

818 Pacific Highway, Gordon NSW 2072
Locked Bag 1006 Gordon NSW 2072
T 02 9424 0000 F 02 9424 0001
DX 8703 Gordon TTY 133 677
E krg@krg.nsw.gov.au
W www.krg.nsw.gov.au
ABN 86 408 856 411



Contact:
Belinda Newell

Ref:
SSD-8114-Mod-6

17 December 2024

Department of Planning, Housing & Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: NSW Major Projects portal

Attention: Ingrid Zhu

Dear Ingrid,

RE: OBJECTION TO SSD-8114-Mod-6, Lindfield Learning Village – Out of School Hours Care facility, 100 Eton Road, Lindfield

Thank you for the opportunity to comment on the '*Advice on Modification Report*' for State Significant Development (SSD) application - SSD-8114-Mod-6 for the proposed relocation of the out of school hours (OSHC) Care facility, relabeling café to staff kitchen space and fencing upgrades (**proposal**) at 100 Eton Road, Lindfield.

This submission should be considered as an objection to the proposal. The submission (**Attachment 1**) gives a detailed explanation of the reasons for Council's objection to the proposal.

Council's key issues with the proposal relate to clarification of the proposal and insufficient information.

Council would be prepared to provide recommended conditions of consent following the satisfactory resolution of the above key issues.

Should you have any further enquiries, please contact Belinda Newell, Executive Assessment Officer on 02 9424 0987.

Yours sincerely,

Shaun Garland
Manager Development Assessment Services

ATTACHMENT 1

Ku-ring-gai Council's objection to SSD-8114-Mod-6, Lindfield Learning Village – Out of School Hours Care facility, 100 Eton Road, Lindfield

1. Confirmation that the proposed OSHC is defined as a School Based Childcare

Confirmation should be sought to ensure that the proposed OSHC is used to provide out-of-school-hours care (including vacation care) for school children only, consistent with the definition of School Based Childcare, as defined under the standard instrument. If the proposal does not meet the requirements of the definition School Based Childcare the proposal would need to comply with the relevant requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport & Infrastructure).

2. Bushfire

Concurrence from the NSW RFS should be sought. The applicant should address Specification 43 in the National Construction Code of Australia 2022.

3. Clarity of application / information

The works subject of the modification are unclear and do not provide clear particulars of the nature of the modification, inconsistent with 99(2)(a) of the EP and A Regulations. For example:

- The plans detail 'new works' that appear to fall outside of the scope of the modification application and are not clouded as 'new works'. As such, it is unclear whether these works are proposed, such as:
 - The existing café is proposed to be relabeled as a staff kitchen however the plans do not appear to reflect this change and reference '*new extension to cafeteria / dining*'.
 - The Applicant refers to fencing upgrades. The area clouded on the plan relates to security upgrades, however the plans also reference proposed new 2.1m and 1.3m high black tubular fencing, which is not clouded. Dimensioned elevations have also not been provided.
 - It is recommended that previous approvals (including approved modifications) are clearly distinguished from the proposed works subject of the modification application.
 - The performing arts area is clouded, however there are no details of the proposed works in relation to this part of the site.
- A portion of the OSHC playground use is located on land zoned C3 Environmental Management. School based childcare is prohibited development within this zone. The Applicant has stated in the modification report:

Some of the outdoor play associated with the OSHC is within the C3 Environmental Management zone where educational establishments are prohibited. This modification application proposes no works / changes in the C3 zone. The modification proposes to use the approved and constructed school landscaping for OSHC outdoor play.

Pursuant to section 4.38(3) of the EP&A Act 1979, development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

It is recommended that advice is sought in relation to this matter.

- The submitted plans do not appear to be consistent with the scale bar. The correct scale should be provided to confirm that the proposal is compliant with the requirements of Clauses 107 and 108 of the Education and Care Services National Regulations including floor space ratio and indoor and outdoor play space.
- The modification application report has not considered the requirements of the Education and Care Services National regulations.
- All proposed works/uses should be clearly annotated and clouded.
- The site is a listed heritage item. If physical works are proposed, a heritage impact statement should be provided.
- An access report has not been provided and is necessary to undertake an assessment to ensure accessibility.

4. Playground area

It is noted that the OSHC operational plan states that the proposed playground is completely gated and separated from the kiss-and-drop cul-de-sac. It appears that approved plan LA-2-1000, Revision H security fence master plan, approved under Mod SSD 8114-MOD-2, identifies security fencing. As stated above, the proposed works in relation to fencing are unclear. The plans should identify and annotate existing and proposed fence / gate structures to ensure that the play areas and pedestrian pathways are separated from all areas where vehicles can access.