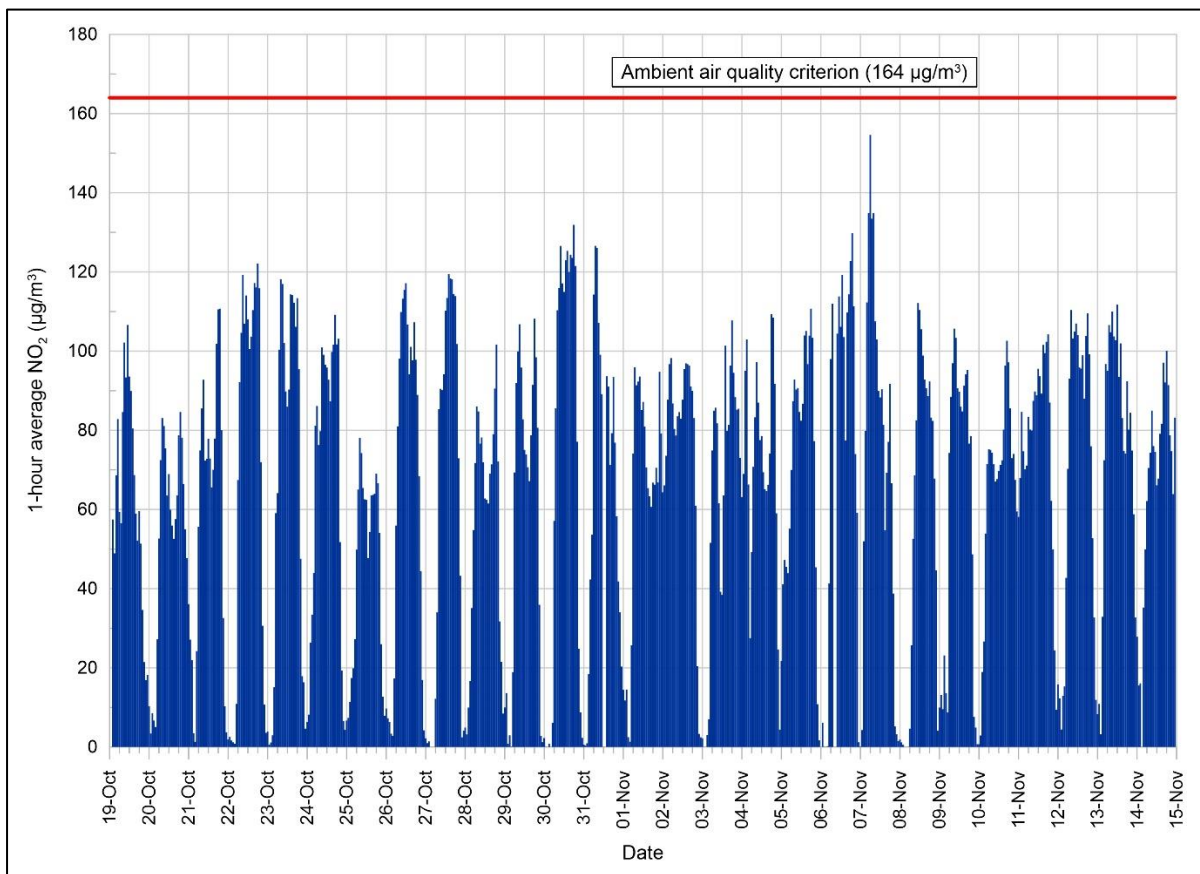
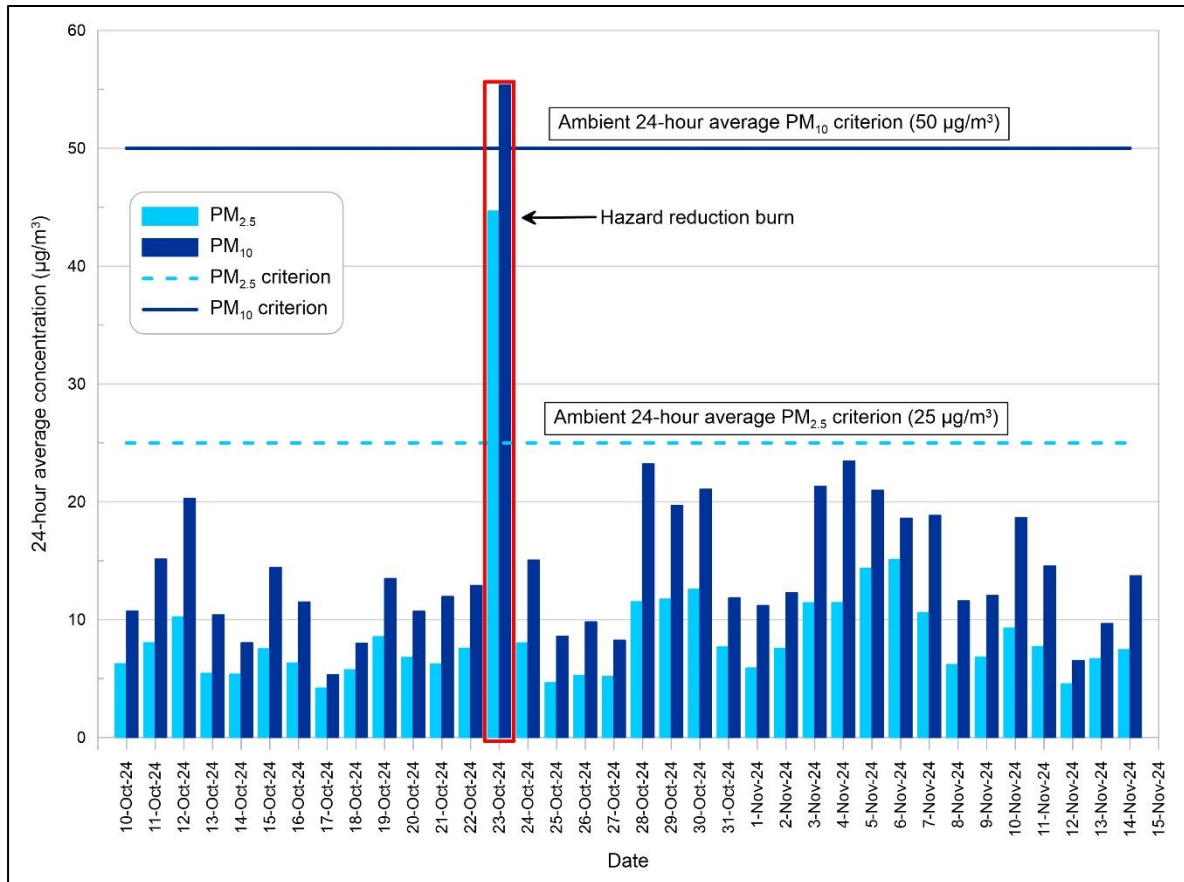


Figure 2: 1-hour average measured NO<sub>2</sub> from 19 October to 14 November 2024 (µg/m<sup>3</sup>)

PM<sub>2.5</sub> and PM<sub>10</sub> measurements were made for 36 days from 10 October to 14 November 2024 (inclusive). These data are presented in Figure 3 and show a single exceedance for both PM<sub>2.5</sub> and PM<sub>10</sub> recorded on 23 October 2024. This was not due to vehicle emissions, but rather a [hazard reduction burn](#) which occurred in the Epping area on that day.



The other 24-hour average PM<sub>2.5</sub> and PM<sub>10</sub> concentrations measured over the five week campaign were all well below their NSW EPA criteria of 25 µg/m<sup>3</sup> and 50 µg/m<sup>3</sup>, respectively.



**Figure 3: 24-hour average PM<sub>10</sub> and PM<sub>2.5</sub> measured from 10 October to 14 November 2024 (µg/m<sup>3</sup>)**

It is also noted that when compared to the modelling results as presented in the Northstar AQIA, the measured concentrations are slightly lower. This is expected as the assumptions made for modelling are generally conservative, again demonstrating best practice.

Table 2 presents a summary of this comparison for NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>. The modelled results are taken from Tables 14, 15, and 16 of the Northstar AQIA. These are the cumulative concentrations (background plus modelled) for Receptor 11 (R11) which is in the same location as the monitor. For PM<sub>2.5</sub> and PM<sub>10</sub>, the maximum cumulative concentration was taken where the background did not exceed the criterion. The measurement on 23 October was also not considered as this was not related to vehicle emissions but rather local hazard reduction burning.

In addition, the average measurements for each pollutant across the monitoring campaign are presented in Table 3. For PM<sub>10</sub> and PM<sub>2.5</sub>, these averages include the day of the hazard reduction burn.



**Table 2: Comparison of model predictions at R11 with maximum measured concentrations**

Pollutant	Averaging period	Criterion ( $\mu\text{g}/\text{m}^3$ )	Modelled result ( $\mu\text{g}/\text{m}^3$ )	Measured result ( $\mu\text{g}/\text{m}^3$ )
NO <sub>2</sub>	1-hour	164	155	154
PM <sub>2.5</sub>	24-hour	25	23.9	14.9
PM <sub>10</sub>	24-hour	50	31.4	23.5

**Table 3: Average measured concentrations over the entire monitoring period**

Pollutant	Average over the entire monitoring campaign ( $\mu\text{g}/\text{m}^3$ )
1-hour average NO <sub>2</sub>	64.3
24-hour average PM <sub>2.5</sub>	9.0
24-hour average PM <sub>10</sub>	15.0

#### 4.4.2 Ambient VOC monitoring using evacuated canisters

Ambient air monitoring of VOCs was undertaken using evacuated canisters. Canister preparation and analysis was undertaken with reference to USEPA TO-15 methodology, as specified within Compendium Method TO-15 – Determination of volatile organic compounds in air collected in specially-prepared canisters and analyser by gas chromatography / mass spectrometry (USEPA, 1999). This method involved the collection of up to 24-hour time-integrated samples in 6-litre Silonite®-lined evacuated canisters, with canister preparation and post-sampling analysis undertaken by ALS a NATA accredited Laboratory.

Prior to sample collection, each canister was individually cleaned and laboratory certified thus ensuring the canister is free of residual contamination prior to sample collection. Sample collection involved connecting a calibrated flow regulator to the canister inlet and opening the inlet valve such that a sample was drawn into the canister at a steady, continuous rate over the sampling period. At the completion of sampling, the canister valve was closed, the remaining vacuum recorded, and the canister returned to the laboratory for analysis. Quality control procedures involved assessment of sample receipt pressures, as well as laboratory procedures.

Two individual samples were taken over a period of 24 hours on 21/22 October and 22/23 October. Both days were sunny and warm with no rain.

All BTEX compounds showed non-detects on the first sample. The second sample recorded a toluene concentration of 0.003 mg/m<sup>3</sup>. This more than three orders of magnitude less than the NEPM 24-hour average standard of 3.77 mg/m<sup>3</sup>.

There was no detection of benzene, ethylbenzene or xylene in either sample.



## 5 CONCLUSION

A detailed review has been completed for the air quality impact assessment completed by Northstar for the proposed childcare centre development at 826 Victoria Road, Ryde. Additional information has also been considered, including a review by Benbow Environmental, Council's reasons for refusal, responses by Northstar to that refusal, and recent on-site monitoring data.

With respect to the Northstar AQIA, it is concluded that:

- all relevant sensitive receptors have been identified
- the air quality criteria applied to these sensitive receptors are suitable
- meteorology has been appropriately characterised
- assumptions made to estimate background air quality concentrations are reasonable
- the use of modelling is an appropriate approach
- the choice of model is suitable
- assumptions concerning the estimate of vehicle emissions are appropriate and include the relevant site-specific inputs
- predicted concentrations are presented in an appropriate manner and allow for the understanding of both incremental and cumulative impacts

With respect to the Benbow peer review and Council assessment, it is concluded that:

- the letter provided by Benbow Environmental does not provide a detailed review of the Northstar assessment
- both the review and the Council report have misunderstood the methodology
- neither the review nor the Council report considered the use of background data and modelling in their context as an appropriate method of assessment

With respect to the site-specific monitoring, it is concluded that:

- there were no exceedances of the maximum 1-hour average NO<sub>2</sub> ambient air quality criterion during the monitoring campaign
- the maximum measured 1-hour average NO<sub>2</sub> concentration was 154 µg/m<sup>3</sup>, below the ambient air quality criterion
- there was a single exceedance of both the PM<sub>2.5</sub> and PM<sub>10</sub> criteria, which occurred on 23 October 2024. This was not due to local hazard reduction burning and not vehicle emissions on Victoria Road
- all other PM<sub>2.5</sub> and PM<sub>10</sub> concentrations were well below the 24-hour average criteria
- there was no detection of benzene, ethylbenzene or xylene in either sample collected
- there was a minor detection of toluene in one sample, but this was three orders of magnitude below the criterion
- the maximum measured concentrations are slightly lower than the model predictions indicating some conservatism in the modelling assumptions



**Attachment – 3: Draft Conditions of Consent**

**Council Application Number Number: APL2024/0002**

**Portal Application Number: PAN-490020**

**Address: 826 Victoria Road Ryde**

## GENERAL CONDITIONS

		Condition			
1)	<b>Approved plans and supporting documentation</b>				
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
	<b>Approved plans</b>				
	Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
	<b>Architectural Plans</b>				
	DA0003	9	Site Plan / Roof Plan	Altis Architecture	08/11/2024
	DA0011	6	Fencing Plan	Altis Architecture	08/11/2024
	DA1101	10	Lower Ground Level Floor Plan	Altis Architecture	08/11/2024
	DA1102	10	Upper Ground Level Floor Plan	Altis Architecture	08/11/2024
	DA2101	8	Proposed Elevations – Sheet 1	Altis Architecture	08/11/2024
	DA2102	3	Proposed Elevations – Sheet 2	Altis Architecture	27/03/2024
	DA2103	5	Proposed Elevations – Sheet 3	Altis Architecture	08/11/2024
	DA2104	5	Proposed Elevations – Sheet 4	Altis Architecture	08/11/2024
	DA3001	7	Proposed Sections – Sheet 1	Altis Architecture	08/11/2024
	DA3002	6	Proposed Sections – Sheet 2	Altis Architecture	13/06/2024
	DA3003	7	Proposed Sections – Sheet 3	Altis Architecture	08/11/2024
	DA1001	4	Demolition Site Plan	Altis Architecture	27/03/2024
	DA9001	2	Signage Details	Altis Architecture	27/03/2024
	<b>Landscape Plans</b>				



Condition					
001	E	Existing Tree Management Plan – Upper Ground	Site Image Landscape Architects	24/10/2024	
002	E	Existing Tree Management Plan – Lower Ground	Site Image Landscape Architects	24/10/2024	
101	G	General Arrangement – Upper Ground Floor	Site Image Landscape Architects	01/11/2024	
102	F	Detailed Plan – Upper Ground Floor 1	Site Image Landscape Architects	24/10/2024	
103	G	Detailed Plan – Upper Ground Floor 2	Site Image Landscape Architects	01/11/2024	
104	G	General Arrangement – Lower Ground Floor	Site Image Landscape Architects	01/11/2024	
105	G	Detailed Plan – Lower Ground Floor	Site Image Landscape Architects	01/11/2024	
301	G	Planting Plan– Upper Ground Floor	Site Image Landscape Architects	01/11/2024	
302	F	Planting Plan– Lower Ground Floor	Site Image Landscape Architects	01/11/2024	
303	C	Planting Plan– Upper & Lower Ground Outdoor Play	Site Image Landscape Architects	01/11/2024	
501	C	Landscape Detail	Site Image Landscape Architects	31/10/2022	
501	C	Landscape Detail	Site Image Landscape Architects	01/11/2024	
<b>Stormwater Plans</b>					
SW200-203, SW300, SW500-501	D	Stormwater Concept Design	S & G Consulting Pty Ltd	27/03/2024	
<b>Approved documents</b>					
<b>Document Title</b>			<b>Revision Number</b>	<b>Prepared by</b>	<b>Date of document</b>
Plan of Management			5.5	Ology	November 2024
Access Management Plan			-	Think Planners	26/03/2024
Demolition & Waste Management Plan			V1.0	Chalouhi	21/04/2023



		Condition		
	Independent Technical Peer Review and Monitoring Assessment	F01	Zephyr Environmental	19/11/2024
	DA Acoustic Assessment	5	Acoustic Logic	16/07/2024
	Arboricultural Impact Assessment	D	DJD Tree Consultancy	26/03/2024
	Addendum to the Heritage Impact Statement	J6741_01	Weir Phillips Heritage and Planning	27/03/2024
	Preliminary Historical Assessment	22058	Austral Archaeology	08/08/2022
	Schedule of Conservation Works	J6741	Weir Phillips Heritage and Planning	March 2024
	Geotechnical Investigation Report	P2566_01	Morrow Geotechnics Pty Ltd	26/05/2022
	In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.			
	<b>Condition Reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.			
2)	<b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b>			
	<p>A) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>B) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>C) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</p> <p>D) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</p> <p>E) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>F) This section does not apply—</p> <p>(I) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p>(II) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p>			



	<b>Condition</b>
	<b>Condition Reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
3)	<p><b>Erection of signs</b></p> <p>A) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>B) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p style="padding-left: 20px;">(I) showing the name, address and telephone number of the principal certifier for the work, and</p> <p style="padding-left: 20px;">(II) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p style="padding-left: 20px;">(III) stating that unauthorised entry to the work site is prohibited.</p> <p>C) The sign must be—</p> <p style="padding-left: 20px;">(I) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p style="padding-left: 20px;">(II) removed when the work has been completed.</p> <p>D) This section does not apply in relation to—</p> <p style="padding-left: 20px;">(I) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p style="padding-left: 20px;">(II) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p><b>Condition Reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
4)	<p><b>Shoring and adequacy of adjoining property</b></p> <p>A) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>B) It is a condition of the development consent that the person having the benefit of the development consent must, at the person’s own expense—</p> <p>C) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>D) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>E) This section does not apply if—</p> <p style="padding-left: 20px;">(I) the person having the benefit of the development consent owns the adjoining land, or</p> <p style="padding-left: 20px;">(II) the owner of the adjoining land gives written consent to the condition not applying</p> <p><b>Condition Reason:</b> Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</p>
5)	<b>Support for neighbouring buildings</b>



	<b>Condition</b>
	<p>If the development involves excavation that is lower than the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:</p> <p>A) Protect and support the adjoining premises from possible damage from the excavation; and</p> <p>B) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
6)	<p><b>Site maintenance</b></p> <p>The site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or subject to the leaving or dumping of waste.</p> <p><b>Condition reason:</b> To protect the amenity of the locality.</p>
7)	<p><b>Hoardings</b></p> <p>A) A hoarding or fence must be erected between the work site and any adjoining public place.</p> <p>B) Any hoarding, fence or awning erected pursuant to this consent is to be removed when the work has been completed.</p> <p><b>Condition Reason:</b> To ensure public safety.</p>
8)	<p><b>Illumination of public places</b></p> <p>Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place</p> <p><b>Condition Reason:</b> To ensure public safety.</p>
9)	<p><b>Design and Construction Standards</b></p> <p>All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.</p> <p><b>Condition Reason:</b> To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.</p>
10)	<p><b>Public Utilities and Service Alterations</b></p> <p>All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, TfNSW, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.</p> <p><b>Condition Reason:</b> Protection of infrastructure and compliance with relevant Authorities requirements.</p>
11)	<p><b>Restoration</b></p>



	<b>Condition</b>
	<p>Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.</p> <p><b>Condition Reason:</b> To ensure the amenity and state of the public domain is maintained.</p>
12)	<p><b>Road Opening Permit</b></p> <p>In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.</p> <p><b>Condition Reason:</b> To ensure the amenity and state of the public domain is maintained.</p>
13)	<p><b>Land Boundary / Cadastral Survey</b></p> <p>If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.</p> <p>The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.</p> <p><b>Condition Reason:</b> To prevent encroachment of private works on public land.</p>
14)	<p><b>Road Activity Permits</b></p> <p>Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website: <a href="https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf">https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf</a>) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required include Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb &amp; Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.</p> <p><b>Condition Reason:</b> To ensure the amenity and state of the public domain is maintained.</p>
15)	<p><b>Construction Traffic Management Plan</b></p> <p>Before any works commence / before the issue of any construction certificate, whichever is earliest, a Construction Traffic Management Plan (CTMP) for all construction works, including demolition activities, must be prepared by a suitably</p>



	<b>Condition</b>
	<p>qualified traffic engineer. The CTMP must include any Traffic Control Plans / Traffic Guidance Schemes and must be submitted to and approved by Council.</p> <p>All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment), with payment made prior to receipt of approval from Council's Traffic Services Department for the CTMP.</p> <p><b>Condition Reason:</b> To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.</p>
16)	<p><b>Over Size / Over Mass Vehicles Permit</b></p> <p>If required, an Oversize Overmass approval from the National Heavy Vehicle Regulator (NHVR) must be submitted to the principal certifier. The person acting on this consent must submit an application for an Oversize Overmass Permit through NHVR's portal (<a href="http://www.nhvr.gov.au/about-us/nhvr-portal">www.nhvr.gov.au/about-us/nhvr-portal</a>) prior to driving through local roads within the City of Ryde LGA.</p> <p><b>Condition Reason:</b> To ensure maintenance of Council's assets.</p>
17)	<p><b>Transport for NSW (TfNSW) requirements</b></p> <p>The development is required to comply with the conditions outlined in the letter, dated 19 December 2024, Reference Number SYD24-01970/01, issued by Transport for NSW (TfNSW), as outlined below:</p> <ol style="list-style-type: none"> <li>1. <i>The design and construction of the vehicular crossing and associated works on Victoria Road shall be in accordance with TfNSW requirements. Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</i> <p><i>A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.</i></p> </li> <li>2. <i>Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Victoria Road are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</i> <p><i>A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</i></p> </li> <li>3. <i>Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>. A plan checking fee will be</i></li> </ol>



	<b>Condition</b>
	<p><i>payable, and a performance bond may be required before TfNSW approval is issued.</i></p> <p>4. <i>The developer is required to enter a Works Authorisation Deed (WAD) with TfNSW for the works required by Conditions 1, 2 and 3 that impact Victoria Road.</i></p> <p>5. <i>A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Victoria Road during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a>.</i></p> <p>6. <i>Prior to the issue of an Occupation Certificate the works required by Conditions 1, 2, and 3 shall be completed to the satisfaction of TfNSW and in accordance with the approvals issued. Written confirmation shall be obtained from TfNSW in relation to the above.</i></p> <p>7. <i>For the life of the development:</i></p> <p style="margin-left: 20px;"><i>a. All servicing of the site (e.g. garbage trucks, vehicles delivering and/or collecting material, etc) must occur within the site and not on Victoria Road.</i></p> <p style="margin-left: 20px;"><i>b. Any gate installed on the premises at the access point shall be open at all times during the operational period of the child care centre to prevent any queueing back to Victoria Road.</i></p> <p style="margin-left: 20px;"><i>c. All vehicles are to enter and exit the site in a forward direction.</i></p> <p><b>Condition Reason:</b> Transport for NSW (TfNSW) requirements.</p>
18)	<p><b>Lot Consolidation</b></p> <p>Lot 2 in DP 205390, Lot 3 &amp; 4 in DP 219163 are to be consolidated as one lot.</p> <p>Written evidence that the request to consolidate the lots has been lodged with NSW Land Registry Services is to be submitted to the Certifying Authority before the Construction Certificate for the development can be issued by the Certifier.</p> <p>A copy of the registered plan of consolidation from NSW Land Registry Services is to be submitted to the Principal Certifying Authority (PCA) and City of Ryde Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.</p> <p><b>Condition Reason:</b> To ensure the subject lot consolidation has been undertaken prior to use of the development.</p>
19)	<p><b>Heritage induction</b></p> <p>Any persons involved with the works (consultants, contractors, tradesperson, labourers) must participate in a Heritage Induction that must take place on site and prior to any works being carried out (demolition work, remediation work, building work). The induction must be carried out by a suitably qualified heritage practitioner and/or project manager for the development and will include as a minimum information for the heritage property from the State Heritage Inventory Register, held by NSW Heritage.</p>



	Condition
	The Heritage Induction may be undertaken in conjunction with any site induction. <b>Condition Reason:</b> Heritage conservation.
20)	<b>Unexpected Heritage Items</b> The Transport for NSW's Standard Management Procedure for Unexpected Heritage Items Procedure shall be observed during the course of works. <b>Condition Reason:</b> Heritage Conservation.

## DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

	Condition
21)	<b>Asbestos removal signage</b> Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos. <b>Condition Reason:</b> To alert the public to any danger arising from the removal of asbestos.
22)	<b>Demolition management plan</b> Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters: A) The proposed demolition methods B) The materials for and location of protective fencing and any hoardings to the perimeter of the site C) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones D) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles E) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites F) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways



	<b>Condition</b>
	<p>G) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent</p> <p>H) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines</p> <p>I) Details of any bulk earthworks to be carried out</p> <p>J) Location of any reusable demolition waste materials to be stored on-site (pending future use)</p> <p>K) Location and type of temporary toilets onsite</p> <p>L) A garbage container with a tight-fitting lid</p> <p><b>Condition Reason:</b> To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.</p>
23)	<p><b>Demolition pedestrian and traffic management plan</b></p> <p>Before any demolition work commences, a Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineer and submitted to and approved by Council's Traffic Services Department.</p> <p>A) All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment), with payment made prior to receipt of approval from Council's Traffic Services Department for the DPTMP.</p> <p>B) The DPTMP must include the following, at a minimum:</p> <p>C) Provision for all construction materials to be stored on site, at all times.</p> <p>D) Measures to ensure the DPTMP is adhered to at all times during the project.</p> <p>E) Specify that all demolition vehicles are to enter and exit the site and/or work zone in a forward direction.</p> <p>F) Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State roads or non-light vehicle thoroughfare routes where possible.</p> <p>G) Specify the number of truck movements to and from the site associated with the demolition works. Temporary truck standing / queuing in a public roadway / domain in the vicinity of the site are not permitted unless approved by Council's Traffic Services Department.</p> <p>H) Include Traffic Control Plan(s)/Traffic Guidance Scheme(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.</p> <p>I) Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.</p> <p>J) Specify that notification for a period of at least 14 days must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.</p> <p>K) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated locations of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.</p>



	<b>Condition</b>
	<p>L) Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. The consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.</p> <p>M) Specify spoil management process and facilities to be used on site.</p> <p>N) Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.</p> <p>O) Comply with relevant sections of the following documents:</p> <p>P) The Australian Standard Manual of Uniform Traffic Control Devices (AS1742.3-2019),</p> <p>Q) TfNSW' Traffic Control at Work Sites technical manual; and</p> <p>R) Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.</p> <p><b>Condition Reason:</b> To ensure that a plan is prepared to address traffic impacts during demolition works to minimise any inconvenience and safety risks to the general public.</p>
24)	<p><b>Disconnection of services before demolition work</b></p> <p>Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p> <p><b>Condition Reason:</b> To protect life, infrastructure and services.</p>
25)	<p><b>Notice of commencement for demolition</b></p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <p>A) name</p> <p>B) address,</p> <p>C) contact telephone number,</p> <p>D) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</p> <p>E) the contact telephone number of council and</p> <p>F) the contact telephone number of SafeWork NSW (4921 2900).</p> <p><b>Condition Reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries.</p>
26)	<p><b>Site preparation</b></p> <p>Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:</p> <p>A) Protective fencing and any hoardings to the perimeter on the site</p> <p>B) Access to and from the site</p> <p>C) Construction traffic management measures</p>



	<b>Condition</b>
	<p>D) Protective measures for on-site tree preservation and trees in adjoining public domain</p> <p>E) Onsite temporary toilets</p> <p>F) A garbage container with a tight-fitting lid.</p> <p><b>Condition Reason:</b> To protect workers, the public and the environment.</p>
27)	<p><b>Demolition deposit</b></p> <p>Before demolition work commences, Council must be provided with a security deposit as determined by Council's fees and charges current at the time of payment. Written evidence of the payment is to be provided to the principal certifier.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
28)	<p><b>Demolition work method statement</b></p> <p>Before site demolition works commence, a Demolition Work Method Statement prepared by a licensed demolisher who is registered with SafeWork NSW in accordance with AS 2601-2001: The Demolition of Structures, or its latest version must be provided to principal certifier.</p> <p><b>Condition reason:</b> To ensure work is carried out in an appropriate manner.</p>
29)	<p><b>Hazardous Materials Survey Required</b></p> <p>Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the Registered Certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.</p> <p><b>Condition Reason:</b> To ensure controls are in place for hazardous materials.</p>
30)	<p><b>Unexpected Finds Protocol</b></p> <p>A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.</p> <p><b>Condition reason:</b> To ensure waste materials are disposed of safely.</p>

### **DURING DEMOLITION WORK**

	<b>Condition</b>
31)	<p><b>Handling of asbestos during demolition</b></p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <p>A) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</p>



	<b>Condition</b>
	<p>B) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</p> <p>C) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</p> <p><b>Condition Reason:</b> To ensure that the removal of asbestos is undertaken safely and professionally.</p>
32)	<p><b>Site maintenance</b></p> <p>While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:</p> <p>A) Protective fencing and any hoardings to the perimeter on the site</p> <p>B) Access to and from the site</p> <p>C) Construction traffic management measures</p> <p>D) Protective measures for on-site tree preservation and trees in adjoining public domain</p> <p>E) Onsite temporary toilets</p> <p>F) A garbage container with a tight-fitting lid.</p> <p><b>Condition Reason:</b> To protect workers, the public and the environment.</p>
33)	<p><b>Noise control for work sites</b></p> <p>Any noise generated during demolition must not exceed the limits specified in the Protection of the Environment Operations Act 1997 and in accordance with the NSW EPA Draft Construction Noise Guidelines. Works are to follow the below hours:</p> <p>A) 7:00am to 5:00pm, Monday to Friday</p> <p>B) 8:00am to 1:00pm, Saturday</p> <p>C) No works are to be undertaken on Sundays or Public Holidays.</p> <p><b>Condition Reason:</b> To protect the amenity of surrounding properties and the general public.</p>
34)	<p><b>Demolition pedestrian and traffic management plan (implementation)</b></p> <p>All works and demolition activities are to be undertaken in accordance with the approved Demolition Pedestrian and Traffic Management Plan (DPTMP). All controls in the DPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the DPTMP be impacted by surrounding major development not encompassed in the approved DPTMP, the DPTMP measures and controls are to be revised accordingly and submitted to Council's Traffic Services Department for approval. A copy of the approved DPTMP is to be kept onsite at all times and made available to the principal certifier or City of Ryde on request.</p> <p><b>Condition Reason:</b> To ensure that the measures stated in the approved DPTMP are carried out during demolition activities.</p>
35)	<b>Waste resource management</b>



	<b>Condition</b>
	<p>While demolition work is being carried out, the waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Development Control Plan for Waste Minimisation and Management must be implemented.</p> <p><b>Condition reason:</b> To ensure responsible and sustainable disposal and/or recovery of materials generated during works.</p>
36)	<p><b>Notification of New Contamination Evidence</b></p> <p>Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Council.</p> <p>Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.</p> <p>Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate must not be issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use.</p> <p><b>Condition Reason:</b> To ensure controls are in place for contamination management.</p>
37)	<p><b>Storage and Removal of Waste</b></p> <p>All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.</p> <p><b>Condition Reason:</b> To ensure waste materials are disposed of safely.</p>
38)	<p><b>Contaminated Soils</b></p> <p>Any potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the <i>Waste Classification Guidelines</i> (DECCW 2009) before being transported from the site.</p> <p><b>Condition Reason:</b> Ensure compliance with relevant requirements.</p>
39)	<p><b>Importation of Fill</b></p> <p>All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.</p> <p>Validation shall take place by one or both of the following methods:</p>



	<b>Condition</b>
	<ul style="list-style-type: none"> <li>• Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material was sourced; and/or</li> <li>• Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines</li> </ul> <p><b>Condition Reason:</b> To ensure controls are in place for contamination management.</p>
40)	<p><b>Transportation of Wastes</b></p> <p>Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA's Waste Classification Guidelines, Part1: Classifying Waste (2014). The materials must also be transported and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the requirements of their relevant classification.</p> <p><b>Condition Reason:</b> Environmental protection.</p>
41)	<p><b>Compliance with Waste Management Plan</b></p> <p>All control measures and procedures nominated in the approved Waste Management Plan must be implemented.</p> <p><b>Condition Reason:</b> Compliance with approval to ensure the appropriate disposal of waste from the development.</p>

## **BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

	<b>Condition</b>
42)	<p><b>Design amendments</b></p> <p>Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <p><b>Landscape Plan</b></p> <p>The following details must be shown on an amended Landscape Plan:</p> <p>a) On Drawing Number 302, Revision F, the shrubs along the southern boundary adjacent to the open carpark are to be changed from BmJ Buxus microphyll "Japonica" to <i>As Acmena Sublime</i> (Lilly Pilly).</p> <p>The amended Landscape Plans are to be submitted to and approved by the Principal Certifier prior to the issue of a Construction Certificate</p>



	<b>Condition</b>
	<p><b><u>Visual Privacy</u></b></p> <p>a) The windows located within the southwest elevation (as marked in the stamped plans (see Plan DA2103 (Rev 5) dated 08/11/2024)) are to have a minimum sill height of 1.6m or shall be obscured and fixed to a minimum height of 1.6m above the finished floor level of the Upper Ground Floor.</p> <p><b><u>Existing Acoustic Fence</u></b></p> <p>a) The existing acoustic fence (as marked in the stamped plans (see Plan DA0011 (Rev 6) dated 08/11/2024)) shall be replaced by 2.1m high acoustic fence. All fencing replacement works shall be at the full cost of the applicant / developer. The materials and colours of any fencing shall match or complement the external materials of the approved building.</p> <p><b><u>Deletion of Battens</u></b></p> <p>a) The battens which are indicated on the plans at the street-facing elevation of the single storey building adjacent to Victoria Road are to be removed.</p> <p><b>Condition Reason:</b> To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</p>
43)	<p><b><u>Construction Site Management Plan</u></b></p> <p>Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to principal certifier. The plan must include the following matters:</p> <p>A) The location and materials for protective fencing and hoardings on the perimeter of the site;</p> <p>B) Provisions for public safety;</p> <p>C) Pedestrian and vehicular site access points and construction activity zones;</p> <p>D) Details of construction traffic management including:</p> <p>E) Proposed truck movements to and from the site;</p> <p>F) Estimated frequency of truck movements; and</p> <p>G) Measures to ensure pedestrian safety near the site;</p> <p>H) Details of bulk earthworks to be carried out;</p> <p>I) The location of site storage areas and sheds;</p> <p>J) The equipment used to carry out works;</p> <p>K) The location of a garbage container with a tight-fitting lid;</p> <p>L) Dust, noise and vibration control measures;</p> <p>M) The location of temporary toilets;</p> <p>N) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:</p> <p>O) AS 4970 – Protection of trees on development sites;</p> <p>P) An applicable Development Control Plan;</p> <p>Q) An arborist’s report approved as part of this consent</p> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><b>Condition Reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
44)	<p><b><u>Long Service Levy</u></b></p>



	<b>Condition</b>							
	<p>Before the issue of the relevant construction certificate, the long service levy of 0.25% of the cost of works must be paid to the Long Service Corporation of Council under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to principal certifier.</p> <p><b>Condition Reason:</b> To ensure the long service levy is paid.</p>							
45)	<p><b>Payment of security deposits</b></p> <p>Before the issue of the relevant construction certificate, the applicant must:</p> <p>A) make payment for a security deposit to the consent authority under the category of: Other buildings with delivery of bricks or concrete or machine excavation, and</p> <p>if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.</p> <p><b>Condition Reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed.</p>							
46)	<p><b>Utilities and services</b></p> <p>Before the issue of the relevant construction certificate, written evidence of the following service provider requirements must be provided to the principal certifier:</p> <p>A) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.</p> <p>B) a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.</p> <p>A) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.</p> <p><b>Condition Reason:</b> To ensure relevant utility and service providers' requirements are provided to the certifier.</p>							
47)	<p><b>Housing and productivity contribution</b></p> <p>Before the issue of a construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made:</p> <table border="1" data-bbox="395 1637 1388 1821"> <thead> <tr> <th><b>Housing and productivity contribution</b></th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>\$26,294.05</td> </tr> <tr> <td><b>Total housing and productivity contribution</b></td> <td><b>\$26,294.05</b></td> </tr> </tbody> </table> <p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p>		<b>Housing and productivity contribution</b>	Amount	Housing and productivity contribution (base component)	\$26,294.05	<b>Total housing and productivity contribution</b>	<b>\$26,294.05</b>
<b>Housing and productivity contribution</b>	Amount							
Housing and productivity contribution (base component)	\$26,294.05							
<b>Total housing and productivity contribution</b>	<b>\$26,294.05</b>							



	<b>Condition</b>				
	<p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p><b>Condition Reason:</b> To require contributions towards the provision of regional infrastructure.</p>				
48)	<p><b>Section 7.12</b></p> <p>Before the issue of a construction certificate, a monetary contribution for the services as detailed in the table below must be paid to Council. Column A and for the amount in Column B must be made to Council as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Column A – Contribution Type</th> <th style="text-align: left;">Column B – Contribution Amount</th> </tr> </thead> <tbody> <tr> <td>Section 7.12 Contribution</td> <td><b>\$36,659.84</b></td> </tr> </tbody> </table> <p>These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.</p> <p>The above amount is current at the date of this consent and is subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amount that differs from that shown above.</p> <p>Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.</p> <p>A copy of the City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council’s website <a href="http://www.ryde.nsw.gov.au">http://www.ryde.nsw.gov.au</a>.</p> <p>Details are to be provided to the principal certifier.</p> <p><b>Condition Reason:</b> Statutory requirement.</p>	Column A – Contribution Type	Column B – Contribution Amount	Section 7.12 Contribution	<b>\$36,659.84</b>
Column A – Contribution Type	Column B – Contribution Amount				
Section 7.12 Contribution	<b>\$36,659.84</b>				
49)	<p><b>Reflectivity of materials</b></p> <p>Before the issue of a construction certificate, the principal certifier must ensure that the construction certificate plans demonstrate the roofing and other external materials and finishes are of low glare and reflectivity.</p> <p><b>Condition reason:</b> To ensure the use of appropriate material.</p>				



	<b>Condition</b>
50)	<p><b>Excavation adjacent to adjoining land</b></p> <p>Before the issue of a construction certificate, if the development involves excavation that is lower than the base of the footings of a building on adjoining land, the following is required:</p> <p>The person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage. The person acting on the consent must give notice of at least 7 days to the adjoining owner(s) prior to excavating.</p> <p>An owner of the adjoining land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the land being excavated or on the adjoining land.</p> <p>Details are to be provided to the principal certifier.</p> <p><b>Condition Reason:</b> To protect adjoining land.</p>
51)	<p><b>Certified Design of Acoustic Controls</b></p> <p>Prior to the issue of any Construction Certificate a detailed acoustic assessment undertaken and prepared by a suitably qualified acoustic consultant must be provided to the satisfaction of Council. The assessment must be conducted in accordance with the AAAC Guideline for Childcare Centres Acoustic Assessment v3.0 and EPA Noise Policy for Industry and must show all controls or construction required to be installed during building works to ensure that the noise emitted does not exceed the project noise triggers levels when measured at the most affected point or within the nearest sensitive receivers.</p> <p>*Note: Suitably qualified acoustic consultant being a consultant who holds a current member grade of the Australian Acoustical Society or Association of Australasian Acoustic Consultants.</p> <p><b>Condition Reason:</b> To ensure compliance with submitted reports.</p>
52)	<p><b>Food Premises - Detailed Plans</b></p> <p>Detailed and scaled plans of all kitchens, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by Council or Registered Certifier as being compliant with the required standards prior to the issue of the Construction Certificate.</p> <p><b>Condition Reason:</b> To ensure the food premises fitout complies with relevant food safety legislation and standards.</p>
53)	<p><b>Vehicle Access &amp; Parking</b></p>



	<b>Condition</b>
	<p>All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).</p> <p>With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;</p> <ul style="list-style-type: none"> <li>a) The one way route through the site is to be enforced by signage at the vehicle entry points on Victoria Road. The “exit” access is to note that vehicles greater than 3.5m in height are excepted. <ul style="list-style-type: none"> <li>b) Further to the point above, the entry access is to have signage clearly warning drivers of the 3.5m height limit.</li> <li>c) It is crucial that a 3.5m headroom clearance be provided along the main path of travel through the basement garage. To ensure this is provided, the structural plans must show a section profile produced along the service vehicle path of travel through the site. The profile is to depict the final floor levels, overhead clearances to structural members and service corridors (water supply, sewer, telecommunication cables, etc), with a clear demonstration that the required 3.5m overhead clearance is achieved along this path.</li> </ul> </li> <li>d) To facilitate pedestrian safety, the kerb on the northern side of the driveway entry at the base of the ramp shall be widened as much as possible whilst still maintaining adequate clearance from the inside swept path of a B99 vehicle turning into the northern driveway aisle. An open fence is to be implemented 300mm offset from the edge of the kerb, similar to what is provided for on the southern side of the entry. <ul style="list-style-type: none"> <li>e) The widening of the gutter crossover on the vehicle exit is not supported as the configuration is not required (the small front boundary wall to the west of the driveway is to be maintained), it may encourage / enable exiting drivers to cross the footpath at an angle and, due to the combined width of the crossing, adversely impacts pedestrian safety due to the increased pedestrian exposure times.</li> </ul> <p>These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.</p> </li> </ul> <p><b>Condition Reason:</b> To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.</p>
54)	<p><b>Stormwater Management</b></p> <p>Stormwater runoff from the development shall be collected and piped by gravity flow to the existing drainage easement traversing 15 Yerong Street, generally in accordance with the plans by S&amp;C Consultants Pty Ltd, SGC Reference Number: 20210422, Revision Number: D subject to any variations marked in red on the approved plans or noted following;</p> <ul style="list-style-type: none"> <li>(a) The onsite detention system must accommodate a failure mode (ie ability to convey any stormwater surcharging from the detention storage to the easement). To achieve this will require regular openings at the base of the</li> </ul>



	<b>Condition</b>
	<p>wall along the downstream edge of the storage, with sufficient opening to accommodate the anticipated flow arising from an extreme storm event.</p> <p>The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;</p> <ul style="list-style-type: none"> <li>- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (<i>Stormwater drainage</i>) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (<i>Stormwater and Floodplain Management</i>) and associated annexures.</li> <li>- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.</li> </ul>
	<p><b>Condition Reason:</b> To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2.</p>
55)	<p><b>Stormwater Management - Onsite Stormwater Detention</b></p> <p>In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.</p> <p>As a minimum, the OSD system must;</p> <ul style="list-style-type: none"> <li>(a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (<i>Stormwater and Floodplain Management</i>).</li> <li>(b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,</li> <li>(c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and</li> <li>(d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.</li> </ul> <p>Detailed engineering plans and certification demonstrating compliance with this condition &amp; Council's DCP 2014 Part 8.2 (<i>Stormwater and Floodplain Management</i>) are to be submitted with the application for a Construction Certificate.</p>
	<p><b>Condition Reason:</b> To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2.</p>
56)	<p><b>Erosion and Sediment Control Plan</b></p>



	<b>Condition</b>
	<p>An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information;</p> <ul style="list-style-type: none"> <li>(a) Existing and final contours</li> <li>(b) The location of all earthworks, including roads, areas of cut and fill</li> <li>(c) Location of all impervious areas</li> <li>(d) Location and design criteria of erosion and sediment control structures,</li> <li>(e) Location and description of existing vegetation</li> <li>(f) Site access point/s and means of limiting material leaving the site</li> <li>(g) Location of proposed vegetated buffer strips</li> <li>(h) Location of critical areas (drainage lines, water bodies and unstable slopes)</li> <li>(i) Location of stockpiles</li> <li>(j) Means of diversion of uncontaminated upper catchment around disturbed areas</li> <li>(k) Procedures for maintenance of erosion and sediment controls</li> <li>(l) Details for any staging of works</li> <li>(m) Details and procedures for dust control.</li> </ul> <p>The ESCP must be submitted with the application for a Construction Certificate.</p> <p><b>Condition Reason:</b> To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.</p>
57)	<p><b>Irrigation</b></p> <p>Prior to the issue of a Construction Certificate, an automatic irrigation system shall be notated on the landscape plan. The automatic irrigation system is to be supplied to all landscape areas to ensure adequate water is available to vegetation. The systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted and approved by the principal certifier.</p> <p><b>Condition Reason:</b> To provide sufficient water for the proposed plants.</p>
58)	<p><b>Ground Anchors</b></p> <p>The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Infrastructure Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:</p> <ul style="list-style-type: none"> <li>a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.</li> </ul>



	<b>Condition</b>
	<p>b. the payment of all fees in accordance with Council’s Schedule of Fees &amp; Charges at the time of the issue of the approval, and</p> <p>c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council’s interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.</p> <p><b>Condition Reason:</b> Ensuring compliance with Council’s relevant Planning Instruments.</p>
59)	<p><b>Public Domain Improvements – Design for Construction Certificate</b></p> <p>Before the issue of the relevant construction certificate, public domain plans are required to be prepared and approved by Council. The public domain plans need to show an upgrade along the Victoria Road frontage of the development site in accordance with the <b><i>City of Ryde Development Control Plan - DCP 2014 Part: 8.3 Driveways and Part: 8.5 Public Civil Works.</i></b></p> <p>The works shall include new driveways and footpath paving and must be completed to Council’s satisfaction at no cost to Council.</p> <p>A public domain plan for the following works shall be submitted to, and approved by Council’s City Infrastructure Directorate, prior to the issue of the relevant Construction Certificate.</p> <p>(a) All telecommunication and utility services are to be placed underground along the Victoria Road frontage. The extent of works required to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.</p> <p>For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met.</p> <p>(b) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category <b>V3</b> and pedestrian luminance category <b>PR2</b> along the Victoria Road frontage. The street lighting will remain on the Ausgrid street lighting network.</p> <p>(c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction to TfNSW specifications and standards. The new entry layback will remain a shared layback with the neighbouring property - 822 Victoria Road.</p> <p>(d) Re-construction of <b>the existing footway</b> along the Victoria Road frontage of the development site in accordance with the <b><i>City of Ryde Development Control Plan - DCP 2014 Part: 8.3 Driveways and Part: 8.5 Public Civil Works.</i></b></p>



	<b>Condition</b>
	<p>(e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.</p> <p>(f) Signage and line marking details.</p> <p>(g) Staging of the public civil works, if any, and transitions between the stages.</p> <p>(h) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.</p> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.</li> <li>2. Depending on the complexity of the proposed public domain works, the Council’s review of each submission of the plans may take a minimum of six (6) weeks.</li> <li>3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 “Standards Enforcement”. A checklist has also been prepared to provide guidance and is available upon request to Council’s City Infrastructure Directorate.</li> <li>4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council’s title block shall not be replicated.</li> </ol> <p>The approved public domain plans and documentation by Council’s City Infrastructure Directorate are to be presented to the Accredited Principal Certifier.</p> <p><b>Condition Reason:</b> Provision and upgrade of public assets and to ensure compliance with Council’s relevant Planning Instruments</p>
60)	<p><b>Vehicle Footpath Crossing and Gutter Crossover</b></p> <p>Two new vehicle footpath crossings and associated gutter crossovers shall be constructed at the approved vehicular access locations. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required so it has a service life consistent with that of the development, and it is also compliant with current Council’s standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works and Australian Standard AS2890.1 – 2004 Offstreet Parking.</p> <p>Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossings and gutter crossovers. The application shall include engineering design drawings of the proposed vehicle footpath crossings and gutter crossovers.</p>



	<b>Condition</b>
	<p>The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.</p> <p>All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossings' widths shall be determined upon review of swept path analysis demonstrating vehicle manoeuvring requirements are met. Driveway crossings must not be splayed and shall be constructed at right angle to the alignment of the kerb and gutter and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.</p> <p>Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.</p> <p>The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.</p> <p><b>Condition Reason:</b> Improved access and public amenity.</p>
61)	<p><b>Public Domain Works – Defects Security Bond</b></p> <p>To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of <b>\$20,000</b> shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.</p> <p><b>Condition Reason:</b> Ensure compliance with specifications and identification of defects not visible at final inspection.</p>
62)	<p><b>Engineering plans assessment and works inspection fees</b></p> <p>The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees &amp; Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.</p> <p><b>Note:</b> An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works</p> <p><b>Condition Reason:</b> Ensure compliance with Council's requirements.</p>



	Condition
63)	<p><b>Anticipated Assets Register - Changes to Council Assets</b></p> <p>In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works.</p> <p>The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.</p> <p><b>Condition Reason:</b> Record of civil works</p>

## BEFORE BUILDING WORK COMMENCES

	Condition
64)	<p><b>Payment of fees</b></p> <p>Before any site work commences, the following must be paid to council and written evidence of these payments provided to the principal certifier:</p> <p style="padding-left: 40px;">A) Infrastructure Restoration and Administration Fee.</p> <p><b>Condition Reason:</b> To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.</p>
65)	<p><b>Sydney Water Tap in Approvals</b></p> <p>The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at <a href="http://www.sydneywater.com.au/tapin">www.sydneywater.com.au/tapin</a> or call 1300 082 746.</p> <p>The Principal Certifier must ensure that the plans have been approved through the Sydney Water 'Tap in' process and an approval receipt is issued prior to the commencement of works.</p> <p><b>Condition Reason:</b> Statutory requirement.</p>



	<b>Condition</b>		
66)	<b>Development to be within site boundaries</b>		
	The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.		
	<b>Condition Reason:</b> To maintain public safety and amenity in public domain areas adjoining the development site.		
67)	<b>Recommendations from Approved Reports</b>		
	Before any site works commence, the recommendations from the following approved reports shall be implemented:		
	<ul style="list-style-type: none"> <li>Arboricultural Impact Assessment (AIA). All items in the AIA outlined in: "Section 5.5 Discussion" prepared by DJD Tree Consultancy Revision D dated 26/03/2024, are to be implemented.</li> </ul>		
	<b>Condition Reason:</b> To ensure that the development is consistent with supporting documents.		
68)	<b>Tree Retention</b>		
	Before any site work commences, the following trees as identified in the Arboricultural Impact Assessment (AIA) prepared by DJD Tree Consultancy Revision D dated 26/03/2024 shall be retained and protected:		
	<b>Tree No.</b>	<b>Species "Common name"</b>	<b>Notes</b>
	1	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	On site. Tree protection required.
	2	<i>Syzygium smithii</i> (Common Lilly Pilly)	On site
	3	<i>Syzygium smithii</i> (Common Lilly Pilly)	On site
	7	<i>Ficus microcarpa</i> var. hilli (Hill's Fig)	In 15 Yerong Street. Tree protection required.
	8	<i>Fraxinus griffithii</i> (Evergreen Ash)	In 13 Yerong Street. Tree protection required.
	8a	<i>Fraxinus griffithii</i> (Evergreen Ash)	In 13 Yerong Street. Tree protection required.
	9	<i>Fraxinus griffithii</i> (Evergreen Ash)	In 13 Yerong Street. Tree protection required.
	9a	<i>Fraxinus griffithii</i> (Evergreen Ash)	In 13 Yerong Street. Tree protection required.
	10	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	In 11 Yerong Street. Tree protection required.
	10a	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	In 11 Yerong Street. Tree protection required.
	11	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	In 11 Yerong Street. Tree protection required.



		<b>Condition</b>	
	11a	<i>Waterhousea floribunda</i> (Weeping Lilly Pilly)	In 11 Yerong Street. Tree protection required.
	12	<i>Ficus microcarpa</i> var. hilli (Hill's Fig)	In 820 Victoria Road. Tree protection required.
	13	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	In 820 Victoria Road.
	14	<i>Cupressus</i> sp. (Conifer)	In 820 Victoria Road.
	15	<i>Eriobotrya japonica</i> (Loquat)	In 820 Victoria Road.
		<b>Condition Reason:</b> To ensure the health of existing trees retained by the development are maintained.	
69)	<b>Tree Protection</b>		
All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.			
As indicated in the Arboricultural Impact Assessment (AIA) "Appendix E Tree Protection Plan" prepared by DJD Tree Consultancy Revision D dated 26/03/2024.			
		<b>Condition Reason:</b> To protect existing trees before any work on site commences.	
70)	<b>Project Arborist</b>		
A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.			
		<b>Condition Reason:</b> To ensure tree protection measures and the nature of works are appropriate and not detrimental to the health of the trees on site.	
71)	<b>Project Arborist – Contact Details</b>		
Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.			



	<b>Condition</b>		
	<b>Condition Reason:</b> To ensure the Project Arborist can be readily contacted in regard to the required tree protection measures.		
72)	<b>Excavation for services within Tree Protection Zone (TPZ)</b>		
	Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.		
	<b>Condition Reason:</b> To ensure any excavation works are not detrimental to the health of the tree.		
73)	<b>Tree Removal</b>		
	As identified in the Arboricultural Impact Assessment (AIA) prepared by DJD Tree Consultancy Revision D dated 26/03/2024. The following trees on site are to be removed:		
	<b>Tree No.</b>	<b>Species "Common name"</b>	
	4	<i>Syagrus romanzoffiana</i> (Cocos Palm)	
	5	<i>Syagrus romanzoffiana</i> (Cocos Palm)	
	6	<i>Syagrus romanzoffiana</i> (Cocos Palm)	
	<b>Condition Reason:</b> To ensure only the specified trees approved for removal are removed.		
74)	<b>Project Arborist Inspections</b>		
	The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.		
	<b>PROJECT PHASE</b>	<b>ACTIVITIES</b>	<b>PROJECT ARBORIST to</b>
	Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage. <b>Issue a Certification of Compliance</b> of tree protection measures being in place and soil rehabilitation undertaken



	<b>Condition</b>		
	Construction work	Liaison with site manager, compliance, and any deviation from approved plan	Maintain or amend protective measures. Supervision and monitoring formal notification of any deviation from approved tree protection plan
	Stormwater connection installation through TPZ, Implement hard and soft landscape works	<b>Supervise</b> Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works. <b>Issue a Certificate of Compliance</b>
	Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures. <b>Certification of tree protection and soil rehabilitation for Protected Trees</b>
	Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works. <b>Certification of tree protection if necessary</b>
	<b>Condition Reason:</b> To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained.		
75)	<b>Tree works – Australian Standards</b>		
	All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).		
	<b>Condition Reason:</b> To ensure that any tree work is carried out by a qualified Arborist.		
76)	<b>Notice of Intention to Commence Public Domain Works</b>		
	Prior to commencement of the public domain works, a Notice of Intention to Commence Public Domain Works shall be submitted to Council’s City Infrastructure Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.		
	<b>Condition Reason:</b> Ensure compliance and record of works.		
77)	<b>Notification of adjoining owners &amp; occupiers – public domain works</b>		
	The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The		



	<b>Condition</b>
	<p>duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.</p> <p><b>Condition Reason:</b> Ensure compliance and record of works.</p>
78)	<p><b>Pre-construction inspection</b></p> <p>A joint inspection shall be undertaken with Council’s Engineer from City Infrastructure Directorate prior to commencement of any public domain works. A minimum 48 hours’ notice will be required when booking for the joint inspection.</p> <p><b>Condition Reason:</b> Ensure compliance and communicate Council’s requirements</p>
79)	<p><b>Pre-Construction Dilapidation Report</b></p> <p>To ensure Council’s infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> <li>(a) Road pavement,</li> <li>(b) Kerb and gutter,</li> <li>(c) Footpath,</li> <li>(d) Drainage pits,</li> <li>(e) Traffic signs, and</li> <li>(f) Any other relevant infrastructure.</li> </ul> <p>The report is to be dated and submitted to, and approved by Council’s City Infrastructure Directorate, prior to any work commencing.</p> <p>All fees and charges associated with the review of this report shall be in accordance with Council’s Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.</p> <p><b>Condition Reason:</b> Protection of Council’s infrastructure.</p>
80)	<p><b>Temporary Footpath Crossing</b></p> <p>A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.</p> <p><b>Condition Reason:</b> Ensure public amenity and safety</p>
81)	<p><b>Road Occupancy Licence</b></p> <p>Before work commences, a Road Occupancy Licence (ROL) obtained from NSW Transport Management Centre must be submitted to Council’s Traffic Services Department and the principal certifier for any works that may impact on traffic flows on a State Road (e.g., lane closures, etc.) and/or within 100m of a signalised intersection.</p>



	<b>Condition</b>
	<b>Condition Reason:</b> To satisfy Transport for NSW requirements
82)	<p><b>Dilapidation report</b></p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings (including adjoining monastery building), structures or works and public land, to the satisfaction of the principal certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council at the same time.</p> <p><b>Condition Reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>

## DURING BUILDING WORK

	<b>Condition</b>
83)	<p><b>Hours of work</b></p> <p>Site work must only be carried out between the following times:</p> <ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am and 5.00pm (other than public holidays)</li> <li>• Saturday - 8.00am and 1.00pm</li> </ul> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Condition Reason:</b> To protect the amenity of the surrounding area.</p>
84)	<p><b>Implementation of the site management plans</b></p> <p>While site work is being carried out the measures required by the construction site management plan, construction traffic management plan, and the erosion and sediment control plan (plans) must be implemented at all times, and a copy of these plans must be kept on site at all times and made available to council officers upon request.</p> <p><b>Condition Reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>
85)	<p><b>Noise and Vibration requirements</b></p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5db(A) above background noise, when measured at a lot boundary of the site.</p>



	<b>Condition</b>
	<b>Condition Reason:</b> To protect the amenity of the neighbourhood during construction.
86)	<p><b>Procedure for critical stage inspections</b></p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p><b>Condition Reason:</b> To require approval to proceed with building work following each critical stage inspection.</p>
87)	<p><b>Soil management</b></p> <p>While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>A) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.</p> <p>B) All fill material imported to the site must be:</p> <p>(I) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997.</p> <p><b>Condition Reason:</b> To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
88)	<p><b>Surveys by a registered surveyor</b></p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <p>A) All footings / foundations in relation to the site boundaries and any registered and proposed easements</p> <p>B) At other stages of construction – any marks that are required by the principal certifier.</p> <p><b>Condition Reason:</b> To ensure buildings are sited and positioned in the approved location.</p>
89)	<p><b>Waste management</b></p> <p>While site work is being carried out:</p> <p>A) all waste management must be undertaken in accordance with the waste management plan, and</p> <p>B) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:</p> <p>C) The contact details of the person(s) who removed the waste</p> <p>D) The waste carrier vehicle registration</p> <p>E) The date and time of waste collection</p> <p>F) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill</p> <p>G) The address of the disposal location(s) where the waste was taken</p>



	<b>Condition</b>
	<p>H) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</p> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council</p> <p><b>Condition Reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
90)	<p><b>Sediment and dust control</b></p> <p>During site works, no sediment, dust, soil or similar material must leave the site.</p> <p><b>Condition reason:</b> To protect the amenity of the area.</p>
91)	<p><b>Construction materials</b></p> <p>While site work is being carried out, all materials associated with construction must be retained within the site.</p> <p><b>Condition reason:</b> To ensure the public domain is not affected during construction.</p>
92)	<p><b>Excavation</b></p> <p>While site work is carried out, all excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.</p> <p><b>Condition reason:</b> To ensure work is completed in an appropriate manner.</p>
93)	<p><b>Consent documents available on site</b></p> <p>At all times during the construction, a copy of the development consent and approved stamped plans are to be kept on site. These documents are to be made available to any Council Officer as requested.</p> <p><b>Condition reason:</b> To ensure Council Officers are able to access the consent during any site inspection.</p>
94)	<p><b>Site maintenance (waste)</b></p> <p>While site work is being carried out, the area surrounding the construction site must be secured and maintained, including the nature strip, to reduce incidences of illegal dumping and litter.</p> <p><b>Condition reason:</b> To ensure the waste is contained onsite for responsible disposal and impact to street amenity is reduced.</p>
95)	<p><b>Traffic Management</b></p> <p>Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (<i>Construction Activities</i>).</p> <p><b>Condition Reason:</b> To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.</p>



	<b>Condition</b>
96)	<p><b>Truck Shaker</b></p> <p>A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.</p> <p><b>Condition Reason:</b> To prevent soil and sediment spill in the public domain.</p>
97)	<p><b>Stormwater Management - Construction</b></p> <p>The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by S&amp;C Consultants Pty Ltd, SGC Reference Number: 20210422, Revision Number: D submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.</p> <p><b>Condition Reason:</b> To ensure the stormwater system is constructed as approved.</p>
98)	<p><b>Erosion and Sediment Control Plan - Implementation</b></p> <p>The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.</p> <p><b>Condition Reason:</b> To prevent soil erosion and the discharge of sediment over the land.</p>
99)	<p><b>Hold Points during construction - Public Domain</b></p> <p>Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.</p> <p>The Applicant shall submit to Council’s City Infrastructure Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.</p> <ul style="list-style-type: none"> <li>(a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.</li> <li>(b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.</li> <li>(c) Upon compaction of the applicable sub-base course.</li> <li>(d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).</li> </ul>



	<b>Condition</b>
	<p>(e) Upon installation of any formwork and reinforcement for footpath concrete works.</p> <p>(f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.</p>
	<b>Condition Reason:</b> Ensure compliance with relevant standards.
100)	<b>Construction Traffic Management Plan (implementation)</b>
	All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CTMP is to be kept onsite at all times and be made available to the principal certifier or Council on request.
	<b>Condition Reason:</b> To ensure that construction vehicle movements and activities are undertaken in accordance with the approved CTMP throughout the period of construction.

### **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

	<b>Condition</b>
101)	<b>Completion of landscape and tree works</b>
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	<b>Condition Reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
102)	<b>Completion of public utility services</b>
	Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.
	<b>Condition Reason:</b> To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
103)	<b>Fire safety matters</b>
	At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relevant standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.



	<b>Condition</b>
	<b>Condition reason:</b> Statutory requirement.
104)	<p><b>Sydney Water – Section 73 compliance certificate</b></p> <p>Before the issue of any occupation certificate, a compliance certificate must be obtained from Sydney Water under Section 73 of the Sydney Water Act 1994.</p> <p><b>Condition reason:</b> Statutory requirement.</p>
105)	<p><b>Childcare Centre Kitchen and Retail Food Business Plans (Design)</b></p> <p>The fit-out of the food premises shall comply with:</p> <ul style="list-style-type: none"> <li>a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.</li> <li>b) Food Safety Standards 3.2.3 Food Premises and Equipment</li> <li>c) Any coolrooms shall be provided with safety devices to comply with G1.2 of the BCA.</li> </ul> <p><b>Condition Reason:</b> To ensure design of the premises meets relevant public health standards.</p>
106)	<p><b>Requirement for Trade Waste Agreement</b></p> <p>Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as ‘discharge water containing any substance produced through industrial or commercial activities or operation on the premises. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.</p> <p><b>Condition Reason:</b> To ensure the proper disposal of wastewater.</p>
107)	<p><b>Provision for installation of kitchen exhaust systems</b></p> <p>Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.</p> <p><b>Condition Reason:</b> To control offensive emissions and ensure the protection of the environment.</p>
108)	<p><b>Certify mechanical ventilation installation</b></p> <p>Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, certification must be provided to the satisfaction of the Principal Certifier confirming that the system has been designed, installed and has been tested to show it is operating in accordance with the National Construction Code 2019.</p> <p><b>Note: To address and ensure suitable internal air quality the mechanical ventilation system installed must include High-Efficiency Particulate Absorbing (HEPA) filters and also Activated Charcoal filters to ensure internal air quality is maintained.</b></p>



	<b>Condition</b>
	<p><b>Condition Reason:</b> To comply with the Building Code of Australia and the relevant Australian Standard and ensure appropriate measures are implemented to ensure internal air quality is maintained.</p>
109)	<p><b>Certify fit-out complies with food safety standards</b></p> <p>Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.</p> <p><b>Condition Reason: To Ensure the food safety standards</b></p>
110)	<p><b>Registration of retail food business (Council)</b></p> <p>Prior to an Occupation Certificate being issued, the retail food business must submit a food business registration with Council.</p> <p><b>Condition Reason: To Ensure the food business has been registered</b></p>
111)	<p><b>Installation of grease trap</b></p> <p>The installation of any grease arrestor must comply with the requirements of Sydney Water Trade waste requirements and installed by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored, or food contact equipment or packaging materials are handled or stored is not permitted.</p> <p><b>Condition Reason:</b> To ensure the provisions of safe food handling and public health are maintained.</p>
112)	<p><b>Storage of garbage and recyclable materials</b></p> <p>A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.</p> <p><b>Condition Reason:</b> To ensure provision of adequate waste storage arrangements.</p>
113)	<p><b>Construction of garbage rooms</b></p> <p>All garbage rooms must be constructed in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>a. The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;</li> </ol>



	<b>Condition</b>
	<ul style="list-style-type: none"> <li>b. The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;</li> <li>c. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;</li> <li>d. The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;</li> <li>e. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;</li> <li>f. The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;</li> <li>g. Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;</li> <li>h. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;</li> <li>i. The room must be provided with adequate artificial lighting; and</li> <li>j. A hose cock must be provided in or adjacent to the room to facilitate cleaning.</li> </ul> <p><b>Condition Reason:</b> To ensure provision of adequate waste storage arrangements.</p>
114)	<p><b>Compliance with Hazardous Materials Survey Report</b></p> <p>All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.</p> <p>Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.</p> <p><b>Condition Reason:</b> To ensure controls are in place for hazardous materials.</p>
115)	<p><b>Acoustic Verification Report</b></p> <p>Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an Acoustic Verification Report to the satisfaction of the Principal Certifier and Council that confirms the following:</p> <ul style="list-style-type: none"> <li>a) All recommendations contained in the DA acoustic report prepared by Acoustic Logic, Report No. 20220639.1/1607A/R5/PF Rev 5, dated 16 July 2024, have been implemented; and</li> </ul>

	<b>Condition</b>
	<p>b) The project specified noise criteria established in the approved acoustic report and any other noise and vibration criteria specified in this consent are being complied with.</p> <p>Should the noise and vibration levels exceed the relevant criteria, additional noise mitigation or managements measures must be required to be implemented subject to Councils approval.</p> <p>*Note: Suitably qualified Acoustic Consultant being a consultant who holds a current member grade of the Australian Acoustical Society or Association of Australasian Acoustic Consultants.</p> <p><b>Condition Reason:</b> To demonstrate compliance with submitted acoustic report.</p>
116)	<p><b>Stormwater Management - Work-as-Executed Plan</b></p> <p>A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.</p> <p><b>Condition Reason:</b> To clarify the configuration of the completed stormwater management system.</p>
117)	<p><b>Stormwater Management – Positive Covenant(s).</b></p> <p>A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention component incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.</p> <p><b>Condition Reason:</b> This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).</p>
118)	<p><b>Engineering Compliance Certificates</b></p> <p>To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certifications must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.</p>



	<b>Condition</b>
	<p>f) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).</p> <p>g) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.</p> <p>h) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual <i>"Managing Urban Stormwater: Soils and Construction"</i> by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).</p> <p>i) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.</p>
	<p><b>Condition Reason:</b> To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.</p>
119)	<p><b>On-Site Stormwater Detention System - Marker Plate</b></p> <p>To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).</p>
	<p><b>Condition Reason:</b> To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.</p>
120)	<p><b>Parking Area Linemarking and Signage</b></p> <p>Traffic measures such as directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.</p>
	<p><b>Condition Reason:</b> To ensure the safe and efficient circulation of traffic and access to parking areas from the public road.</p>
121)	<p><b>Final Assessment of Trees</b></p>

	<b>Condition</b>
	<p>At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of any Occupation Certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.</p> <p><b>Condition Reason:</b> To ensure the existing trees have been maintained in a viable condition.</p>
122)	<p><b>Completion of landscape and tree works</b></p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent</p> <p><b>Condition Reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>
123)	<p><b>Public Domain Improvements and Infrastructure Works – Completion</b></p> <p>All public domain improvements and infrastructure works shall be completed to Council’s satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.</p> <p><b>Condition Reason:</b> Ensure Compliance</p>
124)	<p><b>Restoration – Supervising Engineer’s Certificate</b></p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council’s standards and specifications, and DCP2014 Part 8.5 Public Civil Works, or the Roads and Maritime Services’ standards and specifications, where applicable.</p> <p><b>Condition Reason:</b> Ensure public safety and protection of infrastructure</p>
125)	<p><b>Compliance Certificates – Street Lighting</b></p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Certificate of Compliance - Electrical Work (CCEW) from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.</p> <p><b>Condition Reason:</b> Ensure Compliance.</p>
126)	<p><b>Public Domain Works-as-Executed Plans</b></p> <p>To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with</p>



	<b>Condition</b>
	<p>proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.</p> <p>In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.</p> <p><b>Condition Reason:</b> Record of Completed Works.</p>
127)	<p><b>Registered Surveyor Final Certificate</b></p> <p>Upon completion of all construction works, and before the issue of any Occupation Certificate, Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.</p> <p><b>Condition Reason:</b> Ensure Compliance and no encroachments.</p>
128)	<p><b>Supervising Engineer Final Certificate</b></p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.</p> <p><b>Condition Reason:</b> Ensure Compliance.</p>
129)	<p><b>Post-Construction Dilapidation Report</b></p> <p>To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> <li>(a) Road pavement,</li> <li>(b) Kerb and gutter,</li> <li>(c) Footpath,</li> <li>(d) Drainage pits,</li> <li>(e) Traffic signs, and</li> <li>(f) Any other relevant infrastructure.</li> </ul> <p>The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and approved by Council's City Infrastructure Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.</p>

	<b>Condition</b>
	<p>All fees and charges associated with the review of the report shall be in accordance with Council’s Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.</p> <p><b>Condition Reason:</b> Protection of public assets.</p>
130)	<p><b>Decommissioning of Ground Anchors</b></p> <p>Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.</p> <p><b>Condition Reason:</b> Ensure compliance and protection of public assets</p>
131)	<p><b>Final Inspection – Assets Handover</b></p> <p>For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council’s Engineer from City Infrastructure Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council’s Schedule of Fees &amp; Charges at the time.</p> <p><b>Condition Reason:</b> Ensure Compliance.</p>
132)	<p><b>Compliance Certificate – External Works and Public Infrastructure Restoration</b></p> <p>Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council’s City Infrastructure Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council’s satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council’s Schedule of Fees and Charges at the time of issue of the Certificate.</p> <p><b>Condition Reason:</b> Ensure Compliance.</p>
133)	<p><b>Public Domain Construction Compliance</b></p> <p>During the course of the public domain construction works, Council’s Activation and Compliance Team will complete at least one random inspection of the development site frontage to monitor the following areas:</p> <ul style="list-style-type: none"> <li>• Pedestrian Management.</li> <li>• Traffic Control.</li> <li>• Construction Traffic Management.</li> <li>• Environmental Management.</li> <li>• Validity of Road Activity Permits.</li> </ul> <p>Any aspects of non-compliance will be communicated to the developer and the site foreman for immediate rectification. Depending on the seriousness of the</p>



	<b>Condition</b>
	<p>aspect of non-compliance, Council's Rangers and/or Building Compliance Team may be notified to take further action.</p> <p>Note: Please review the Developer Construction Compliance Checklist for further details.</p>
	<p><b>Condition Reason:</b> Maintain public safety and infrastructure functionality during public domain construction.</p>

## OCCUPATION AND ONGOING USE

	<b>Condition</b>
134)	<p><b>Compliance with the Plan of Management</b></p> <p>All control measures and procedures nominated in the Plan of Management prepared by Ology Pty Ltd must be implemented. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management is to be kept up to date to property inform staff, parents/carers and neighbours. The Plan of Management may not be amended without the approval of Council.</p> <p><b>Condition reason:</b> To ensure the appropriate use of the site.</p>
135)	<p><b>Bin collection</b></p> <p>The owner and operator is responsible for managing the collection of bins by a private waste contractor. Collection must be taken outside of peak traffic periods (between 10am and 3pm on weekdays). Bins are not permitted to be put out for collection for prolonged periods of time and must be returned to the bin storage room immediately after collection.</p> <p><b>Condition reason:</b> To ensure the appropriate management of bins.</p>
136)	<p><b>Maximum number of Children</b></p> <p>A maximum 80 children (Age 0-2 (17 children), Age 2-3 (35 children) and Age 3-6 (28 children)) are enrolled to attend the premises at any one time.</p> <p><b>Condition reason:</b> To provide clarify of maximum number of Children.</p>
137)	<p><b>Hours of operation</b></p> <p>The facility is permitted to operate 7am to 6pm, Monday to Friday. The facility is not permitted to operate Saturday, Sunday, and public holidays.</p> <p><b>Condition reason:</b> To provide clarify of operating hours.</p>
138)	<p><b>External lighting</b></p>

	Condition
	<p>External / outdoor lighting is to be turned off outside of the hours of operation and must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties.</p> <p><b>Condition Reason:</b> To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.</p>
139)	<p><b>Food premises</b></p> <p>The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.</p> <p><b>Condition Reason:</b> To ensure operation of the premises complies with the relevant legislation and standards.</p>
140)	<p><b>Storage and Disposal of Wastes</b></p> <p>All wastes generated on the premises must be stored in the designated waste storage areas in a clean and tidy manner in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. All waste must be disposed of in an environmentally acceptable manner.</p> <p><b>Condition Reason:</b> To ensure the ongoing management of waste storage areas.</p>
141)	<p><b>Compliance with Waste Management</b></p> <p>All control measures and procedures nominated in the approved Waste Management Plan must be implemented.</p> <p><b>Condition Reason:</b> To ensure compliance with approved Waste Management Plan.</p>
142)	<p><b>No Offensive Noise</b></p> <p>The use of the premises including noise and vibration from the use or operation of any plant and equipment and/or building services associated with the premises, shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.</p> <p><b>Condition Reason:</b> To ensure compliance with the Protection of the Environmental Operations Act 1997.</p>
143)	<p><b>Noise and Vibration from Plant or Equipment</b></p> <p>Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:</p> <ol style="list-style-type: none"> <li>a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).</li> </ol>



	Condition
	<p>b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.</p> <p><b>Condition Reason:</b> To ensure no excessive noise and vibration from plant or equipment.</p>
144)	<p><b>Compliance with Acoustic Report</b></p> <p>The ongoing use of the premises shall be in accordance with all requirements (unless amended by another condition in this consent) of the approved acoustic report prepared by Acoustic Logic, Report No. 20220639.1/1607A/R5/PF Rev 5, dated 16 July 2024.</p> <p><b>Condition Reason:</b> To ensure compliance with Acoustic Report.</p>
145)	<p><b>Council May Require Acoustic Consultant’s Report</b></p> <p>Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustic consultant* demonstrating compliance with the relevant noise and vibration criteria.</p> <p><b>Condition Reason:</b> To demonstrate compliance with relevant legislation.</p>
146)	<p><b>Compliance with the Plan of Management</b></p> <p>All control measures and procedures nominated in the Plan of Management prepared by Ology Early Childhood Consulting dated November 2024 must be implemented. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.</p> <p><b>Condition Reason:</b> To ensure the appropriate use of the site</p>
147)	<p><b>Acoustic Compliance Testing</b></p> <p>In addition to the pre-OC acoustic testing, Acoustic Compliance Testing is to be carried out within 3 months of the commencement of operations pursuant to this consent. The assessment is to be carried out by an appropriately qualified person, being a member of either the Australian Acoustical Society (AAS) or Association of Australasian Acoustic Consultants (AAAC).</p> <p>a) Noise monitoring shall be undertaken at the nearest sensitive receivers as identified in the approved Acoustic Report prepared by Acoustic Logic Report No. 20220639.1/1607A/R5/PF Rev 5, dated 16 July 2024, and any other location to determine compliance with the relevant noise criterion as identified in the Acoustic Verification Report referred in Condition No 28.</p> <p>b) The acoustic testing shall be undertaken between the hours of 7am to 7pm, during operation of the childcare centre and be representative of all</p>

	Condition
	<p>operational noise, including but not limited to the worst-case scenario for the indoor and outdoor play activities.</p> <p>c) An Acoustic Report must be prepared detailing the assessment methodology and its findings. It must verify that the existing noise control measures are attenuating noise to an acceptable level in accordance with the relevant noise criteria.</p> <p>d) If the noise assessment concludes that the noise levels in the approved report referenced in point (b) are exceeded, then the report must provide recommendations to mitigate the noise levels to the acceptable criteria.</p> <p>e) The Acoustic Compliance Report and recommendations must be submitted to Council for approval within 30 days of completion of testing.</p> <p>f) Subject to approval by Council, the recommendations made in the Acoustic Compliance Report are to be implemented within a timeframe agreed upon by the applicant and Council.</p> <p><b>Condition Reason:</b> To ensure compliance with submitted acoustic report and mitigate the impact the sensitive receivers.</p>
148)	<p><b>General Noise Emission Criteria</b></p> <p>a) Cumulative noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) and AAAC Guideline for Child Care Centres Acoustic Assessment v3.0 for outdoor play.</p> <p>b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.</p> <p>c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 5dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:</p> <ol style="list-style-type: none"> <li>I. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.</li> <li>II. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.</li> </ol> <p>d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.</p> <p><b>Condition Reason:</b> To ensure compliance with submitted acoustic report and mitigate the impact the sensitive receivers.</p>
149)	<p><b>Noise from External Activities</b></p> <p>The use of the premises prior to 7am for any onsite activities including cleaning and operational preparation must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in</p>



	Condition
	<p>accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI) and AAAC Guideline for Child Care Centres Acoustic Assessment v3.0.</p> <p><b>Condition Reason:</b> To ensure compliance with submitted acoustic report and mitigate the impact the sensitive receivers.</p>
150)	<p><b>Parking Allocation</b></p> <p>Both the owner and occupier of the development must provide and maintain the minimum parking allocation throughout the hours of operation of the childcare centre as follows;</p> <ul style="list-style-type: none"> <li>- 13 parent pickup-drop-off spaces.</li> <li>- 8 staff parking spaces.</li> <li>- 14 parking spaces for the monastery / chapel.</li> <li>- 1 parking space for the residence.</li> </ul> <p>When the childcare centre is not in operation, 35 parking spaces are to be available for the chapel / monastery and 1 for the residence.</p> <p><b>Condition Reason:</b> To ensure the development maintains the capacity and allocation of parking spaces on the site.</p>
151)	<p><b>Chapel / Monastery Operation Hours and Capacity</b></p> <p>Public events associated with the monastery chapel are not to commence prior to 9:00am or between the hours of 4:00pm to 6:00pm, on any day the childcare centre is operating.</p> <p>Additionally, the capacity of any public gatherings associated with the chapel / monastery use is to be limited to 40 attendees at times the childcare centre is in operation.</p> <p><b>Condition Reason:</b> To ensure that the traffic and parking generated by the chapel / monastery use does not coincide with the childcare centre peak pickup – drop off hours and is aligned with the limited parking capacity on the site in these periods.</p>
152)	<p><b>Parking Management</b></p> <p>The following parking management measures (“parking management plan”) must be implemented in any plan of management document governing the management and operation of the childcare centre and the monastery / chapel. The parking management plan must ensure that;</p> <ul style="list-style-type: none"> <li>(a) At least 36 parking spaces are available (1 must be allocated to the residence) to the chapel / monastery outside the hours of operation of the childcare centre.</li> <li>(b) At least 21 parking spaces are to allocate for use by the childcare centre during its hours of operation.</li> </ul>

	Condition
	<p>(c) The parking management plan must reference the hours for public use of the chapel / monastery as stated under the condition “<i>Chapel / Monastery Operation Hours and Capacity</i>”.</p> <p><b>Condition Reason:</b> To provide an enforceable document ensuring the management of parking.</p>
153)	<p><b>Requirements of the Education and Care Services National Regulations</b></p> <p>The subject Childcare Centre is to comply with the requirements of the Education and Care Services National Regulations under the Education and Care Services National Law at all times.</p> <p><b>Condition Reason:</b> Ensure to comply with the requirements of the Education and Care Services National Regulations.</p>
154)	<p><b>Graffiti</b></p> <p>The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed / repaired.</p> <p><b>Condition Reason:</b> The finishes of all structures and buildings are to be always maintained.</p>



## City of Ryde Local Planning Panel Report

<b>DA Number</b>	LDA2022/0365
<b>Site Address &amp; Ward</b>	826 Victoria Road, Ryde <ul style="list-style-type: none"> <li>• Lot 2 in DP 205390</li> <li>• Lot 3 in DP 219163</li> <li>• Lot 4 in DP 219163</li> </ul> Central Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works.
<b>Property Owners</b>	Trustees Roman Catholic for Diocese of Saint Maron
<b>Applicant</b>	BDPM Pty Ltd (t/a Project Pty Ltd)
<b>Report Author</b>	Tony Collier – Senior Town Planner
<b>Lodgement Date</b>	18 November 2022
<b>No. of Submissions</b>	<u>Notification 1</u> (21 November 2022 to 9 December 2022) <ul style="list-style-type: none"> <li>• 11 submissions</li> </ul> <u>Notification 2</u> (22 April 2024 to 10 May 2024) <ul style="list-style-type: none"> <li>• 7 submissions</li> </ul>
<b>Cost of Works</b>	\$3,332,713 (exc. GST)
<b>Reason for Referral to Local Planning Panel</b>	<p><b>Contentious Development</b> – More than 10 unique submissions objecting to the proposal have been received as a result of public notification of the application - Schedule 1, Part 2 of Local Planning Panels Direction</p> <p><b>Sensitive Development</b> - Demolition of part of a heritage item and removal of trees - Schedule 1, Part 4 of Local Planning Panels Direction</p>
<b>Recommendation</b>	Refusal

<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Reasons for Refusal.</li> <li>2. Plans.</li> <li>3. Child Care Planning Guideline Table of Compliance.</li> <li>4. Ryde Development Control Plan 2014 Table of Compliance</li> </ol>
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## 1. EXECUTIVE SUMMARY

This report is an assessment of a development application for Lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) 'Child Care Facility' with car parking, and landscape works.

The centre is proposed to employ 15 x educators, 1 x supervisor and 1 x cook (i.e. total 17 staff) to cater for 81 children of the following age groups:

- 0 to 2 years: 19 children.
- 2 to 3 years: 35 children.
- 3 to 6 years: 27 children.

The centre is proposed to operate between 7.00am to 6.00pm Monday to Friday.

The centre will be closed on weekends and public holidays.

### Compliance

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

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

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

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

##### Child Care Planning Guideline (2021)

a) Design Quality Principles in Part 2 of the Guideline:

- i. Principle 1 – Context.
- ii. Principle 4 – Sustainability.
- iii. Principle 6 - Amenity.



b) Matters for Consideration in Part 3 of the Guideline:

- i. Clause 3.1 - Site Selection and Location:
  - a. Sub-clause C2.
  - b. Sub-clause C4.
- ii. Clause 3.6 – Noise and Air Pollution:
  - a. Sub-clause C26.
  - b. Sub-clause C27.

### **Ryde Development Control plan 2014**

a) Part 3.2 – Child Care Centres:

- i. Clause 2.1 – Suitability of Location and Site for Child Care:
  - a. Sub-clause 2.1.1 – Preferred Locations.
  - b. Sub-clause 2.1.2 – Environmental Risks/Hazards.

b) Part 3.3 – Dwelling Houses and Dual Occupancy

- i. Clause 2.14.1 0 View Sharing.

These matters are addressed in detail in **Section 5.3 and Section 5.5** of this report.

### **Referral Responses**

The application was referred to the following external and internal departments:

#### **External**

- Transport for NSW.
- Ausgrid.

#### **Internal**

- Development Engineer.
- Environmental Health.
- City Works (Traffic & Public Domain).
- Landscape.
- Heritage.

With exception to Environmental Health, each of the above departments are supportive of the proposal.

Council's Environmental Health department do not support the proposal as the Air Quality Assessments undertaken for the development, which is adjacent to a classified road, do not satisfy the requirements of section 2.119(2)(c) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* in that the development is

considered to be in a location where the health of the attending children is at risk from airborne pollution generated by vehicles using Victoria Road. This forms the main reason for the refusal of the application.

## **Public Exhibition and Submissions**

The application was publicly exhibited between 21 November 2022 and 9 December 2022 in accordance with Council's Community Participation Plan.

As a result of the first notification, 11 submissions were received objecting to the development.

The amended documentation and plans received between 28 February 2023 and 1 March 2023 were notified to the same properties as the first notification between 9 April 2024 and 26 April 2024. The second notification period was extended to 10 May 2024 after it was found that the amended plans were not made available on Council's DA Tracker website.

As a result of the second notification, seven (7) submissions were received objecting to the development.

The submissions objecting to the proposal as a result of both notification periods raise the following issues:

- Oversupply of childcare centres.
- Non-compliance with the RDCP 2014:
  - Part 3.2 – Child Care Centres:
    - Sub-clause 2.1.1 – Preferred Locations.
    - Sub-clause 4.2 – Acoustic privacy for Adjoining Residents.
    - Sub-clause 4.3 – Visual Privacy for Children in the Centre.
    - Sub-clause 5.1 – Car Parking.
    - Sub-clause 5.2 – On-Site Manoeuvrability.
    - Sub-clause 5.3 – Impact on Traffic Flow.
  - Part 3.3 – Dwelling Houses and Dual Occupancy:
    - Sub-clause 2.9.3 – Rear Setbacks.
- Privacy:
  - Visual privacy.
  - Acoustic privacy.
- Traffic:
  - Safety on Victoria Road.
  - Congestion on local roads.
- Inadequate provision of car parking.
- Inadequate provision of landscaped area.
- View loss.
- Sunlight access.
- Encroachment on the Heritage building (“Wallumetta”).



- Incorrect survey location of Tree T7 on neighbouring property.
- Property value.

The issues raised in the submissions are addressed in detail in **Section 7** of this report.

**Recommendation**

Assessment of the application against the relevant planning framework, and consideration of various matters by Council’s technical departments, has identified fundamental issues of concern which primarily focus on airborne pollution from vehicles using Victoria Road and the potential risk to the health of children the centre as a result. Consequently, this report finds the site is not suitable for the development.

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the site is not considered suitable for the proposed development and the proposal is contrary to the public interest.

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

**2. THE SITE & LOCALITY**



**Figure 1** – Aerial view of the site.

The site is known as 826 Victoria Road, Ryde and comprises the following three (3) lots:

- Lot 2 in DP 205390
- Lot 3 in DP 219163
- Lot 4 in DP 219163

The site is irregular in shape with a frontage of 59.53m to Victoria Road, a side boundary length of 48.44m along the western side, 52.425m along the eastern side, and a rear boundary length of 74.625m.

The site has a combined surveyed area of 3,950m<sup>2</sup>.

The site is located within the R2 Low Density Residential zone and accommodates a listed local heritage item (Item 154) which comprises the “Wallametta Club” (house).

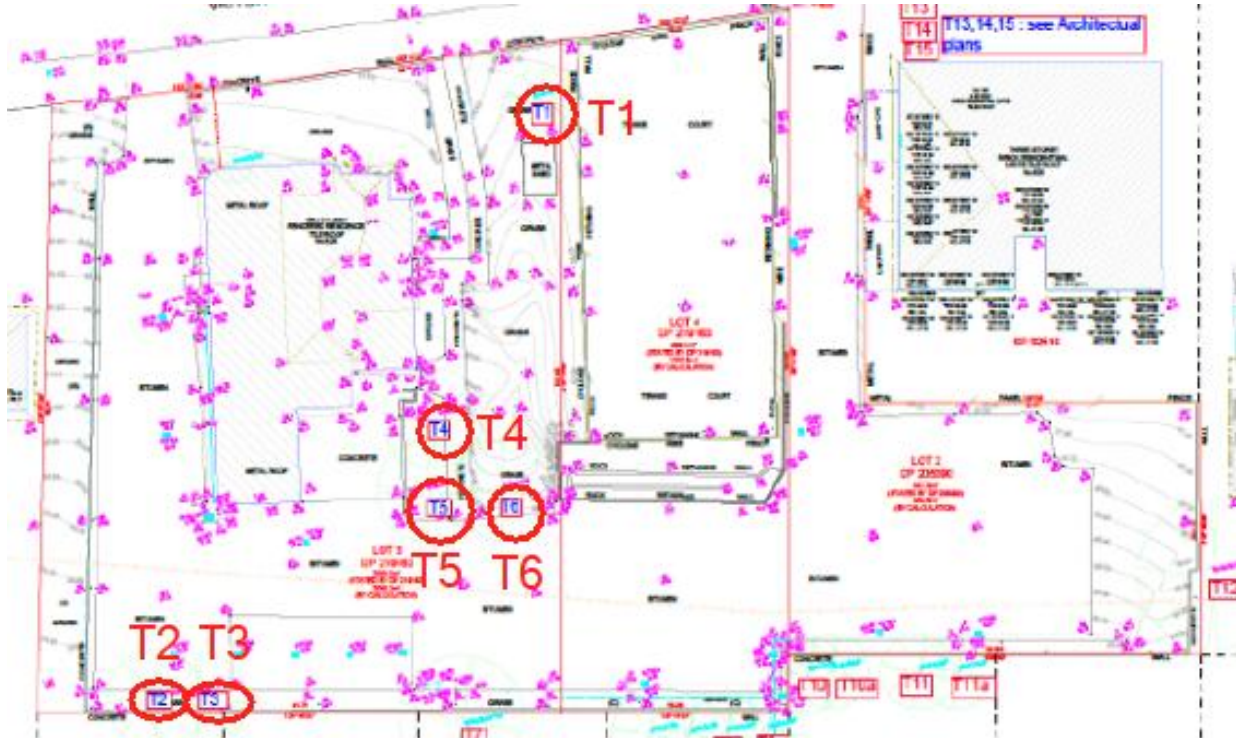
The remainder of the site is occupied by at-grade open car parking, two (2) driveways, and a concrete tennis court which is enclosed by steel mesh fencing.

Landscaping within the site is sparse and includes six (6) trees comprising:

Tree No.	Species	Height/Health
1	<i>Magnolia grandiflora</i> Bull Bay Magnolia	8m Fair Condition
2	<i>Syzygium smiyhii</i> Lilly Pilly	8m Fair Condition
3	<i>Syzygium smiyhii</i> Lilly Pilly	8m Fair Condition
4	<i>Syagrus romanzoffiana</i> Cocos Palm	10m Fair Condition
5	<i>Syagrus romanzoffiana</i> Cocos Palm	7m Fair Condition
6	<i>Syagrus romanzoffiana</i> Cocos Palm	8m Fair Condition

Tree locations are shown below in **Figure 2**.





**Figure 2 – Tree locations on the site.**

The site has a gradual slope of 5.34m from the front boundary to the rear boundary.

The site is accessed from Victoria Road which is a six (6) lane classified road owned and operated by Transport for NSW.

Figures 3 to 14 below provide various views of the site.



**Figure 3 – View of the site from Victoria Road**



**Figure 4 – View of the tennis court from Victoria Road**





**Figure 5** – View of the monastery from Victoria Road



**Figure 6** – View of western side setback of the monastery



**Figure 7** – View north (822 Victoria Road to the right)



**Figure 8** – View east towards the western side of 820 & rear of 822 Victoria Road



**Figure 9** – Western side of 820 and rear of 822 Victoria Road



**Figure 10** – View west towards the monastery (822 Victoria Road to the right)





**Figure 11** – View east of the rear boundary (acoustic) fence



**Figure 12** – Long view east of rear boundary (acoustic) fence



**Figure 13** – View over rear fence towards Rhodes



**Figure 14** – Rear of the monastery

### Heritage Listing

The site is listed in Schedule 5 of the RLEP as Item 154.

Item 154 is described as the “Wallametta Club” (house) and includes Lots 3 and 4 in DP 219163 and Lot 2 in DP 205390.

Although the item references the house only, the lot description and mapping covers the whole of the subject site as shown shaded in **Figure 15** below.



Figure 15 – Heritage listing under the RLEP 2014.

**Surrounding Development**

The site is located within an R2 Low Density residential zone which is characterised by the following properties:

South-East

- 808 – 810 Victoria Road: Heritage listed former police station. The site is listed under Item 150 in the Ryde Local Environmental plan 2014 (see **Figure 14**). The site also accommodates an operational police station in a separate building and is owned by NSW Police.
- 812 Victoria Road: Heritage listed former court house owned by the Department of Communities and Justice. The site is listed under Item 151 in the Ryde Local Environmental plan 2014 (see **Figure 14**).
- 818 Victoria Road: Part 3/Part 4 storey walk-up residential flat building.
- 820 Victoria Road: Part 3/part 4 storey walk-up residential flat building.
- 822 Victoria Road: Part 3/Part 4 storey walk-up residential flat building.

North-West

- 828 to 834 Victoria Road: Single and double storey detached dwellings.



### South-West (Rear)

- Yerong Street: Single and double storey detached dwellings (including one attached dual occupancy).

### North-East (Opposite side of Victoria Road)

- Single storey detached dwellings.
- 813 – 817 Victoria Road: Heritage listed cottage (“Addington”) and dwelling (“The Retreat”) owned by the City of Ryde. The site is listed under Items 152 and 153 respectively in the Ryde Local Environmental plan 2014 (see **Figure 14**).

## **3. THE PROPOSAL**

The applicant seeks consent for lot consolidation of three lots into one lot, partial demolition works (excluding the “Wallametta Club” (house)), construction of a purpose built two-storey (81 place) child care facility with car parking, and landscape works.

In detail, the development comprises the following:

### **Number of Children**

The centre is proposed to cater for 81 children of the following age groups:

- 0 to 2 years: 19 children.
- 2 to 3 years: 35 children.
- 3 to 6 years: 27 children.

### **Hours of Operation**

The centre is proposed to operate between 7.00am to 6.00pm Monday to Friday.

The centre will be closed on weekends and public holidays.

### **Staffing**

The centre will employ 15 educators to cater for the following age groups:

- 0 to 2 years: 5 educators (1:4 ratio).
- 2 to 3 years: 7 educators (1:5 ratio).
- 3 to 6 years: 3 educators (1:9 ratio).

The centre will also employ 1 x supervisor and 1 x cook.

### **The Childcare Centre**

Lower Ground Level (RL 35.50 & RL 35.57)

- Car parking for 21 spaces:
  - 13 Parent spaces.
  - 8 x staff spaces.
- Bin room.
- CW pump room & services cabinet.
- Storage.
- Lobby, lift and stairs.
- Amenities.
- 2 x classrooms (3 to 6 years):
  - Classroom 1: 39m<sup>2</sup> accommodating 10 children.
  - Classroom 2: 58m<sup>2</sup> accommodating 17 children.
- Undercroft and outdoor play area OPA 1 (3 to 6 years).

Upper Ground Level (RL 39.85)

- Staff room.
- Meeting room.
- Pram room.
- Lift and stairs.
- Reception and administration.
- Waiting area and access corridors.
- Kitchen.
- Laundry.
- 3 x classrooms:
  - Classroom 3 (2 to 3 years): 65m<sup>2</sup> accommodating 20 children.
  - Classroom 4 (2 to 3 years): 55m<sup>2</sup> accommodating 15 children.
  - Classroom 5 (0 to 2 years): 68m<sup>2</sup> accommodating 19 children.
- Cot room: 23m<sup>2</sup> accommodating 10 cots.
- Outdoor play area OPA 2 (2 to 3 years).
- Outdoor play area OPA 3 (0 to 2 years).
- Amenities.
- Bottle preparation room.
- Storerooms.

**Lot Consolidation**

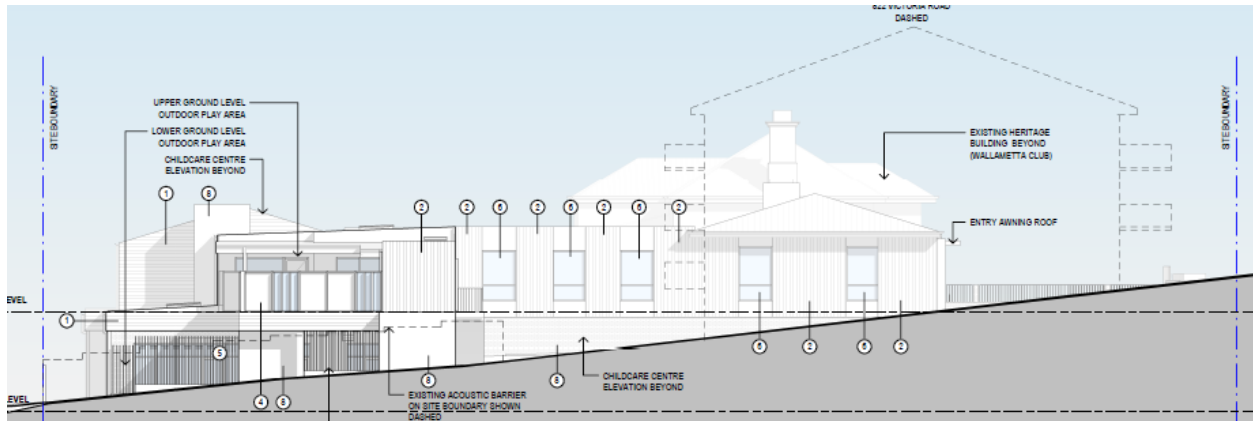
The amended application seeks to consolidate the three (3) existing lots into one lot.

Numerically the development comprises:

<b>Building Height</b>	4.1m to 9.1m
<b>Gross Floor Area</b>	1,852m <sup>2</sup> (including the existing monastery)
<b>Floor Space Ratio</b>	0.47:1
<b>Number of Children</b>	81
<b>Number of Staff</b>	17







**Figure 19** –South-eastern (side) elevation facing 820 Victoria Road (note 822 Victoria Road shown hashed outline).

Detailed plans of the development are provided at **Attachment 2** of this report.

## **Associated Applications**

### MOD2024/0066

An application has been lodged with Council (MOD2024/0066) which seeks to amend the hours of operation for the chapel at the neighbouring Maronite Church so as to minimise conflict with the operating hours of the proposed child care centre.

The application seeks to amend LDA2016/0210 which granted consent for alterations and change of use to a monastic residence and use as a chapel, meeting rooms and offices associated with the Diocese of the Sydney Maronite Church.

The modification seeks to change the operating hours of the church to avoid conflict with the proposed child care centre.

To ensure consistency and an orderly sequencing of a determination, the application (MOD2024/0066) is held pending the determination of this application.

## **4. HISTORY**

### **4.1 Site History**

Council records indicate that the site has been used for a variety of activities since 1890 including residential, medical (Doctor’s practice), entertainment (the Wallumetta Ryde and District Business and Professional Men’s Club), and currently for religious (monastic residence) and ancillary recreational purposes.

### **4.2 Application Timeline**

The following provides a timeline of key events for this application:



Date	Event
18 November 2022	Application lodged
21 November 2022 to 9 December 2022	Public exhibition #1 (11 submissions received)
22 November 2022	Referral #1 to: <ul style="list-style-type: none"> <li>• Heritage</li> <li>• City Works:               <ul style="list-style-type: none"> <li>○ Traffic</li> <li>○ Public Domain</li> <li>○ Waste</li> </ul> </li> <li>• Environmental Health</li> <li>• Landscape Architect</li> <li>• Development Engineer</li> <li>• Geotechnical consultant</li> <li>• Environment</li> </ul>
15 December 2022	Referral to Transport for NSW
17 January 2023	Response from Transport for NSW (Supported)
14 March 2023	Referral to Ausgrid
23 March 2023	RFI #1 sent to the applicant
4 April 2023	RFI #2 sent to the applicant
4 April 2023	Response from Ausgrid (Supported)
6 April 2023	Extension granted to 28 April 2023
28 April 2023	Amended plans & documents submitted: <ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Evacuation Plan</li> <li>• Road Safety Audit</li> <li>• Plan of Management</li> <li>• Stormwater Plans</li> <li>• Site Survey</li> <li>• Supplementary Traffic and Parking Advice</li> </ul>
1 May 2023	Additional information submitted: <ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Demolition and Waste Management Plan</li> <li>• Demolition Work Plan</li> <li>• View Loss Assessment</li> <li>• Cut and Fill Plan</li> </ul>
2 May 2023	Referral #2 to: <ul style="list-style-type: none"> <li>• Transport for NSW</li> <li>• City Works               <ul style="list-style-type: none"> <li>○ Traffic</li> </ul> </li> <li>• Development Engineer</li> <li>• Landscape Architect</li> </ul>
3 May 2023	Additional information received: <ul style="list-style-type: none"> <li>• Solar Access Diagrams</li> </ul>
11 May 2023	Additional information received: <ul style="list-style-type: none"> <li>• Landscape Plans</li> </ul>
31 May 2023	Additional information received: <ul style="list-style-type: none"> <li>• Supplementary Traffic and Parking Advice</li> </ul>
5 October 2023	Referral to Heritage
26 October 2023	RFI #3 sent to the applicant

Date	Event
20 November 2023	Extension granted to 20 December 2023
31 January 2024	Extension granted to 14 February 2024
14 February 2024	Extension granted to 28 March 2024
5 March 2024	Staff meeting with the applicant
28 March 2024	Amended plans & documents submitted: <ul style="list-style-type: none"> <li>• Architectural Plans (including lot consolidation)</li> <li>• Landscape Plans</li> <li>• Arboricultural Impact Assessment</li> <li>• Acoustic Report</li> <li>• Access Management Plan</li> <li>• Heritage Impact Statement</li> <li>• Stormwater Plans</li> </ul>
9 April 2024 to 26 April 2024	Public Exhibition # 2 (7 submissions received)
22 April 2024	Referral #3 to: <ul style="list-style-type: none"> <li>• Transport for NSW (Supported)</li> <li>• Heritage (Supported)</li> <li>• City Works: <ul style="list-style-type: none"> <li>○ Traffic (Supported)</li> <li>○ Public Domain (Supported)</li> </ul> </li> <li>• Environmental Health (Not supported)</li> <li>• Landscape Architect (Supported)</li> <li>• Development Engineer (Supported)</li> </ul>
19 June 2024	Council's Environmental Health department advise that the Air Quality Report and Acoustic Report are inadequate, the proposal cannot be supported and that the site is not suitable for the development
24 June 2024	Applicant advised of Environmental Health assessment and referral to the Ryde Local Planning Panel (RLPP) with a recommendation of refusal.
30 June 2024	Applicant requests extension of 30 days to prepare and submit new Air Quality Report and new Acoustic Report.
29 July 2024	Newly commissioned Air Quality Impact assessment and updated Acoustic Report are submitted by the applicant.
9 August 2024	Council's Environmental Health department advise that the updated Acoustic Report is acceptable and does not raise any issues. However, Council's Environmental Health department advise that the newly commissioned Air Quality Impact Assessment is inadequate and cannot be supported.
12 August 2024	Applicant advised of Environmental Health assessment and referral to the Ryde Local Planning Panel (RLPP) with a recommendation of refusal.
12 September 2024	RLPP meeting

**Note:** RFI refers to Request for Further Information.

## 5. PLANNING ASSESSMENT

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



- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Ryde Local Environmental Plan 2014.
- Ryde Development Control Plan 2014; and
- Section 7.11 Contribution Plan.

## **5.1 Environmental Planning and Assessment (Statement of Expectations) Order 2024**

On 1 July 2024 the Minister for Planning and Public Spaces gazetted the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*.

Relevantly, Section 5(1)(c) of the Order imposes constraints upon the consent authority to determine development applications within the following timeframe:

*Determine development applications for which it is the consent authority (including DAs determined by a local planning panel) as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:*

- *From 1 July 2024 to 30 June 2025: 115 days from lodgement.*

The Order does not contain any savings provisions for development applications which were lodged before 1 July 2024.

This application was lodged on 18 November 2022 and will therefore be 664 days old (at the time of the RLPP meeting on 12 September 2024) and past the imposed timeframe of 115 days by 549 days.

Given the terms of the Order and the significant period of time the application has been before Council, any further deferral of the determination of the application will be inconsistent with the Order.

## **5.2 National Quality Framework**

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

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

The *Child Care Planning Guideline* (published by the NSW Department of Planning, Industry and Environment in September 2021 and gazetted on 1 October 2021) is

aligned to the National Quality Framework. The Guideline has been used to assess the proposal (see **Section 5.4.3 (State Environmental Planning Policy (Transport and Infrastructure) 2021)** at **Attachment 3**).

### 5.3 Environmental Planning and Assessment Act 1979

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

### 5.4 State Environmental Planning Instruments

#### 5.4.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

The aims of this Chapter are:

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

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

The application is accompanied by an Arboricultural Impact Assessment (as amended) dated 26 March 2024 which notes that the site accommodates six (6) trees. The report also provides an assessment of 13 trees which are located on neighbouring land.

The trees on the site comprise:

Tree No.	Species	Height/Health	Recommendation
1	<i>Magnolia grandiflora</i> Bull Bay Magnolia	8m Fair Condition	Retain
2	<i>Syzygium smiyhii</i> Lilly Pilly	8m Fair Condition	Retain
3	<i>Syzygium smiyhii</i> Lilly Pilly	8m Fair Condition	Retain
4	<i>Syagrus romanzoffiana</i> Cocos Palm	10m Fair Condition	Remove
5	<i>Syagrus romanzoffiana</i> Cocos Palm	7m Fair Condition	Remove
6	<i>Syagrus romanzoffiana</i> Cocos Palm	8m Fair Condition	Remove



The trees on neighbouring properties comprise:

Tree No.	Species	Height/Health	Property	Recommendation
7	<i>Ficus macrocarpa var hillii</i> Hills Weeping Fig	16m Good Condition	15 Yerong Street	Retain
8 & 8a	<i>Fraxinus griffithii</i> Evergreen Ash	6m Good Condition	13 Yerong Street	Retain
9 & 9a	<i>Fraxinus griffithii</i> Evergreen Ash	6m Good Condition	13 Yerong Street	Retain
10 & 10a	<i>Waterhousia floribunda</i> Weeping Lilly Pilly	6m & 8m Good Condition	11 Yerong Street	Retain
11 & 11a	<i>Waterhousia floribunda</i> Weeping Lilly Pilly	8m Good Condition	11 Yerong Street	Retain
12	<i>Ficus macrocarpa var hillii</i> Hills Weeping Fig	12m Fair Condition	820 Victoria Road	Retain
13	<i>Melaleuca stypheliodes</i> Prickly-Leaved Paperbark	9m Fair condition	822 Victoria Road	Retain
14	<i>Cupress sp</i> Conifer	8m Fair condition	822 Victoria Road	Retain
15	<i>Eriobotrya japonica</i> Loquat	7m Fair condition	822 Victoria Road	Retain

The Landscape Plans submitted with the application include a planting schedule which indicates that 28 trees, 242 shrubs and 559 grasses and groundcover will be planted.

Should this application be approved, further screen planting (Lilly Pilly) may be conditioned to be installed between the southern end of the car park and the property boundary to 13 Yerong Street.

This is significantly greater than plantings which currently accommodate the site and will result in a more comprehensive and coordinated planting schedule than is currently evident.

#### 5.4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

##### Chapter 4 – Remediation of Land

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

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

The application includes a Preliminary Site Investigation report dated 11 August 2022 which identifies the following potential sources of contamination:

- Fill soils of unknown origin and quality which were imported and used to grade the site (particularly the tennis court).
- Application of pesticides for termite control beneath the building footprints and around footings.
- Spills and leaks from vehicles parking in the parking area.
- Weathering of hazardous building materials (including asbestos containing material (ACM), lead-based paints and metallic surfaces) present within the fabric of existing structures on the site.

The preliminary Conceptual Site Model (CSM) which is used to evaluate the potential contamination sources, receptors and potential migration pathways, lists the identified sources of contamination as have a low (to medium in the case of fill) potential risk of complete exposure.

The report concludes that there is generally a low to moderate risk of potential contamination to be present on the site, and that the site can be made suitable for the development subject to the recommendation included in the report (Section 6) which require:

- A Hazardous Materials Survey should be completed prior to any demolition works to identify any hazardous materials that may be present.
- A detailed site walkover by a suitably qualified environmental consultant should be undertaken following the demolition of the tennis court and hard stand car parking area.
- Any soil material required to be disposed of (particularly the excavated soil beneath the tennis court to accommodate the part basement car park) should be classified and transported to a licensed landfill in accordance with the NSW EPA (2014) waste Classification Guideline.

Should the application be approved, the Preliminary Site Investigation report (and its recommendations) can be included as a condition.

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

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

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

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

- a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- b) development carried out:*



- i. *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- ii. *immediately adjacent to an electricity substation, or*
- iii. *within 5m of an exposed overhead electricity power line.*

The front boundary is located approximately 2.0m from the nearest electricity power line (along Victoria Road).

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

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

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

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

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

#### Section 2.119(2)

Section 2.119(2)(c) requires that:

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

*the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

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

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

The application is accompanied by an Acoustic Report (dated 5 June 2024 as prepared by Acoustic Logic) and an Air Quality Assessment Report (dated 20 September 2022 as

prepared by Airsafe for EI Australia Pty Ltd) both of which have been reviewed by Council's Environmental Health department and both found to be deficient. The applicant was advised of this deficiency on 19 June 2024.

In response to the above, the applicant submitted an updated Acoustic Report (dated 16 July 2024 as prepared by Acoustic Logic) and a newly commissioned Air Quality Report (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd).

Both reports have been reviewed by Council's Environmental Health department who advises that, although the Acoustic Report now satisfies acoustic impact, the new Air Quality Report still does not adequately demonstrate that the site will be suitable for the proposed use in that the report still fails to demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible (the full commentary by Council's Environmental Health department is included in **Section 8** of this report).

Site specific measurements of pollutants associated with heavy vehicles were not measured, and data utilised from an air quality monitoring station (in this instance, a station based at an oval at Macquarie University) cannot be considered an appropriate comparison to Victoria Road. Without an appropriate site-specific data set, there is too much uncertainty as to the validity of the predictions. In this respect, the report did not complete site-specific measurements of key pollutants associated with vehicle emissions that have the potential to negatively impact on a vulnerable population.

This forms a reason to refuse the application.

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

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

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

The Traffic and Parking Impact Assessment submitted with the application states that Victoria Road has a weekday *average* daily traffic volume of 28,658 vehicles of which 6.7% comprise heavy vehicles. The report (page 7) attributes this volume to west-bound traffic only.

This closely aligns with the Traffic Volume Data published by TfNSW on their Traffic Volume Viewer which indicates that the average daily traffic count for Victoria Road (in both directions) in 2022 was 56,552.

The updated Acoustic Report submitted with the application satisfactorily demonstrates:



- That the compliance criteria within internal sleeping areas has been achieved.
- That the long-term impact of road vibration noise has been adequately considered.
- That correct logging locations to monitor road noise has been chosen.

### Clause 2.122 – Traffic Generating Development

This clause applies to new premises of the relevant size or capacity which means “*in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3.*”

Schedule 3 of the SEPP requires that following applicable development is referred to Transport for NSW (TfNSW) as Traffic Generating Development:

Column 1	Column 2	Column 3
<b>Purpose of Development</b>	<b>Size or Capacity</b> Site with access to any road	<b>Size or Capacity</b> Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road
Any other purpose	200 or more motor vehicles per hour	50 or more motor vehicles per hour

The application includes a Traffic and Parking Impact Assessment dated 2 November 2022 which indicates that the development will generate between 60 and 68 trips during the AM and PM peak hours. This generation is in addition to the existing traffic generated by the monastery which has not been included in the report.

The application was referred to TfNSW for consideration under clause 2.122(4)(i) of the SEPP.

Transport for NSW did not raise any objection to the application subject to conditions which will be imposed should this application be approved.

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

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

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

corresponding regime for State regulated education and care services, as part of the planning approval and development process.

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

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

Clause 3.23 requires a consent authority to take into consideration any applicable provisions of the *Child Care Planning Guideline* (as gazetted on 1 October 2021) prior to determining the proposal for a centre-based child care centre.

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

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

##### **Principle 1 – Context**

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

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

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

##### Comment

The local area predominantly comprises a mix of residential buildings (as well as the monastery building) of varying age, density, size and architectural style.

The subject site is therefore contextually regarded as a transitional area.

The development is designed to respond to this transitional nature of the site and provides a building which is of a scale which blends with the scale of surrounding development.

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.



Notwithstanding the above, with respect to health and environmental conditions, the Air Quality Report (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) has been found by Council's Environmental Health Department to be not adequately demonstrate that the site will be suitable for the proposed use in that it fails to demonstrate that pollutants of concern generated by vehicles using Victoria Road have been adequately assessed to satisfy Council that the potential risk to a vulnerable population is negligible.

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

#### **Principle 4. Sustainability**

*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, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.*

#### Comment

The Air Quality Impact Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes (under Section 7 of that report) the following management, mitigation and monitoring measures which are to be implemented during the operation of the centre:

#### Source Mitigation

- With respect to vehicle typologies using Victoria Road the Report refers to a potential future scenario whereby internal combustion engines are replaced by electric vehicles which would thereby reduce emissions.
- The report recommends that vehicles entering and leaving the centre do so in a "smooth" manner and that the duration of queuing/idling traffic should be minimised. The report goes on to recommend the installation of signs requiring engines to be shut off and that staggered pick-up/drop-off times be put into operation to avoid queuing.

#### Receptor Mitigation

Receptors are defined in the report as outdoor play areas and air intakes.

- Locating air intakes towards the southern boundary (the rear abutting residential properties along Yerong Street).
- Installation of mechanical ventilation to the proposed car park
- Training of teachers and staff on best ventilation practices which include keeping windows and doors closed in ventilated classrooms to minimise, and to keep air vents clear of items which may block airflow.
- Staff to review the daily air quality forecast provided daily by the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) and adjust planned activities to account for the prevailing conditions. In this regard, the Air Quality Category (AQC) table below provides recommendations by NSW DCCEEW for childcare centres: (sensitive groups including infants and children) although it should be noted that the Air Quality Monitoring Stations which provide AQC data are not located at or near the subject site and therefore, accurate site-specific readings will not be obtainable:

<b>Air Quality Category</b>	<b>General Health Advice and Recommended Actions</b>
<b>Good</b>	<ul style="list-style-type: none"> <li>• <i>NO CHANGE needed to your normal outdoor activities.</i></li> </ul>
<b>Fair</b>	<ul style="list-style-type: none"> <li>• <i>REDUCE outdoor physical activity if you develop symptoms such as cough or shortness of breath.</i></li> <li>• <i>Consider closing windows and doors until outdoor air quality is better.</i></li> <li>• <i>Follow the treatment plan recommended by your doctor.</i></li> <li>• <i>If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor.</i></li> <li>• <i>In a health emergency, call triple zero (000) for an ambulance.</i></li> </ul>
<b>Poor</b>	<ul style="list-style-type: none"> <li>• <i>AVOID outdoor physical activity if you develop symptoms such as cough or shortness of breath.</i></li> <li>• <i>When indoors, close windows and doors until outdoor air quality is better.</i></li> <li>• <i>Follow the treatment plan recommended by your doctor.</i></li> <li>• <i>If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor.</i></li> <li>• <i>In a health emergency, call triple zero (000) for an ambulance.</i></li> </ul>
<b>Very Poor</b>	<ul style="list-style-type: none"> <li>• <i>STAY INDOORS as much as possible with windows and doors closed until outdoor air quality is better.</i></li> <li>• <i>If you feel that the air in your home is uncomfortable, consider going to a place with cleaner air (such as an air-conditioned building like a library or shopping centre) if it is safe to do so.</i></li> <li>• <i>Actively monitor symptoms and follow the treatment plan recommended by your doctor.</i></li> <li>• <i>If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor.</i></li> <li>• <i>In a health emergency, call triple zero (000) for an ambulance.</i></li> </ul>



<b>Extremely Poor</b>	<ul style="list-style-type: none"> <li>• <i>STAY INDOORS with windows and doors closed until outdoor air quality is better and reduce indoor activity.</i></li> <li>• <i>If you feel that the air in your home is uncomfortable, consider going to a place with cleaner air (such as an air-conditioned building like a library or shopping centre) if it is safe to do so.</i></li> <li>• <i>Actively monitor symptoms and follow the treatment plan recommended by your doctor.</i></li> <li>• <i>If you are concerned about symptoms call the 24-hour HealthDirect helpline on 1800 022 222 or see your doctor.</i></li> <li>• <i>In a health emergency, call triple zero (000) for an ambulance.</i></li> </ul>
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The report does not identify any periods ascribed to the above conditions, only to include the table as a reference to the criteria staff are required to review on a daily basis.

- It is also recommended that strenuous activities in the outdoor play areas should be planned during times with anticipated lower traffic volumes using the surrounding road network (i.e. non-peak hour).

Although the report states that the predicted incremental impacts within the childcare centre will be limited, the above recommendations suggest that the site is susceptible to a heightened exposure of air pollution and the mitigation measures included (and when implemented) would severely impact upon the ability of the attending children to enjoy the full outdoor amenities that a child care centre is required to provide under the *National Quality Framework* (published by the Australian Children’s Education & Care Quality Authority).

Furthermore, the enhanced ventilation systems required to mitigate the environmental impact from pollution and the increased potential to use indoor classrooms in the event of a pollution event of ‘Fair’ to ‘Extremely Poor’ would result in greater energy demand, increased exhaust output and noise generated by such systems, and greater operational costs, all of which would not be considered to be environmentally sustainable.

In this respect, and because the above measures are considered necessary to the day-to-day operation of the centre to mitigate pollution risk, it is considered that the site is not suitable for the proposed use.

**Principle 6. Amenity**

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

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

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

Comment

Although under ‘good’ operating conditions (as defined in the AQC table above) the centre would provide for a good level of amenity, however this is compromised should the air quality fall below a ‘good’ level.

As seen in the table, any air quality condition less than ‘good’ would require a reduction or avoidance of the use of outdoor play areas such that a significant operational requirement for a child care centre would be rendered usable.

That the applicant’s Air Quality Impact Assessment has included this amongst other stringent mitigation measures indicates that the location of this sensitive use adjacent to Victoria Road is not a wholly appropriate and entirely safe outcome such that it gives Council confidence that the health of children attending the centre will not be adversely affected.

**Part 3 – Matters for Consideration**

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

Clause	Comment
<b>3.1 Site Selection and Location</b>	
<p><b>C2</b></p> <p><b><i>Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use.</i></b></p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• When location and surrounding uses are compatible with the proposed development or use.</li> <li>• The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.</li> <li>• There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.</li> <li>• The characteristics of the site are suitable for the scale and type of development proposed having regard to:               <ul style="list-style-type: none"> <li>○ Length of street frontage, lot</li> </ul> </li> </ul>	<p><b>Not consistent</b></p> <p>The site is located within the R2 Low density residential zone and, although it is contained within a property which has been used for non-residential purposes for a considerable period of time, it does about 11 residential properties. Of those 11 properties, seven (7) will be directly adjacent to the proposed child care , two (2) of which are residential flat buildings which contain a total of 24 apartments (i.e. 12 per building).</p> <p>Notwithstanding, with respect to acoustic impact, the updated Acoustic Report (Revision 5, dated 16 July 2024 as prepared by Acoustic Logic) has been reviewed by Council’s Environmental Health department which has determined that the Acoustic Report adequately demonstrates that:</p> <ul style="list-style-type: none"> <li>• Compliance criteria within internal sleeping areas has been achieved.</li> <li>• The long-term impact of road vibration noise has been adequately considered.</li> </ul>



Clause	Comment
<p>configuration, dimensions and overall size.</p> <ul style="list-style-type: none"> <li>○ Number of shared boundaries with residential properties.</li> <li>• The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.</li> <li>• 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.</li> <li>• There are suitable and safe drop off and pick up areas, and off and on street parking.</li> <li>• 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.</li> <li>• 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.</li> <li>• It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	<ul style="list-style-type: none"> <li>• The correct logging location has been chosen.</li> <li>• Noise from the rear car park area has been adequately considered.</li> <li>• Noise impact to the residential units at 820 Victoria Road has been adequately considered.</li> </ul> <p>With respect to the compatibility of the location to the development, the newly prepared Air Quality Impact Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes recommendations to address vehicle generated pollution and, although intended to protect the children of the centre, it is also considered that one of the mitigation measures suggests that vehicle generated pollution could be increased by the development by virtue of vehicle queuing into and out of the proposed car park. Given the airborne nature of vehicle emissions, it is not unreasonable to expect that increased pollution events such as this would not only be concentrated at the centre but would also have the potential to flow over into neighbouring residential property, particularly those neighbouring properties openly exposed to the car park and any exhaust vents which are recommended to be installed.</p> <p>The site is located on Victoria Road which is a classified road estimated to carry an average daily volume of 28,658 westbound vehicles per day (taken from the 7-day automatic traffic count survey conducted in front of the site on Victoria Road in the westbound direction from 12:00AM, Sunday 14 August 2022 to 12:00AM, Sunday 21 August 2022 as contained in the applicant's submitted Traffic Report dated 2 November 2022 as prepared by McLaren Traffic Engineering &amp; Road Safety Consultants).</p> <p>It is noted that, according to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carried in excess of 56,552 vehicles per day (circa 2022) – this comprises 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles were trucks.</p> <p>Therefore, the submitted traffic report suggests an increase in westbound traffic since the TfNSW survey of 2022 by 2,045 vehicles daily.</p> <p>The report notes that the operating speeds of vehicles using this part of Victoria Road is 60.2kmh of which 6.7% of vehicles are heavy vehicles (trucks). Although Transport for NSW and Council's</p>

Clause	Comment
	Traffic department have not raised any objection to the proposal (subject to conditions), the locating of the use, particularly with respect to the entering and leaving the site during peak hour is not considered to be satisfactorily respond to the requirement of Part C2 in that the location and surrounding uses (i.e. Victoria Road) are not compatible with the proposed development.
<p><b>C4</b></p> <p><b>Objective: To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards.</b></p> <p>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"> <li>• Proximity to: <ul style="list-style-type: none"> <li>○ Heavy or hazardous industry, waste transfer depots or landfill sites.</li> <li>○ LPG tanks or service stations.</li> <li>○ Water cooling and water warming systems.</li> <li>○ Odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.</li> <li>○ Extractive industries, intensive agriculture, agricultural spraying activities.</li> </ul> </li> <li>• Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>	<p><b>Not Consistent</b></p> <p>As noted throughout this report, the applicant's Air Quality Impact Assessment has provided an analysis of vehicle generated pollution in relation to the site and proposed use.</p> <p>The Assessment has been reviewed by Council's Environment Health department who have identified that the data used in the Assessment has been sourced from an AQMS at Macquarie University and in an area which bears no resemblance to the conditions of that part of Victoria Road in front of the site.</p> <p>Notwithstanding, although the Air Quality Impact Assessment indicates that the site is not adversely impact by airborne pollution, the Assessment goes on to provide a set of stringent mitigation measures should pollution levels rise beyond a 'good' classification (as defined by the AQC table include under Principle 4 earlier in this report). These measures include a reduction of the use of outdoor play areas and also include progressive indoor ventilation strategies and medical responses to avoid high level of airborne pollution. The inclusion of such stringent mitigation measures therefore suggest that, although precautionary, there is a potential to incur risk to the health of children attending the centre from an identified environmental hazards.</p>
<b>Clause 3.6 - Noise and Air Pollution</b>	
<p><b>C26</b></p> <p><b>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</b></p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p><b>Not Consistent</b></p> <p>The site is situated on the southern side of Victoria Road which is a Classified Road.</p> <p>According to the Transport for NSW 'Traffic Volume Viewer', Victoria Road carried in excess of 56,552 vehicles per day (circa 2022) – this comprised 26,613 westbound vehicles and 29,939 eastbound vehicles. Of this, 3,939 vehicles were trucks.</p> <p>As discussed throughout this report, a primary</p>



Clause	Comment
	concern, and the fundamental reason for the recommendation to refuse the application, is the impact of vehicle generated airborne pollution from Victoria Road on the health of children attending the centre.
<p><b>C27</b></p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed childcare facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• Creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution.</li> <li>• Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway.</li> <li>• Incorporating ventilation design into the design of the facility.</li> </ul>	<p><b>Not Consistent</b></p> <p>An Air Quality Impact Assessment has been conducted on two separate occasions (and by two separate consultants) for this development.</p> <p>Both Assessments have been identified as including data which does not adequately nor accurately reflect the conditions on the site resulting from vehicle related airborne pollution.</p> <p>The first Assessment (dated 20 September 2022 as prepared by Airsafe for EI Australia Pty Ltd) was reviewed by Council's Environmental health department who determined that the report failed to adequately demonstrate that:</p> <ul style="list-style-type: none"> <li>• Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for.</li> <li>• Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM (National Environment Protection Measure for Ambient Air).</li> <li>• Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered.</li> <li>• The measurement time including the average measuring period for CO – Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic periods in the morning and afternoon.</li> <li>• Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation.</li> <li>• Atmospheric conditions of the date the assessment were considered.</li> </ul> <p>The second (and most recent) Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes further data sourced from an AQMS at Macquarie University (the station is located at an oval in the grounds of the university) which has then been modelled to gauge what the estimated air quality impact would be at the subject site. The further data sourced from the Macquarie</p>

Clause	Comment
	<p>University AQMS is not site specific and does not provide an accurate representation of localised air quality at the subject site.</p> <p>The second assessment notably includes stringent mitigation measures which indicate that the site and the occupants of the centre would be subject to risk from airborne pollution such that the employment of the recommended mitigation measures would compromise the operation of the centre and the amenity of the children attending the centre due to the restricted use of outdoor play areas, should pollution levels rise above a 'good' rating (as determined by the AQC table published by NSW DCCEEW).</p> <p>The second assessment was also reviewed by Council's Environmental Health department who determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.</p>

#### 5.4.4 Ryde Local Environmental Plan 2014 (RLEP)

The site is zoned R2 Low Density Residential under the RLEP.

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

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

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

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

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

The proposed development satisfies the relevant objectives.



## Part 4 – Principal Development Standards

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

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

Standard	Permitted	Proposed	Variation	Compliance
<b>Height of Buildings</b>	9.5m	4.1m to 9.1m	N/A	Yes
<b>Floor Space Ratio</b> Site area: 3,950m <sup>2</sup>	0.5:1 1,975m <sup>2</sup> GFA*	0.47:1 1,852m <sup>2</sup> GFA	Nil Nil	Yes

\*GFA = Gross Floor Area.

## Other Applicable Clauses

### Clause 5.10 - Heritage Conservation

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

The site is listed in Schedule 5 of the RLEP as Item 154. Item 154 is described as the “Wallametta Club” (house) and includes Lots 3 and 4 in DP 219163 and Lot 2 in DP 205390. Although the item references the house only, the lot description covers the whole of the subject site.

Council records indicate that the site has been used for a variety of activities since 1890 including residential, medical (Doctor’s practice), entertainment (the Wallumetta Ryde and District Business and Professional Men’s Club), and currently for religious (monastic residence) and ancillary recreational purposes.

The application includes a Heritage Impact Statement (dated 28 October 2022) and Addendum (dated 27 March 2024) which concludes:

*“The proposed building is well-designed with a simple contemporary façade that will sit comfortably next to the heritage item and to which it will present as visually subordinate by virtue of its single-storey presentation to the street.*

*The proposed front and side setbacks of the new building are sufficient, while the proposed lot consolidation will provide effective management of the site and will ensure the heritage item retains a generous landscaped curtilage and open setting. The amended proposal is supported by a detailed Schedule of Conservation Works which will aid in the immediate restoration of the heritage item”.*

Council’s Heritage Officer has reviewed the proposal and does not raise any objection.

## **Clause 6.1 - Acid Sulfate Soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Under the RLEP, the Acid Sulfate Soils Map establishes five classes of acid sulfate land (classes 1 to 5), Class 1 being most severe, and Class 5 being least severely affected.

Development consent is required (and thus a soil management plan is required) if a site is in *class 5 acid sulfate soil and works are within 500m of adjacent Class 1 to 4 and land which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.*

Council's Acid Sulfate Soils Mapping locates the site within the north-eastern edge of a Class 5 acid sulfate soils area. The area of the site which will be subject to partial excavation is located approximately 440m to the north-east of a Class 3 acid sulfate soil area however, this excavation work is to address the slope of the site as it rises towards Victoria Road and is unlikely to lower the water table below 1 metre AHD on the Class 3 land.

## **Clause 6.2 - Earthworks**

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

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

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

The proposal involves the total bulk excavation (net) of approximately 2,100m<sup>3</sup> of soil to be removed from the site.

The proposal is acceptable with regards to Clause 6.2 of the RLEP for the following reasons:



- It is considered that excavation would result in short-term disruption to local amenity during the construction phase. This disruption is offset by the long-term benefits to the wider community given the proposed excavation is to ensure the sufficient provision of on-site car parking without compromising local amenity.
- The proposed excavation works are supported by technical engineering reports which include specific recommendations to mitigate impact.
- The excavation works will not intersect the water table and thus not require dewatering.
- Council's City Works department, Development Engineer and Environmental Health are satisfied that the proposed excavation is acceptable, subject to imposition of conditions requiring mitigating measures to ensure the maintenance of amenity on the surrounding neighbourhood and structural integrity of any existing and supporting structures during the excavation and construction phase of the development. These measures may include, but are not limited to, a requirement for compilation of dilapidation reports, vibration monitoring, Geotechnical Certification and Monitoring, and dust mitigation controls.

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

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

The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.

The proposal is considered acceptable by Council's Development Engineer.

#### **5.5 Draft Environmental Planning Instruments**

The following draft SEPPs have been considered in the Assessment:

- Draft Remediation of Land SEPP.
- Draft Environment SEPP.

The proposal satisfies the requirements of these draft policies.

#### **5.6 Development Control Plan**

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

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

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

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

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

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

A detailed assessment of the proposal against the RDCP Part 3.2 – ‘Child Care Centres’, Part 3.3 – ‘Dwelling Houses and Dual Occupancies’, and Part 9.3 – ‘Parking Controls’ is detailed in the compliance table at **Attachment 4**.

The following addresses specific clauses within the RDCP 2014 which are inconsistent/not compliant with an applicable requirement. The matters discussed below are included as reasons to refuse the application.

### **Part 3.2 – Child Care Centres**

Clause	Comment
<b>Clause 2.1.1 - Preferred Locations</b>	
<b>Objectives:</b>	
<ol style="list-style-type: none"> <li>1. <i>To ensure that sites selected for child care centres minimise opportunities for adverse impact on the locality and maximise opportunities for a suitable environment for the users.</i></li> <li>2. <i>To ensure sites have the least potential adverse impact on neighbouring properties in terms of noise, loss of privacy and traffic.</i></li> <li>3. <i>To ensure sites have the least amount of impact on neighbouring properties in terms of scale of development.</i></li> </ol>	



Clause	Comment
<p>4. To ensure sites are of a shape and size which can support vehicular access enabling vehicles to enter and leave with minimal disruption to traffic flow, and without endangering pedestrians.</p> <p>5. To encourage child care centre development in areas which are not adversely affected by noise, vibration, traffic safety issues or pollution associated with heavy traffic.</p> <p>6. To ensure sites are of suitable topography for child care centre development.</p> <p>7. To identify preferred sites for child care centre developments in order to assist in selection of sites suitable for maximising compliance with these controls.</p>	
<p>Not located on arterial or sub-arterial roads.</p>	<p><b>Not Consistent</b></p> <p>The site is located on Victoria Road which is an arterial road (state).</p> <p>Given the objectives of the control (see above), it has been noted throughout this report that the development would not be consistent with Objective 5.</p>
<p><b>2.1.2 - Environmental Risks/Hazards</b></p>	
<p>The location is to take into consideration any other environmental health hazard including:</p> <ul style="list-style-type: none"> <li>i. Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads);</li> <li>ii. Existing and potential on and off-site electromagnetic fields;</li> <li>iii. Contaminated land;</li> <li>iv. Lead in painted surfaces, carpets, furnishings and roof void in existing buildings;</li> <li>v. Asbestos or other contamination or poisoning in existing buildings;</li> <li>vi. Proximity to service stations;</li> <li>vii. Proximity to LPG tanks;</li> <li>viii. Proximity to significant noise, odour and other pollutant generating sources, or sites which (due to prevailing land use zoning) may in future accommodate noise or odour generating uses;</li> <li>ix. Proximity to transmission lines, railway lines, mobile phone towers.</li> </ul>	<p><b>Not Consistent</b></p> <p>The site is located on Victoria Road which is an arterial road (state).</p> <p>Given the objectives of the control (see above), it has been noted throughout this report that the development would not be consistent with Objective 5 and Control (i).</p>
<p>Where sites are proposed within 125m of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required.</p>	<p><b>Not Consistent</b></p>
<p>The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements.</p>	<p>The site is located on Victoria Road which is a classified road estimated to carry an average daily volume of 28,658 westbound vehicles per day (taken from the 7-day automatic traffic count survey conducted in front of the site on Victoria Road in the westbound direction from 12:00AM, Sunday 14 August 2022 to 12:00AM, Sunday 21 August 2022 as contained the applicant's submitted Traffic Report dated 2 November 2022 as prepared by</p>

Clause	Comment
	<p>McLaren Traffic Engineering &amp; Road Safety Consultants).</p> <p>The report notes that 6.7% of vehicles using the surveyed section of Victoria Road are heavy vehicles (trucks).</p> <p>An Air Quality Impact Assessment has been conducted on two separate occasions (and by two separate consultants) for this development.</p> <p>Both Assessments have been identified as including data which does not adequately nor accurately reflect the conditions on the site resulting from vehicle related airborne pollution.</p> <p>The first Assessment (dated 20 September 2022 as prepared by Airsafe for EI Australia Pty Ltd) was reviewed by Council's Environmental health department who determined that the failed to adequately demonstrate that:</p> <ul style="list-style-type: none"> <li>• Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for.</li> <li>• Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM (National Environment Protection Measure for Ambient Air).</li> <li>• Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered.</li> <li>• The measurement time including the average measuring period for CO – Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic periods in the morning and afternoon.</li> <li>• Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation.</li> <li>• Atmospheric conditions of the date of the assessment were considered.</li> </ul> <p>The second (and most recent) Assessment (dated 22 July 2024 as prepared by Northstar Air Quality Pty Ltd) includes further data sourced from an AQMS at Macquarie University (the station is located at an oval in the grounds of the university) which has then been modelled to gauge what the estimated air quality impact would be at the subject site. The further data sourced from the Macquarie</p>



Clause	Comment
	<p>University AQMS is not site specific and does not provide an accurate representation of localised air quality at the subject site.</p> <p>The second assessment notably includes stringent mitigation measures which indicate that the site and the occupants of the centre would be subject to risk from airborne pollution such that the employment of the recommended mitigation measures would compromise the operation of the centre and the amenity of the children attending the centre due to the restricted use of outdoor play areas, should pollution levels rise above a 'good' rating (as determined by the AQC table published by NSW DCCEEW).</p> <p>The second assessment was also reviewed by Council's Environmental Health department who determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.</p>

### Part 3.3 – Dwelling Houses and Dual Occupancies

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

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

The assessment has found that the issues identified which are not consistent or not compliant with the controls are either supportable or may be addressed through condition if the application were to be approved.

An assessment against the relevant control under Part 3.3 has been undertaken and is included at **Attachment 4**.

### Part 9.3 – Parking Controls

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

The table detailing compliance is included at **Attachment 4**.

## 5.5 Planning Agreements or Draft Planning Agreements

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

## **5.6 Section 7.12 Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020**

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

The cost of works of the proposal is **\$3,332,713** (excluding GST). The required contributions will be imposed as a condition should the application be approved are:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
<b>Section 7.12 Contribution</b>	<b>\$33,575.84</b>

## **5.7 Any matters prescribed by the Regulations**

### **Australian Standard for Demolition - Clause 61(1)**

Clause 61(1) of the Environmental Planning and Assessment Regulations 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*.

Standard conditions relating to compliance with applicable Australian Standards may be imposed should this application be approved.

### **Building Code of Australia (BCA) Upgrade – Clause 64**

In accordance with Clause 64 of the Regulations 2021, the proposal will be required to provide adequate fire safety in accordance with the BCA.

Standard conditions relating to compliance with BCA may be imposed should this application be approved.

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

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

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



## **5.8 The likely impacts of the development**

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

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

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

## **5.9 Suitability of the site for the development**

The application has demonstrated that the site is not suitable for the development.

## **6 THE PUBLIC INTEREST**

The development is contrary to the public interest as it proposes a child care centre at a location which would have a detrimental impact upon the health of children attending the centre.

## **7 SUBMISSIONS**

In accordance with Council's Community Participation Plan, the owners of surrounding properties were given notice of the application between 21 November 2022 and 9 December 2022.

As a result of the first notification, 11 submissions were received objecting to the development.

The amended documentation and plans received between 28 February 2023 and 1 March 2023 were notified to the same properties as the first notification between 9 April 2024 and 26 April 2024. The second notification period was extended to 10 May 2024 after it was found that the amended plans were not made available on Council's DA Tracker website.

As a result of the second extended notification, seven (7) submissions were received objecting to the development.

The submissions objecting to the proposal as a result of both notification periods raise the following issues:

- **Oversupply of childcare centres**

Comment

Submissions question the need for a child care centre given the supply of other child care centres in the area.

The subject site is located the following distances (by direct line) from registered child care centres in the area:

Centre	Address	Age Groups	Capacity	Distance
Lilypad Early Learning Centre	Top Ryde Shopping Centre	6 wks to 6 yrs	106 children	500m
Papilio Early Learning Centre	6 Porter Street, Ryde	0 to 5 yrs	119 children	580m
Kidz on Porter	29 Porter Street, Ryde	0 to 6 yrs	84 children	690m

**Figure 20** below shows the proximity of the above listed childcare centres to the subject site.



**Figure 20** – Proximity of child care centres.

The above list and map indicate that the local area is not subject to an oversupply of child care centres in the area, particularly given the high densities evident at all three (3) locations which would generate demand for their specific local areas (i.e. Top Ryde and Meadowbank).

This issue does not form a reason to refuse the application.

- **Non-compliance with the RDCP 2014:**



- **Part 3.2 – Child Care Centres:**
  - **Sub-clause 2.1.1 – Preferred Locations.**
  - **Sub-clause 4.2 – Acoustic privacy for Adjoining Residents.**
  - **Sub-clause 4.3 – Visual Privacy for Children in the Centre.**
  - **Sub-clause 5.1 – Car Parking.**
  - **Sub-clause 5.2 – On-Site Manoeuvrability.**
  - **Sub-clause 5.3 – Impact on Traffic Flow.**
- **Part 3.3 – Dwelling Houses and Dual Occupancy:**
  - **Sub-clause 2.9.3 – Rear Setbacks.**

Comment

The above issues have been addressed in detail in **Attachment 4** of this report.

Acoustic Privacy for Adjoining Residents

The updated Acoustic Report (Revision 5, dated 16 July 2024 as prepared by Acoustic Logic) includes a detailed analysis of data from an increased number of unattended noise monitors around the perimeter of the site including monitors adjacent to the eastern boundary receivers (abutting the rear of 820, 822 Victoria Road, and 7, 9 & 11 Yerong Street) and the southern boundary receivers (abutting 17 and 19 Yerong Street).

These monitors were installed for continuous period between 24 May 2024 and 3 June 2024.

The report uses the industry accepted criteria established in the *Association of Australian Acoustic Consultants 2020 (AAAC) Guideline* to assess the results of the analysis which includes the following:

Receiver	Modelling Scenario	Predicted Worst Case Noise Level dB(A)	Criteria (Day) 7.00am to 6.00pm	Compliance
822 Victoria Road	<b>Scenario 1</b> Using OPA Summer Period	51	<b>54</b>	<b>Yes</b>
820 Victoria Road		49 - 54		
Yerong Street		46		
822 Victoria Road	<b>Scenario 2</b> Using OPA Winter Period	51	<b>54</b>	<b>Yes</b>
820 Victoria Road		46		
Yerong Street		37		
822 Victoria Road	<b>Scenario 3</b> Indoor Classroom & Drop-Off/Pick-Up	50	<b>54</b>	<b>Yes</b>
820 Victoria Road		42		
Yerong Street		40		

The above table shows that the predicted worst case noise levels are below the established AAAC criteria (54) which is deemed to be acceptable. This has been reviewed by Council’s Environmental Health Officer who confirms that the predicted noise levels at the neighbouring receiver properties is acceptable.

With respect to the remaining issues listed above, the development was found to be inconsistent/non-compliant with the following:

- Part 3.2 – Child Care Centres:
  - Sub-clause 2.1.1 – Preferred Locations.
  - Sub-clause 4.3 – Visual Privacy for Children in the Centre.
- Part 3.3 – Dwelling Houses and Dual Occupancy:
  - Sub-clause 2.9.3 – Rear Setbacks.

The above are summarised as follows:

*Sub-clause 2.1.1 – Preferred Locations*

This issue has been discussed under Section 5.6 of this report where it was considered that the development did not comply with sub-clause 2.1.1 because it is on a site which is located adjacent to an arterial road.

The sub-clause has relevance in the objective (specifically Objective 5) of the Clause which aims to “*encourage child care centre development in areas which are not adversely affected by noise, vibration, traffic safety issues or pollution associated with heavy traffic*”.

As discussed throughout this report, the fundamental reason the application is recommended to be refused is in response to the inability of the applicant through two separately prepared and submitted Air Quality Impact Assessment reports to satisfy Council that, by virtue of its location in proximity to Victoria Road, children attending the centre would not be exposed to a health risk caused by vehicle-generated airborne pollution.

This issue forms a reason to refuse the application.

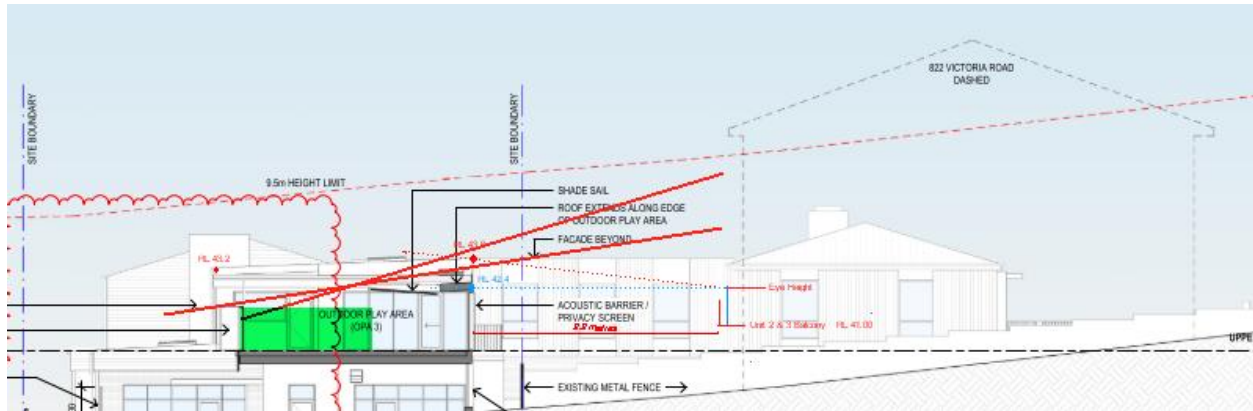
*Sub-clause 4.3 – Visual Privacy for Children in the Centre*

Concern is raised regarding the possibility of overlooking into outdoor play areas from the existing residential flat building at 822 Victoria Road.

The centre includes an outdoor play area at the upper ground floor level (OPA 3) which is located approximately 10m from the south-west facing balconies of 822 Victoria Road. The play area is partly roofed within the north-eastern half and north-western side, the remaining area is unroofed.

**Figure 21** below shows the exposed/open part of OPA3 (in green) and the view angles (red lines) from the balconies and associated rooms at 822 Victoria Road. As can be seen, the view angles are shallow and do not overlook activity within the outdoor play area.





**Figure 21 – View angles from 822 Victoria Road to OPA 3.**

Although overlooking from 820 Victoria Road has not been raised in submissions it is noted that the north-west facing elevation of that property includes bedroom and bathroom windows only (unlike 822 Victoria Road which includes living room and utility room windows). These windows are diagonally opposite OPA 3 and do overlook the play area.

Notwithstanding, In the judgement for the NSW Land and Environment Court case *Meriton v Sydney City Council [2004] NSWLEC 31*, Senior Commissioner Roseth established (at paragraph 46) that “*the use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time*”.

The implication of the above statement is that the bedroom windows do not form a reasonable concern with which to refuse the application.

This issue does not form a reason to refuse the application.

#### Sub-clause 2.9.3 – Rear Setbacks

The development includes a rear setback (being along the southern boundary abutting detached residential dwellings along Yerong Street) of between 1.5m to 6.5m at the ground floor level and a rear setback of between 6.7m and 9.7m is proposed at the upper floor level.

Although the rear upper floor level is setback further than the ground floor level this is contrary to that anticipated in the R2 Low density Residential zone.

The assessment considered that the greater level of non-compliance was at the ground floor level which would not have a significant impact upon neighbouring property while the upper floor level was setback and articulated to a greater degree.

Furthermore, with respect to impact, the rear setback non-compliances were considered to not result in any unreasonable degree of impact from overshadowing (see **Figures 24 to 26** below) or visual privacy (which could be enhanced through additional treatments to windows such as screening or the installation of obscure film/glazing and which could be addressed by condition should this application be approved).

This issue does not form a reason to refuse the application.

- **Visual Privacy**

Comment

Submissions from surrounding residents raise concern that the centre will overlook adjacent private open space areas and habitable rooms.

The rear (southern) elevation includes numerous windows which service administration, and classroom areas. No detail is provided as to any privacy treatments to these windows.

Given the purpose of the centre, these rooms would be high frequency usage and overlooking into the rear private open space areas and adjacent north-facing habitable rooms of neighbouring detached dwellings would be possible, and particularly the perception of being overlooked from these windows would be likely.

These windows may be treated by condition should this application be approved to mitigate overlooking through the installation of obscure glazing/film.

This issue does not form a reason to refuse the application.

- **Traffic:**
  - **Safety on Victoria Road.**
  - **Congestion on Local Roads.**

Comment

Submissions raises concern regarding the safety of Victoria Road and the users of the proposed centre. Crash history is cited in the submissions which identify incidences directly in front of the subject site.

Furthermore, submissions raise concern that the development would result in congestion on the local road network.

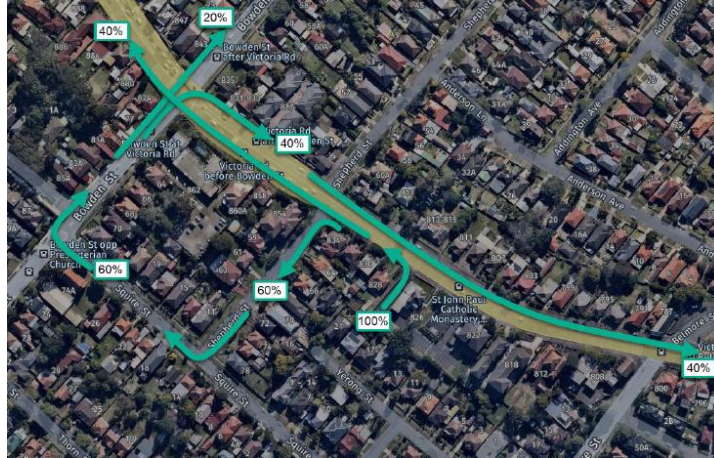
Safety on Victoria Road.

In response to this issue, the application is accompanied by crash history data from TfNSW which indicates the following:

Year	Degree of Crash	Time	Lighting	Weather	Object Hit	Injured
2018	Non-Casualty	00.01-01.59	Darkness	Raining	Bus Shelter	0







**Figure 23 – Outbound trip routes.**

The Report points out that “*the intersections of Belmore Street / Victoria Road, Bowden Street / Squire Street and Bowden Street / Victoria Road all retain the same overall level of service under future conditions with minimal delays and additional capacity, indicating that there will be negligible impact on the existing road network as a result of the proposed development*”.

Further to the above, an associated application has been lodged with Council (MOD2024/0066) which seeks to amend the hours of operation for the chapel at the neighbouring Maronite Church so as to minimise conflict with the operating hours of the proposed child care centre and therefore relieve on-site parking demand between uses.

In order to ensure consistency and an orderly sequencing of a determination should this application be approved, the application (MOD2024/0066) is held pending the determination of this application.

The issue of congestion on local roads does not form a reason to refuse the application.

- ***Inadequate provision of landscaped area***

Comment

The development includes provision of 938m<sup>2</sup> deep soil landscaped area. This is an increase of 38m<sup>2</sup> from the existing provision of deep soil landscaped area (900m<sup>2</sup>).

Additionally, the development proposes the planting of 68 trees and 545 shrubs around the site which is a significant increase to the existing six (6) trees on the site.

This issue does not form a reason to refuse the application.

- ***View loss***

Comment

This issue is discussed in detail in **Attachment 4** to this report.



In summary, the impact of the development upon available views from the submitter's property is considered to be encroaching and that this could be remedied through a slight reduction (approximately 1.2m) in the height of the south-eastern wing of the centre, partially gained through the removal of the north-facing parapet of that wing.

This was raised separately with the applicant who examined the suggestion made by Council. However, the applicant advised that a reduction in height would not be achievable as this would reduce the floor-to-ceiling height within the wing.

It is noted that the floor-to-ceiling height of the ground floor section of the wing is 3.9m.

As discussed in the view sharing assessment in **Attachment 4**, it is maintained by Council that this matter could be improved and remedied through a more rigorous investigation of architectural options.

This issue forms a reason to refuse the application.

- **Sunlight access**

Comment

This issue has been raised by neighbouring residential properties to the north-east and to the south.

The application is accompanied by shadow diagrams which indicate that the degree of overshadowing to neighbouring property would comply with the requirements of Clause 2.14.1 ('Daylight and Sunlight Access') under Part 3.3 of the RDCP (which regulates sunlight access in the R2 Low Density Residential zone).

Clause 2.14.2 requires:

*For neighbouring properties ensure:*

- i. sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21; and*
- ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

**Figures 24 to 26** below show the extent of shadow cast over adjoining property between 9.00am and 3.00pm on 21 June.



**Figure 24** – Shadows at 9.00am    **Figure 25** – Shadows at noon.    **Figure 26** – Shadows at 3.00pm

The above figures show that shadows are cast over the rear yards of properties along Yerong Street at 9.00am (**Figure 26**) which are estimated at:

- 9 Yerong Street: 65%.
- 11 Yerong Street: 86.5%.
- 13 Yerong Street: 94.7%.
- 15 Yerong Street: 86.6%.
- 17 Yerong Street: No change.
- 19 Yerong Street: No change.

Given the orientation of the site, proposed height and setbacks of the development, shadows then move east as can be seen in **Figures 27 and 28** leaving the rear yards of the properties along Yerong Street free of shadow cast by the development.

From Noon to 3.00pm, the shadows cast to the east are towards 822 Victoria Road. However, given the requirements of the clause, the north-west elevation of 822 Victoria Road is free of shadow between 9.00am and Noon.

Therefore, the above indicates that the development achieves compliance with the requirements of Clause 2.14.2 of the RDCP.

This issue does not form a reason to refuse the application.

- ***Encroachment on the Heritage building (“Wallumetta”)***

Comment

The application has been amended from the subdivision of 3 lots into 2 lots which introduced a property boundary in close proximity to the heritage building.

The amended application (submitted between 28 February 2023 and 1 March 2023) removed this proposed subdivision and instead sought to consolidate the existing 3 lots into 1 lot.

The consolidated lot removes any new boundaries within the site and, subsequently, encroachments on the heritage building. This was an accepted outcome by Council’s Heritage Officer.



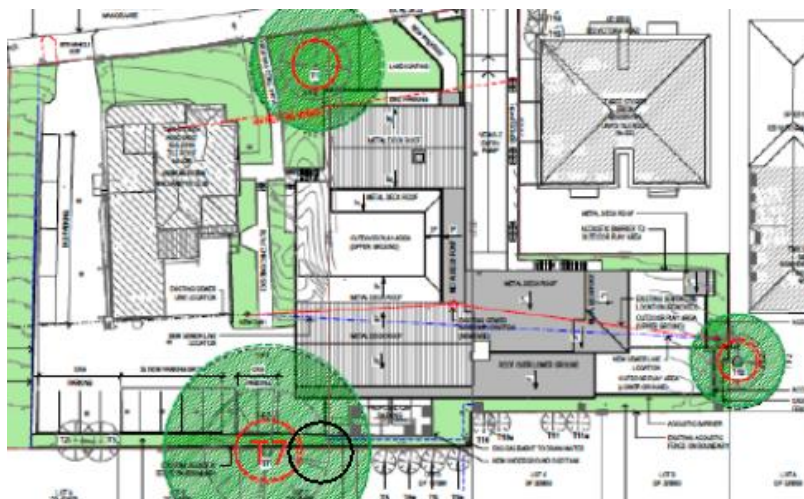
This issue does not form a reason to refuse the application.

- ***Incorrect survey location of Tree T7 on neighbouring property***

Comment

A submission identified that the location of Tree T7 was incorrectly located on the submitted Survey Diagram. Tree T7 (identified as a *Ficus macrocarpa var hillii* (Hills Weeping Fig)) is located at the rear of 15 Yerong Street and immediately adjacent to the rear boundary of the subject site.

The submission notes that the location of Tree T7 is approximately 3m to the west of the surveyed location as indicated in **Figure 27** below (Tree T7 is indicated in red at its surveyed location and in black at the location referred to in the submission).



**Figure 27** – Location(s) of Tree T7.

As can be seen in **Figure 29** above, the estimated location of Tree T7 would be opposite an existing at-grade car parking hardstand area and adjacent to a proposed at-grade car parking hardstand area. It is worth noting that the proposed at-grade car parking hardstand replaces the existing bitumen at-grade car parking area which requires that this specific area to be filled rather than excavated, thereby minimising risk to the root system of the tree.

Notwithstanding, Council requested that the tree be resurveyed to confirm its location. The updated Arboricultural Impact assessment (dated 26 March 2024) confirms that the “revised survey has the tree in a similar location and a further minimal setback from the boundary”. The updated report goes on to confirm that “the proposed building and basement are located outside the structural root zone and that the tree is able to be retained.

This issue does not warrant the refusal of the application.

- ***Property value***

#### Comment

Property value cannot be considered as a planning issue as is not a matter for consideration under the Environmental Planning and Assessment Act, 1979.

This issue cannot be used as a reason to refuse the application.

## **8 REFERRALS**

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

The application was referred to TfNSW due to the site being adjacent to, and access from Victoria Road.

Transport for NSW did not raise any objection to the application subject to conditions which will be imposed should this application be approved.

### **Ausgrid**

The application was referred to Ausgrid due to the site being in proximity to underground power cables.

Ausgrid did not raise any objection to the application subject to conditions which will be imposed should this application be approved.

### **City Works**

#### Traffic

Council's Traffic Department has reviewed the application and does not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

#### Public Domain

Council's Public Domain Department has reviewed the application and does not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

### **Development Engineering**

Council's Development Engineer does not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.



## Environmental Health

The application was referred to council's Environmental Health department which raised significant issues with the proposal, in particular to the matter raised throughout this report regarding air quality and the associated health risk to children attending the centre.

In their response, Council's Environmental Health department states:

### **"SUMMARY**

The proposed childcare centre is situated on Victoria Road, and surrounded by 2 residential flat buildings, standalone residential premises to the rear and an existing place of public worship.

In response to the most recent June 2024 review of the Air Quality Impact Assessment and Acoustic Assessment for the proposed development, the applicant has submitted further updated reports for review.

- A review of the Air Quality assessment has determined that the assessment has still failed to adequately demonstrate that pollutants of concern have been adequately assessed to ensure that the potential risk to a vulnerable population are negligible.
- Site specific measurements of pollutants associated with heavy vehicles were not measured, and data utilised from a AQMS cannot be considered an appropriate comparison. There is no objection to the modelling methodology utilised, however without an appropriate data set, there is too much uncertainty as to the validity of the predictions.

A review of the Acoustic report has now adequately demonstrated that compliance with noise criteria can be achieved with appropriate conditions.

Based on the issues identified within the air quality assessments, consideration needs to be given as to the suitability of the site for the proposed use in respect to the potential negative impact to children. Ensuring safe air quality for proposed child care centres is a key consideration.

## **DISCUSSION**

### **Review of Air Quality Assessment**

The Department of Planning, Industry and Environment *Childcare Planning Guideline dated September 2021* has an objective: *To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.*

The guideline recommends locating child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial developments.

Scientific Literature is clear in demonstrating both the negative impact on child lung development and cognitive development due to exposure to vehicle emissions and the impact of traffic pollution in general.

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

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

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

I have reviewed the updated *Air Quality Assessment of 826 Victoria Road, Ryde – Prepared by Northstar dated 22 July 2024* and have concerns with the contents of the report as listed below:

It is important to note that no further site-specific air quality data has been obtained. The reasoning provided being:

AQIA	Council response
Generating a suitable dataset to determine the air quality environment at the Proposal site would require at least three months of air quality monitoring;	Site specific data is critical to ensure that any potential risk can be accurately assessed considering the close proximity to a major road.  Collecting the missing site-specific data was the purpose of completing a further assessment. Filling the data gap will help to ensure that the precautionary principle is appropriately applied to address any potentially adverse health impacts due to excess exposure.
Air quality monitoring is significantly reliant on contemporaneous meteorological conditions (i.e. wind direction, wind speed, mixing height etc.) to obtain a dataset representative of ‘typical’ background concentrations at the Proposal site; and,	Noted, and more justification as to why site-specific data for the missing parameters should be obtained. The site sits on a slope, meaning the vehicle emissions are greater due to increased vehicle usage.
The use of dispersion modelling for such assessments is an established method.	Noted, and no objection to the use of dispersion modelling with the appropriate data set from site specific obtained data applied.

**AQMS data**

Page 26 of the report states:

*The closest representative AQMS (Air Quality Monitoring Station) with available data is noted to be located at Macquarie Park. As discussed in Section 4.3, the selected representative*



year for meteorological modelling is 2021 and correspondingly, PM and NO2 data from Macquarie Park AQMS have been adopted for use in this AQIA.

### Council Response

It should be noted that the location of AQMS at Macquarie Park is 400m from the M2 motorway, surrounded by bushland. It should also be noted that 2021 was during the COVID pandemic lockdowns in Sydney, with potentially significantly less traffic on the roads, which may have potentially improved air quality during this period.



The AQMS as pictured above is located within the Macquarie University Sporting Fields.

Using this AQMS data for dispersion modelling may be difficult to justify being used as a comparison to a site that is directly adjacent to a major road.

Consideration should be made when comparing the air quality of a site far from a main road and surrounding by bushland, against a site on a main road with significant heavy vehicle movements. The impact of road grade also needs to be accounted for, as road grade affects vehicle emissions.

The submitted letter from SPP Services dated 29 July 2024 states that:

*The methodology has been used and accepted extensively in relation to childcare centres located on busy roads and also has been accepted in a number of Class 1 appeals in the Land and Environment Court.*

I agree that there is no issue with the methodology, and it being used in LEC proceedings. In this respect, each case must be considered on its own facts. The use of AQMS data may not be an appropriate representation of the potential air quality at the site, considering the findings of case law referenced in the report, as follows:

### ***Creative Drafting Services v City of Parramatta Council [2019] NSWLEC 1413***

In respect to this referenced case law, it should be noted that this development was refused by the NSW LEC.

The findings state:

201. *I accept that, in the interim, child care centres exist and are approved on such roads. However, in this instance, there are just too many development constraints which restrict the ability to minimise exposure to high levels of traffic emissions, too little robust and independent review to support the assessment undertaken and therefore its findings, and too many unknowns, for me to agree that acceptable health outcomes will result. If the HRA assumed outcome did not eventuate, what is proposed would result in unacceptable levels of exposure from traffic emissions and agreed adverse health consequences for a number of young children.*
202. *It is on this basis that I have some sympathy for the Council's position that, in the absence of scientific certainty as to the exposure levels that will be received at the child care centre but the high likelihood that pollution levels at the site already exceed national safe standards, and where the adverse health outcomes with excess exposure are known, the precautionary principle should apply, and the application be refused.*

The case law also found that:

104. *Mr Eastman also questioned the acceptability of the evidence of Mr Todoroski. As an air quality expert in a recent child care centre case before the Court, *Chahda v Liverpool City Council [2018] NSWLEC 1371 (Chahda)*, Mr Todoroski had said in the Joint Report of the air quality experts, in giving evidence on behalf of Liverpool City Council (Exhibit 23, p7), that:*
- "i. Motorway projects can have both positive and negative impacts on air quality depending on, amongst other things, the locations of receptors, **but a childcare centre introduced near to a busy road is likely to lead to net negative health effects on the occupants.***

The case law is quite clear in adding weight to Council's concerns about the potential health impacts of this development, and it is noteworthy that this air quality assessment would quote case law that ultimately resulted in the development application being refused by the Court.

### ***PJM Group Pty Ltd v Ku-ring-gai Council [2022] NSWLEC 1170***

In respect to this case law it should be noted that this development was approved.

This case law had similar contentions in relation to the use of AQMS data and lack of site-specific data.

The key difference is the level of the detail provided surrounding internal air filtration to address the issue.

The case law resulted in the following requirements:



*A ventilation design has been incorporated in the design of the facility which adopts the following best-practice commitments to minimise air quality impacts upon the facility:*

- 1. Fresh air intakes servicing the building air conditioning systems being located as far from the Pacific Highway as practicable (south-western façade of the building).*
- 2. Allowance within the ventilation ductwork for (HEPA) filtration to remove fine particulate matter (PM2.5) prior to circulation through indoor areas.*
- 3. Double door/air-lock entrance configuration to minimise unfiltered air ingress to the building.*
- 4. As required, (i.e. for high pollution / bushfire days), the opportunity to operate the facility with sealed, filtered, air conditioned air within the building (pp 22-23).*

### **Comparison to Air Quality Impact Assessment for LDA2023/0323 (691 to 695 Victoria Road)**

Coincidentally, another development application proposed a childcare centre in similar circumstances only 1km from the subject site.

The development submitted an Air Quality Impact Assessment which included continuous monitoring of Nitrogen Dioxide, a parameter which was lacking in this submission.

The report determined that of the 7 monitoring days, 13 readings were found to exceed the NEPM criteria for Nitrogen Dioxide.

It is concerning that a AQIA for a site within 1km from this proposal is able to obtain site specific data, which was found to be adverse, and yet this proposal does not, and relies on AQMS data for use in modelling.

The report for LDA2023/0323 also provides site specific recommendations on page 18 to address air quality including:

*Due to the location of the proposed childcare centre and elevated noxious gas levels (particularly NO<sub>2</sub>), an air filtration system that is able to remove the following is recommended:*

- NO<sub>2</sub>; and*
- Fine particulates.*

*The implemented air filtration system will require an adequate number of air changes each hour to provide clean air for the enclosed places.*

*The need for fine particulate removal in conjunction with NO<sub>2</sub> filtration is due to a significant proportion of the NO<sub>2</sub> (especially from diesel powered vehicles) attaching to particulates, subsequently contributing to further NO<sub>2</sub> exposure.*

*Some air conditioning suppliers are able to provide a suitable mechanical ventilation system with the following air purification elements:*

- High-Efficiency Particulate Absorbing (HEPA) filter (for fine particulates); and*
- Activated charcoal filter media (for NO<sub>2</sub>).*

*It is noted that the activated charcoal filter must not be charcoal impregnated fabric, instead consist of granules of activated charcoal.*

*Another consideration to take note of is the required air flow rate that is required for the air filtration system. This is expressed through the air ventilation flow rate. The lessons learnt on air purifiers for similar situations recommends five (5) air changes per hour.*

In respect to consistency between Air Quality Impact Assessment for similar developments, there is an expectation that an air quality assessment is robust and done to an appropriate standard. This is required in order to satisfy Councils concerns in relation to ensuring that the potential for adverse air quality is addressed to a negligible level.

The AQIA for DA2023/0323 is recommending a specific air filtration system involving both HEPA and Activated Charcoal with a large enough air ventilation flow rate to ensure that the air within the space is replaced at least 5 times per hour.

This is in contrast to this application which states:

*It is recommended that air filters are fitted to the AVAC system to minimise air pollutant intake on days when the AQC (see Table 18) is 'very poor' or 'extremely poor'. Typically these will be days impacted by regional hazard reduction burns and would be general advice for any development impacted and not specific to the childcare centre location.*

In relation to the AQIS report, Table 1 on page 8 lists a response to the Council concerns, a further column has been included below with an updated Council response.

<b>Council Comments</b>	<b>This AQIA</b>	<b>Section</b>	<b>Council Response</b>
A review of the air quality assessment has determined that it has failed to adequately demonstrate that:			
Sampling locations were specific enough to ensure vehicle emissions from Victoria Road were accurately accounted for.	Existing vehicle emissions on Victoria Road and proposed vehicle emissions associated with the Proposal have been considered in this AQIA.	Section 2.3 and Section 5.2	There was no clarification on sampling locations provided in the initial report in terms of demonstrating appropriateness, however it is noted that a new consultant has been engaged.
Appropriate standards were considered, as the Australian Building Code Board was referenced rather than to NEPM.	This AQIA has adopted the standards presented in the Approved Methods (NSW EPA, 2022) which are derived from the NEPM.	Section 3.2	Noted.
Critical parameters including PM2.5 and Nitrogen Dioxide were measured and considered	PM2.5 and nitrogen dioxide (NO2) have been considered in this AQIA.	Section 2.3 and Section 6	These critical parameters were not measured and are the main pollutants from traffic.



The measurement time including the average measuring period for CO - Carbon Monoxide was considered. The report should address the time of day, as air quality is generally worse during peak hour traffic periods in the morning and afternoon.	1-hour average impacts have considered peak hour traffic flows as outlined within the Traffic Impact Assessment prepared for the Proposal (McLaren Traffic, 2022).	Section 5.2	Noted.
Results could be verified, as there was a lack of measurement raw data attachments for numerous parameters for validation.	Methodology regarding emissions estimation and modelling approach outlined in AQIA.	Section 5	The requested raw data was not provided from initial report, however it is noted that a new consultant has been engaged.
Atmospheric conditions of the date of the assessment were considered.	Meteorological conditions at the Proposal site have been modelled and considered for the modelling assessment, accounting for a series of 8 760 assessment hours.	Section 4.3 and Appendix B	Noted.

## Acoustics

**I have reviewed the acoustic report - 826 Victoria Road, Ryde – DA Acoustic Assessment prepared by Acoustic Logic Document Reference 20220639.1/1607A/R5/PF dated 16 July 2024 and accompanying letter dated 26 July 2024.**

This document was updated in response to the Council review of the report dated 5 June 2024.

The updated acoustic report has specifically addressed concerns about:

- Specific data for the internal sleep area,
- The potential for increased noise levels from road vibration from heavy vehicles,
- The appropriateness of the initial logging locations,
- Assessment of the rear car park, and
- Assessment of the potential impact of noise from the development on the residential building located at 820 Victoria Road.

The updated acoustic report has addressed Council concerns in relation to the potential impact of noise from the development, and appropriate conditions of consents would apply.

## CONCLUSION

The proposal does not satisfy the requirements of Council’s Environment Health controls and cannot be supported due to the unacceptable risk to children due to the potential for unmitigated pollution from poor air quality from vehicles on Victoria Road.

## **REASONS NOT SUPPORTED**

The Air Quality Impact Assessment was not adequate in demonstrating that the site will be suitable for the proposed use.

Specifically, the AQIA did not complete site specific measurements of key pollutants associated with vehicle emissions that have the potential to negatively impact on a vulnerable population.”

The issues raised by Council’s Environmental health department above with respect to air quality form the principal reasons to refuse the application.

### **Heritage**

The application was referred to Council’s Heritage Officer who did not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

### **Landscape Architect**

The application was referred to Council’s Landscape Architect did not raise any objection to the proposal subject to conditions which will be imposed should this application be approved.

## **9 CONCLUSION**

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

- a) The development does not satisfactorily demonstrate that the site is suitable for a child care centre given its proximity to a classified road, and the adverse health impacts upon attending children as a result of vehicle generated airborne pollution.
- b) Submissions received in response to the public exhibition of the application include reasons which warrant the refusal the application.
- c) The development is not in the public interest.

## **10 RECOMMENDATION**

- 1) That the Ryde Local Planning Panel refuse to grant consent to development application LDA2022/0365 for lot consolidation of three lots into one lot, partial demolition works, construction of a purpose built two-storey (81 place) ‘Child Care Facility’ with car parking, and landscape works at 826 Victoria Road, Ryde, subject to the reasons for refusal included in **Attachment 1** of this report.



2) That those persons who provided a submission be notified of the decision.

**Report prepared by:**

**Tony Collier  
Senior Town Planner**

Report approved by:

**Sohail Faridy  
Senior Coordinator Development Assessment**

**Carine Elias  
Manager Development Assessment**