

**Meeting Date:** Tuesday 3 February 2015  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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**1 CONFIRMATION OF MINUTES - Meeting held on 2 December 2014**

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**Report prepared by:** Governance, Risk and Audit Coordinator  
**File No.:** CLM/15/1/3/2 - BP15/27

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**REPORT SUMMARY**

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

**RECOMMENDATION:**

That the Minutes of the Planning and Environment Committee 13/14, held on 2 December 2014, be confirmed.

**ATTACHMENTS**

- 1 Minutes - Planning and Environment Committee - 2 December 2014

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 13/14**

**Meeting Date:** Tuesday 2 December 2014

**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

**Time:** 5.00pm

**Councillors Present:** Councillors Chung (Chairperson), Simon and Yedelian OAM.

**Apologies:** Nil.

**Leave of Absence:** Councillor Laxale.

**Absent:** Councillor Salvestro-Martin

**Staff Present:** Acting Group Manager – Environment and Planning, Manager – Assessment, Team Leader – Assessment, Planning Consultant (Creative Planning Solutions), Senior Development Engineer, Acting Manager – Open Space, Business Support Coordinator – Environment and Planning and Section Manager – Governance.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 18 November 2014**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Simon)

That the Minutes of the Planning and Environment Committee 12/14, held on Tuesday 18 November 2014, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 38 FREDERICK STREET, RYDE - LOT 10 IN DP 30457. Development Application for alterations and additions to a dwelling house to create a dual occupancy (attached) development. LDA2014/0194.**

Note: Peter Hall (on behalf of the applicant) was available to answer questions in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Yedelian OAM and Simon)

- (a) That LDA 2014/0194 at 38 Frederick Street, Ryde being LOT 10 DP 30457 be approved subject to the ATTACHED (**Attachment 1**) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **9 DECEMBER 2014** as former Councillor **PETCH** requested that the matter be referred to full Council.

**3 71-75 MAGDALA ROAD, NORTH RYDE - LOTS 324-326, DP 183739. Magdala Park. Section 96 Modification to amend condition of consent to allow use of Field No. 1 up to ten (10) nights per year. MOD2014/0006 (LDA2005/0116).**

**RESOLUTION:** (Moved by Councillors Simon and Yedelian OAM)

- (a) That MOD2014/0006 (LDA2005/0116) at 71-75 Magdala Road, North Ryde being LOT 324-326 DP 183739 be approved in the following manner:
  - **Condition 3** is deleted and replaced as follows:
    - The use of lights to illuminate the fields shall be restricted to no later than:
      - (a) 9:30pm on Monday to Thursday for training on fields 1 & 2.
      - (b) 6.00pm Saturday and Sunday for late finishing games only if light deteriorates to such an extent as to make playing unsafe, and 9,30pm on no more than ten (10) separate occasions on either a Tuesday, Wednesday, Thursday or Saturday throughout the winter season (April to September) for soccer competition games.
  - The following additional conditions are added to the consent:



**ITEM 1 (continued)**

**ATTACHMENT 1**

- **Condition 9. Noise Management Policy** – A noise management policy is to be prepared for all sporting organisations utilising the illuminated sports field at Magdala Park to adopt. The objective of this noise management policy is to minimise sounds emitted from the illuminated sports field at Magdala Park and minimise any adverse impacts on surrounding residents.
  - Establishment of a roped off spectator exclusion zone along the northern boundary of Field No. 1, the northern portion of the western boundary of Field No. 1 north of the existing spectator seating area, and also the corresponding northern portion of the eastern boundary. This spectator exclusion zone is to operate during evening soccer games/matches in the winter season.
  - Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes;
  - Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and
  - Methods to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.
- **Condition 10. Light Shields** – Light shielding is to be installed to light poles on Field No. 1 to reduce the impact of stray light on the surrounding areas.
- **Condition 11. Vegetation Planting** – Eucalyptus robusta (Swamp Mahogany) are to be planted as a narrow extension to the south of the 0.2ha planting adjacent to Field No. 2. Plans detailing the proposed planting are to be submitted to Council for approval prior to the commencement of any additional usage of Field No.1 as sought by MOD2014/0006.
- **Condition 12. Vegetation Planting Considerations** – the vegetation planting referred to in the condition titled ‘Vegetation Planting’ is to consider the long term maintenance of Magdala Park for facility/field use and the regulations of revegetation within the vicinity of power lines. This should be demonstrated in the vegetation plans submitted to Council for approval prior to the commencement of any additional usage of Field No.1 as sought by MOD2014/0006.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- **Condition 13. Vegetation Maintenance Report** – A Landscape Maintenance Report is to be submitted to City of Ryde twelve months (12) from the date of the vegetation planting referred to in the condition titled 'Vegetation Planting' is certifying that the landscape works are still in accordance with the Section 96 consent and the plant material is alive and thriving.

This report is to be prepared by a suitably qualified landscape professional.

- **ALL** other conditions remain unaltered and must be complied with.

(b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

The meeting closed at 5.04pm.

CONFIRMED THIS 3RD DAY OF FEBRUARY 2015.

Chairperson

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**2      21 WINBOURNE ST, WEST RYDE. Lot 4 DP 39266. Local Development Application for alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. LDA2013/0420.**

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**Report prepared by:** Assessment Officer - Town Planner; Team Leader - Assessment

**Report approved by:** Manager Assessment; Group Manager Environment and Planning

**Report dated:** 15/01/2015

**Previous Items:** 3 - 21 WINBOURNE ST, WEST RYDE. Lot 4 DP 39266. Local Development Application for Alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. LDA2013/0420. - Planning and Environment Committee - 07 Oct 2014 5.00pm

**File Number:** GRP/09/5/6/2 - BP15/24

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**1. Report Summary**

**Applicant: G Moskovian.**

**Owner: G Moskovian.**

**Date lodged: 31 October 2013 (additional information received 23 June 2014)**

This report has been prepared to enable Council's further consideration of a development application (DA) for the alterations and additions and change of use of an existing dwelling house to a childcare centre for 39 children.

Council at its Planning & Environment Committee Meeting of 7 October 2014 resolved to defer consideration of this DA to allow further consultation with the applicant and a further report to be prepared for referral to the Planning & Environment Committee.

A meeting between Council's Acting Group Manager Environment & Planning and the applicant for this DA was arranged for 13 November 2014, in accordance with Council's resolution. The applicant and their Planner attended and each item for refusal was discussed. Following this meeting, the applicant submitted a letter commenting on each item for refusal (**ATTACHED – Attachment 3**). No amended plans or additional specialist reports have been submitted.

The proposed development is considered to remain unacceptable and therefore, the subject DA is recommended for refusal.

## **ITEM 2 (continued)**

**Reason for Referral to Planning and Environment Committee:** Previously considered by the Committee.

**Public Submissions:** A total of 18 submissions of objection and 3 petitions were received during the processing of the DA objecting to the development including:

- (a) 13 submissions and 2 petitions (notified from 12 November to 27 November 2013);
- (b) A further 5 submissions and 1 petition when a Traffic Report was received and provided to objectors and neighbouring properties during a re-notification period (from 13 May to 28 May 2014);

In addition, a further 10 submissions were received in favour of the development, submitted by the applicant after the second re-notification period.

**Clause 4.6 Ryde LEP 2010 objection required?** None required.

**Value of works?** \$308,000

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

## **RECOMMENDATION:**

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being Lot 4 DP 39266 be refused for the following reasons;
  - (i) The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.
  - (ii) A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.
  - (iii) The amenity of surrounding residential properties will be detrimentally impeded as exiting and entering their driveways will be added with further difficulty.
  - (iv) The proposal is unacceptable when assessed in terms of Ryde DCP 2010 (Part 3.2 - Child Care Centres):
    - Clause 6.2.1 Size/functionality of play spaces (unencumbered outdoor play space).

**ITEM 2 (continued)**

- (v) The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.
- (vi) In the circumstances of the case, approval of the development is not in the public interest.
- (b) That the applicant be invited to work with Council staff to identify more suitable locations for the provision of Child Care services in the Ryde LDA.
- (c) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Previous report.
- 2 Notes from meeting held with applicant in accordance with Council resolution.
- 3 Letter from applicant.
- 4 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

**Lauren Franks**  
**Assessment Officer - Town Planner**

**Chris Young**  
**Team Leader - Assessment**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

**Dominic Johnson**  
**Group Manager Environment and Planning**

**ITEM 2 (continued)****2. Background**

The previous report to the Planning & Environment Committee held on 7 October 2014 contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time **ATTACHED (Attachment 1)**.

At this meeting, the Planning & Environment Committee recommended that the DA be deferred to allow for a meeting to be held with the applicant which was resolved as follows:

- (a) *The Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being Lot 4 DP 39266 be deferred for a meeting to be held with the Group Manager – Environment and Planning and the applicant to discuss amendments to address the issues raised in the assessment report.*
- (b) *That amended plans be submitted to Council and renotified to all adjoining owners and those people who made submissions.*
- (c) *That a further report be submitted to the Planning and Environment Committee.*

**3. Actions Following Council's Resolution**Meeting Arrangements

In accordance with Council's resolution, a meeting was conducted with the applicant and Council's Acting Group Manager Environment & Planning at the Ryde Planning & Business Centre on 13 November 2014. The applicant was in attendance and was accompanied by their Planner.

On 22 November 2014, the applicant was emailed and posted a copy of the meeting notes (**ATTACHED - Attachment 2**). The applicant submitted a letter (**ATTACHED - Attachment 3**) in response to each ground for refusal.

Commentary on Applicant's Response Letter

The applicant's response did not include any amendments to the proposal, or any additional specialist advice or reports in support of their proposal. In reply to the applicant's letter, the following comments are made:

- *Reason No. 1, 2 and 3 for Refusal – Traffic and Parking:*
  - 1. *The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.*

**ITEM 2 (continued)**

2. *A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.*
3. *The amenity of surrounding residential properties will be detrimentally impacted – in particular the ability to enter and exit their driveways will be further impeded.*

**Assessment Officer's Comment**

Council's Senior Development Engineer has inspected the property on multiple occasions during morning and afternoon peak periods and has provided the following commentary in response to traffic generation and parking:

*"The property is located in an area subject to a high volume of traffic resulting in a great level of traffic congestion during school pickup and dropoff periods that severely and adversely effects traffic flow. Given the proposal presents an increased traffic generation from the site from 1 vehicle trip per hour to a rate which presents an average of 1 vehicle movement to/ from the site every 4 minutes, the increased traffic movements will only exacerbate this situation.*

*The applicant's insistence on the removal of public onstreet parking, so as to mitigate the traffic impacts are also an indication that the location of the property is unsuitable with respect to the traffic for the proposed use.*

*With the presence of two public schools opposite the site, there is a high volume of young pedestrian traffic at these times. As noted, the traffic conditions are less than ideal such that parents utilising the proposed facility will be focused on traffic conditions in lieu of the footpath area. Given the proposed increase in traffic movements from the site by a multiple of 15, it is clear that the proposal will substantially increase the potential for a pedestrian incident at this location."*

- **Reason No. 4, 5 and 6 for Refusal:**

4. *The proposal fails to comply with mandatory requirements of the following Regulations and is unacceptable when assessed in terms of the Ryde DCP 2010:*
  - *Education and Care Services National Regulation 2012: Clause 108(2) Space requirements – outdoor space.*
  - *Children (Education and Care Services) Supplementary Provisions Regulation 2012: Clause 28(4) Space requirements – centre based education and care services.*

**ITEM 2 (continued)**

- *Ryde DCP 2010 (Part 3.2 – Child Care Centres: Clause 6.2.1 Size / functionality of play spaces (unencumbered outdoor play space).*
- 5. *The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.*
- 6. *The allocation of on-site parking results in the provision of spaces for the drop off / pick up of children failing to achieve compliance.*
  - *Clause 5.1(b) Car parking*  
*The layout of parking will result in a high demand for on-street parking by parents / carers along Winbourne Street.*

**Assessment Officer's Comment**

In regard to the fourth reason for refusal, the applicant requests that Council impose a condition of consent to remove landscaping in the outdoor play area to ensure compliance with the Regulations. Imposition of a condition requiring all landscaping to be removed in the outdoor play space would not be acceptable as this play space is intended to offer children the opportunity to immerse themselves within a natural setting and should be distinct in its difference from indoor play spaces. It is noted that Clause 6.2.2(b) and (c) of Part 3.2 of Ryde DCP 2014 states that:

*“(b) Outdoor play spaces are to be designed to:*

- i. Be well-drained to permit clearing of water quickly from rain; and*
- ii. Incorporate existing natural feature and vegetation.*

*(c) Designs are to aim for 30% natural planting.”*

It is stipulated that *“planting should be the dominant element in a play space providing shade, wind protection and sensory richness”* to stimulate children's interest in investigating the natural world. It is seen that the applicant's request is a 'quick fix' to address non-compliance with a mandatory requirement enforced by two (2) Regulations and Council's own Ryde Development Control Plan 2014 without due consideration for children attending a childcare centre.

The applicant states that:

*“Council staff are not pressing their claim re. deficiencies with the internal room area”.*



**ITEM 2 (continued)**

It is understood that this statement relates to the application's non-compliance with cot room size and indoor play spaces. Whilst these non-compliance's are not ideal, they are minor in comparison to the key issues itemised as reasons for refusal.

Hence, non-compliances associated with internal areas of the childcare centre are not listed as a reason for refusal.

In regards to the fifth reason, the applicant states that the provision of parking in the front setback is

*“highly logical from a planning and economic point of view ... a review of many recently approved childcare centres within the Ryde LGA will reveal car parking provision is common in the front setback including the centre up the road”.*

The proposal incorporates eight (8) parking spaces within the front setback area and a pedestrian pathway. The only vegetation proposed is a 0.7m wide landscaping strip across the front boundary which will not suffice in ensuring the proposed use is consistent in its balance between the built and natural environment within the West Ryde Character Area. The applicant refers to *Colour My World Childcare Centre* located at No. 47 Winbourne Street and its provision of parking. It is noted that this childcare centre was required to provide a minimum 2m wide landscaping strip along the front boundary as part of a deferred commencement condition in order to comply with Clause 6.1(e) of Part 3.2 of Ryde DCP 2014, and the number of parking spaces required was less than that of this proposal.

In regards to the sixth reason for refusal, it is agreed that the minor non-compliance of parking space dimensions can be amended to ensure compliance. Subsequently, this issue could be addressed via a condition of consent and has been removed from forming a reason for refusal.

- *Reason No. 7 for Refusal:*

7. *In the circumstances of the case, approval of the development is not in the public interest.*

Assessment Officer's Comment

As there have been no amended plans or additional specialist reports submitted there was no need for further consultation with the community.

- *Conclusion:*

The applicant's concluding paragraph claims that:

**ITEM 2 (continued)**

*“Should the building be demolished and a purpose built centre be proposed as suggested by Council staff, a larger two storey building may eventuate with probably closer to 60 children.”*

**Assessment Officer’s Comment**

Council staff maintain that the site is inappropriate for the location of the childcare centre. At no point throughout the assessment process have Council staff suggested that redevelopment for a new childcare centre would be supported. Should Council receive a DA for a purpose built childcare centre, this would be assessed on its merits. However, given the site's location is not suitable for a childcare centre, it is highly unlikely that a larger centre would be supported.

The DA is therefore referred back to the Planning & Environment Committee for its further consideration.

**4. Other Options**

The recommendation in the previous report in this matter was refusal.

The only practical alternative to this recommendation of refusal would be approval. However, this is not recommended as the proposal is considered unacceptable as discussed in the previous report, and the applicant has not amended the proposal or provided additional specialist reports in support of their proposal.

**5. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 as outlined in the previous report to the Planning & Environment Committee.

Following Council's resolution of 7 October 2014, a meeting was held on 13 November 2014 between Council staff and the applicant and their Planner. Following this meeting, the applicant submitted a letter in support of their proposal and a copy of the meeting notes was provided to the applicant.

Accordingly, this DA is presented back to the Planning & Environment Committee for consideration and determination. Refusal is recommended as the proposal remains unacceptable. The applicant has failed to provide amended plans or specialist reports which satisfactorily resolve all the concerns itemised as recommended reasons for refusal. Although it is conceded that the sixth reason for refusal can be addressed via a condition of consent and as such, has been removed as grounds for refusal. The remaining six (6) reasons for refusal remain.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**

- 3 21 WINBOURNE STREET, WEST RYDE. LOT 4 DP 39266. Local Development Application for Alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. LDA2013/0420.**

***INTERVIEW: 5.05pm***

**Report prepared by:** Assessment Officer - Town Planner; Team Leader - Assessment

**Report approved by:** Manager Assessment; Acting Group Manager - Environment and Planning

**Report dated:** 8/09/2014

**File Number:** grp/09/5/6/2 - BP14/1123

**1. Report Summary**

**Applicant: G Moskovian.**

**Owner: G Moskovian.**

**Date lodged: 31 October 2013 (additional information received 23 June 2014)**

This report considers a development application (DA) for the alterations and additions and change of use of an existing dwelling house to a childcare centre for 39 children.

The DA has been notified to neighbours in accordance with Ryde DCP 2010 on two occasions during the DA process and a total of 18 submissions of objection and three petitions were received objecting to the proposal – 13 submissions and two petitions to the original notification; and a further five submissions and one petition once a Traffic Report was received. The submissions raised the following key issues:

- Traffic generation
- Pedestrian safety compromised
- Impacts on residential amenity

In addition to the objections received, in July 2014 following the completion of the second period of re-notification, the applicant provided a further 10 submissions in support of the proposal. Most of these submissions in support came from residents living in streets adjoining/nearby the subject site, and requesting Council to approve the proposal on the basis that there is a high demand and long waiting lists for other existing child care centres in the locality.

The proposal has been assessed against the controls relating to child care centres in Part 3.2 of Ryde DCP 2010 with the following areas of non-compliance:

- Declaration from architect

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**ITEM 2 (continued)**

**ATTACHMENT 1**

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**PREVIOUS REPORT**

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- Acoustic privacy to residents
- Car parking
- On site manoeuvrability
- Front boundary landscaping
- Size and functionality of play spaces
- Cot room size
- Outdoor storage space
- Pram storage

The areas of non-compliance regarding landscaping, cot room size, pram storage and outdoor storage may be minor when considered individually – however, collectively they indicate that the proposal is an over-development of the site, and that the design of the existing dwelling does not lend itself to a change of use into a child care centre as proposed in this application. These issues of concern could be able to be resolved with a “purpose-built” design rather than a change of use of the existing dwelling.

Furthermore, the areas of non-compliance regarding outdoor play space, and also traffic safety of children, traffic generation and congestion, having serious ramifications to the amenity of surrounding residents and parents / carers dropping off and picking up of children from Marsden High School and Ermington Public School.

Although it is well-known that there is a very high demand for child-care facilities in this location and in the City of Ryde generally, the immediate locality contains several developments that generate significant volumes of traffic in the morning and afternoon peak periods – namely Marsden High School and Ermington Public School, as well as two other existing child care centres in Winbourne Street (at No 12 and 47 Winbourne Street). As a result, this particular location experiences significant traffic-related issues of concern (eg parked cars, narrowing of vehicle carriageway, queued traffic and intersection delays, delays to public buses when they are caught in traffic). The body of the report contains photographs of these existing traffic conditions in the morning peak period. The proposed development would result in additional traffic in the morning and afternoon peak periods in a location that already experiences significant traffic issues of concern at these times, and therefore it is considered that this is an inappropriate location for the proposed development.

For this reason, the proposed development is considered to be unacceptable and therefore, the subject DA is recommended for refusal.

**Reason for Referral to Planning and Environment Committee:** Number of submissions received objecting to the development; being 18 submissions of objection and 3 petitions, and 10 submissions in support.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**

**Public Submissions:** A total of 18 submissions of objection and 3 petitions were received objecting to the development including:

- (a) 13 submissions and two petitions (notified from 12 November to 27 November 2013);
- (b) A further five submissions and one petition when a Traffic Report was received and provided to objectors and neighbouring properties during a re-notification period (from 13 May to 28 May 2014);

In addition, a further 10 submissions were received in favour of the development, submitted by the applicant after the second re-notification period.

**SEPP 1 (or clause 4.6 RLEP 2010) objection required?** No

**Value of works?** \$308,000

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

**RECOMMENDATION:**

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266 be refused for the following reasons:
  - 1. The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.
  - 2. A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.
  - 3. The amenity of surrounding residential properties will be detrimentally impacted - in particular the ability to enter and exit their driveways will be further impeded.
  - 4. The proposal fails to comply with mandatory requirements of the following Regulations and is unacceptable when assessed in terms of the Ryde DCP 2010:
    - Education and Care Services National Regulation 2012: Clause 108(2) Space requirements - outdoor space.
    - Children (Education and Care Services) Supplementary Provisions Regulation 2012: Clause 28(4) Space requirements – centre based

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**

education and care services.

- Ryde DCP 2010 (Part 3.2 - Child Care Centres): Clause 6.2.1 Size/functionality of play spaces (unencumbered outdoor play space).
- 5. The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.
- 6. The allocation of on-site parking results in the provision of spaces for the drop off / pick up of children failing to achieve compliance with the Ryde DCP 2010(Part 3.2 - Child Care Centres):
  - Clause 5.1(b) Car parking  
The layout of parking will result in a high demand for on-street parking by parents / carers along Winbourne Street.
- 7. In the circumstances of the case, approval of the development is not in the public interest.

(b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1** Compliance Table
- 2** A4 Plan
- 3** Applicant's Traffic and Parking Statement - 4 April 2014
- 4** Applicant's Supplementary Traffic Report - 23 June 2014
- 5** Map
- 6** A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Lauren Franks**  
**Assessment Officer - Town Planner**

**Chris Young**  
**Team Leader - Assessment**

Report Approved By:

**Liz Coad**  
**Acting Group Manager - Environment and Planning**

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**

**2. Site (Refer to *ATTACHED* map)**

<b>Address</b>	: 21 Winbourne Street, West Ryde (LOT 4 in DP 39266)
<b>Site Area</b>	: 940.4m <sup>2</sup> Frontage to Winbourne Street: 21.335m Rear Boundary: 19.865m Northern Side Boundary: 55.035m Southern Side Boundary: 44.8m
<b>Topography and Vegetation</b>	: Slight slope of 3.46m towards north-eastern corner at Winbourne Street. A Lilly Pilly ( <i>Syzygium paniculatum</i> ) approximately 12m high is situated in the rear yard along the northern side boundary. A Grey Gum ( <i>Eucalyptus punctata</i> ), approximately 7m high is situated in the centre of the Council nature strip along Winbourne Street frontage.
<b>Existing Buildings</b>	: A 2 storey brick dwelling house and metal shed.
<b>Planning Controls</b>	: Ryde LEP
<b>Zoning</b>	: R2 Low Density Residential under Ryde LEP 2010 R2 Low Density Residential under draft Ryde LEP 2013
<b>Other</b>	: Ryde DCP 2010

**ITEM 2 (continued)**

## ATTACHMENT 1

## PREVIOUS REPORT



**Aerial photo of subject site and surrounds (note – other objectors and submissions in support received from outside area of air photo).**



**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**



**View of subject site from Winbourne Street.**

**3. Councillor Representations**

Nil.

**4. Political Donations or Gifts**

None disclosed in applicant's DA submission or in any submission received.

**5. Proposal**

The proposal seeks approval for the alterations and additions and change of use of an existing dwelling house for a child care centre. Details of the proposed development are as follows:

- The child care centre will be licenced for 39 children and 7 full-time staff.
- 4 staff parking spaces (inc. 2 spaces as a tandem car space).
- 4 drop off / pick up parking spaces (inc. 1 disabled car space).
- The proposed hours of operation will be 7am to 6pm weekdays and 9am to 5pm on 4 Saturdays in a calendar year for open days and events including a Christmas party.

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**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**

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Internal Layout

- 3 play rooms allocated depending on the age of children: 0-2 year olds(4 children); 2-3 year olds(15 children); 3-6 year olds(20 children)
- 1 cot room containing 6 cots
- Bottle preparation area for the play rooms of 0-2 year olds
- 2 nappy change rooms and toilets (accessible for the play room of 0-2 year olds and the transition areas)
- Office
- Kitchen
- Staff & parents bathroom
- Staff room
- Reception area

External Layout

- Playground will be equipped with a Shade sail; Play equipment; Sandpit; Bench seating
- Artificial turf / soft fall surface will surround play equipment & sandpit. Natural turf will account for remaining play area with various planting and vegetation surrounding perimeter of site.

No signage is proposed with the application.

**6. Background**

The DA was lodged on 31 October 2013. It was then advertised in the local press and placed on public notification for 14 days from 12 November to 27 November 2013.

On 5 December 2013, Council issued a letter requesting the submission of a Traffic and Parking Report given an overwhelming response from residents raising concerns in relation to traffic generation and congestion and pedestrian safety.

On 7 April 2014, a Traffic and Parking Report was submitted to Council. As the primary concerns raised in submissions related to traffic, a copy of this report was mailed to neighbouring properties and all objectors during a re-notification period of 14 days from 13 May to 28 May 2014. The DA was also re-advertised on 14 May 2014.

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On 28 May 2014, Council's Traffic Engineer found the Traffic and Parking Report deficient in information and subsequently, supplementary information to this report was requested on 30 May 2013. This requested information was received on 23 June 2014.

**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications from 12 November to 27 November 2013. The application was advertised on 13 November 2013.

Once the Traffic and Parking Report was submitted, the application was re-notified for a period from 13 May to 28 May 2014.

In response, a total of 18 submissions of objection and 3 petitions were received from the owners of neighbouring properties, school principals, school committees and parents of children attending Marsden High School and Ermington Public School objecting to the development. The location of objectors and petitioners in relation to the subject site is shown on the aerial photo earlier in this report. In particular, 13 submissions and 2 petitions with 117 signatures and 14 signatures were received during the original notification, and a further 5 submissions and 1 petition with 23 signatures were received following re-notification. These submissions of objection were received from adjoining residents, as well as the Principal of, and parents of children attending, Marsden High School and Ermington Public School

At the conclusion of each notification period, a copy of all submissions and petitions were provided to the applicant. On 10 July 2014, the applicant provided Council with 10 submissions supporting the development.

The key issues raised in the submissions objecting to the development are summarised and discussed as follows:

- A. Traffic Generation and Congestion.** *Concerns are raised that the development will exacerbate existing traffic issues.*

Assessment Officer's Comment

Agreed. This is the major issue of concern in relation to the DA, and the most common issue raised in the submissions of objection received from neighbours. Officers from Council's Public Works Group and also Council's Senior Development Engineer, have undertaken a detailed assessment of the proposal in terms of the existing traffic conditions and also the Traffic Reports provided by the applicant. This assessment appears in the Referrals section, later in this report.

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The following photos (taken 8.30-9am Monday 1 September 2014) show the existing traffic conditions directly in front of the site and along the frontage of Marsden High School and Ermington Public School.



**View looking north along Winbourne Street from subject site**



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**Traffic along Winbourne Street**



**Buses and cars in front of Marsden High School**

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**View looking south along Winbourne Street from subject site**

- B. Amenity of Local Residents.** *Concerns are raised that the development will further inhibit the ability of residents to exit their driveways. Specifically, No. 18 and 19 note the difficulty in reversing onto Winbourne Street during morning and afternoon peak periods.*

**Assessment Officer's Comment**

Agreed. As seen in the above photos, a significant volume of traffic navigates Winbourne Street. Multi dwelling housing along Winbourne Street allow vehicles to enter and exit a site in a forward direction, however No. 18 and 19 Winbourne Street contain single dwelling houses which only allow vehicles to reverse onto the street. The location of these dwellings are shown in the following aerial photo:



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Although it is noted that the residents of these two properties would already encounter difficulties entering/leaving their property (due to existing traffic conditions), and discussed throughout this report, the proposal would result in additional traffic in the morning and afternoon peak periods in a location that already experiences significant traffic issues of concern at these times, and therefore it is considered that this is an inappropriate location for the proposed development.

- C. Safety.** *Concerns are raised that the development will further jeopardise the safety of pedestrians, in particular children with an increase in traffic movement along Winbourne Street which will be generated from the development.*

Assessment Officer's Comment

Agreed. The concerns raised considered to be valid and reasonable. As discussed throughout the report, this section of Winbourne Street experiences high levels of on-street parking which limits visibility of both drivers and pedestrians to (and from) the existing pedestrian crossing located approximately 35m south of the site as seen below:

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**Pedestrian crossing in front of Ermington Public School**

Upon inspection of the site and Winbourne Street during the morning working hours of the pedestrian safety officer, it was seen that vehicles stopping for the pedestrian crossing regularly form a long queue which extends in front of the subject site. Parents / carers dropping off children at the proposed child care centre would find it difficult to exit the site turning right onto Winbourne Street towards Victoria Road.

A footpath extends in front of the site and was seen to experience heavy pedestrian activity from parents and children walking to and from Ermington Primary School or Good Start Early Learning Child Care Centre. Construction of the development would require parents / carers and children to cross 2 driveways associated with the development which is likely to be queued waiting to exit the site during peak periods.



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**Footpath in front of site**

The safety concerns raised by parents, residents, school committees and principals are valid. The development will create a safety hazard along Winbourne Street.

The key issues raised in the submissions supporting the development are summarised and discussed as follows:

- A. Demand.** *The development will assist in addressing the high demand for childcare places and reduce waiting lists.*

**Assessment Officer's Comment**

It is acknowledged that there is a very high demand for child care places in the Ryde Local Government Area, and there are long waiting lists for other existing child care centres.

Whilst a child care centre is a permissible use within the zone and the site achieves the minimum allotment size and frontage width for child care centre developments, these are not the sole factors considered when assessing such development. The site's location is along a local road currently experiencing severe traffic congestion and high volumes of traffic in excess of its capacity.

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The proposal will further exacerbate these traffic problems. This is considered to be a fatal issue in regard to this development proposal.

Further, on-site parking fails to achieve compliance with the required number of parking spaces for pick-up and drop-off parking and staff parking. This will result in parents, carers and staff requiring on-street parking which is currently scarce during morning and afternoon peak periods.

**8. SEPP 1 (or clause 4.6 RLEP 2010) objection required?**

None required.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Ryde Planning Scheme Ordinance**

**Zoning**

Under the Ryde LEP 2010, the zoning of the subject site is R2 Low Density Residential. The proposed development, of a 'child care centre' is permissible with consent under this zoning.

**Mandatory Requirements**

The following mandatory provisions under Ryde LEP 2010 apply to the development:

Clause 4.3 (2) – Height of Buildings

(c) This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' – which is 9.5m for the subject site. The maximum height of the development as currently proposed is 7.441m, which complies with this clause.

Clause 4.4 – Floor Space Ratio

This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the proposed development has been calculated to be 0.31:1, which complies with this clause.

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Clause 6.8 – Access for child care centres must not be on a classified road

As stated in the clause title, development consent must not be granted to the carrying out of development for the purposes of a child care centre on land if access is from an existing or proposed classified road. Winbourne Street is not a classified road. The nearest classified road is Victoria Road which is located 270m south of the site. Therefore, compliance with this clause is achieved.

**(b) Relevant SEPPs**

N/A

**(c) Relevant REPs**

N/A

**(d) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2013 was issued by Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

Draft LEP 2013 was adopted by Council on 12 March 2013 and is waiting gazettal by Planning and Infrastructure; as such LEP 2013 can be considered certain and imminent.

**(e) Any DCP (e.g. dwelling house, villa)**

Ryde Development Control Plan (DCP) 2010

The proposed has been assessed using the development controls contained in the Ryde DCP 2010. The DCP Compliance Table for this development proposal is held at **Attachment 1** to this report. Non-compliances identified in this table include:

Part 3.2 Child Care Centres

**A. Child Care Centre Design – Section 1.8**

*“Child care centre development applications are required to be accompanied by a signed undertaking by the applicant, licensee or proposed licensee that demonstrates that the proposal has been designed to comply with respect to*

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*the Children's Service's Regulation 2004 or DoCS requirements as relevant at the time of application."*

Assessment Officer's Comment

A signed declaration has not been submitted. It is noted however that this is a relatively minor matter that has no effect on Council's ability to make an assessment of the proposal in terms of Part 3.2 DCP 2010 and the legislation referenced above.

**B. Acoustic Privacy - for adjoining residents – Section 4.2 (h)**

*"Information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent, group sizes and how rotated may be required to be submitted with the Development Application."*

Assessment Officer's Comment

Details have not been provided outlining the daily routine of staff and each children's age group.

The intent of this development control is to assess the noise impact of proposed child care centres within close proximity to residential properties.

Whilst an acoustic report has been submitted recommending that a 2.4m high acoustically sound fence be erected around the perimeter of the outdoor play area, details pertaining to operational management of the outdoor play area has not been submitted and therefore Council can only make a general assessment in terms of possible amenity impacts on adjoining properties.

**C. Visual Privacy - for adjoining residents – Section 4.4 (b)**

*"Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences."*

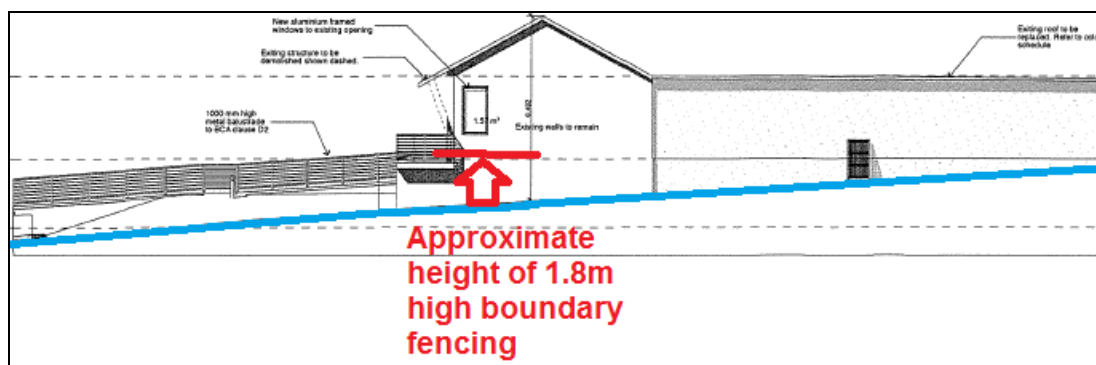
Assessment Officer's Comment

A 0.8m x 1.7m window is located along the northern side of playroom 2 which will contain 15 children between 2-3 years. The location of this window is shown in the elevation play extract:

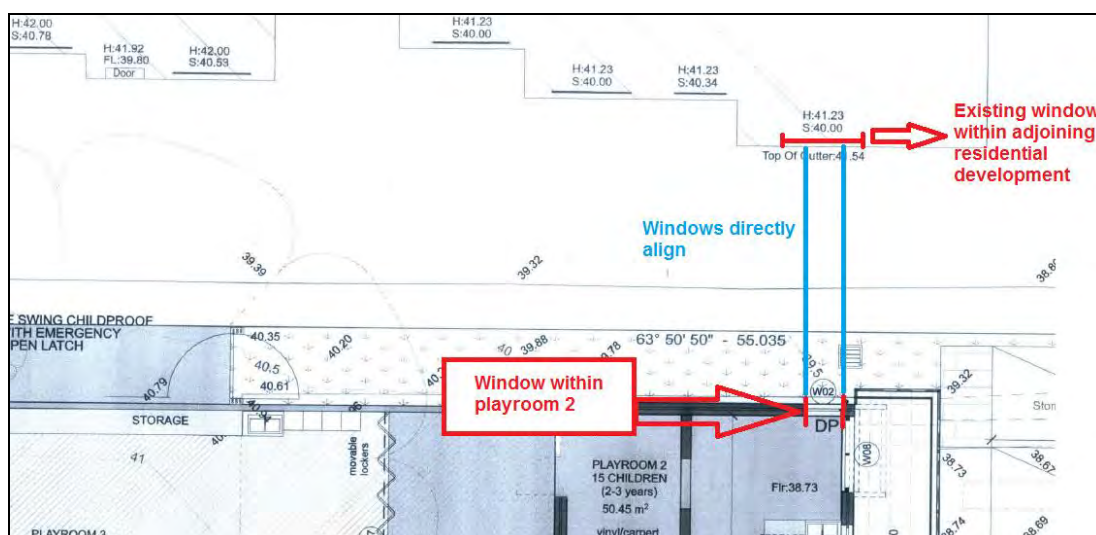
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### Playroom 2 window peers well above 1.8m high boundary fence



**Window aligns with a window within No. 1/23 Winbourne Street**

These windows are not at the same sill height, however there is the potential for privacy concerns to arise. Non-compliance could be addressed via a condition of consent requiring the window to be obscured glazing or removed.

#### D. On Site Manoeuvrability - Section 5.2 (c)

*“Where separation of the entrance and exit driveway is proposed, the separation must not be less than 9m on a turning circle of 15m, and a minimum width of 12m between driveway laybacks is to be provided to assist retention of on-street parking spaces between the driveways.”*

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Assessment Officer's Comment

The distance between driveway laybacks is 10.5m; a non-compliance of 1.5m. Driveway separation is 11.5m and a turning circle of 15m is proposed; each compliant with this development control.

A 12m distance is stipulated because this distance will allow 2 vehicles to park on-street between the driveways. In this instance, the 2 driveways to the site are existing and allow for 1 car between the proposed driveways. Allowing 1 car between the proposed driveways will allow for improved sightlines of vehicles exiting the site. Council's Senior Development Engineer has advised that the reduced layback distance is acceptable.

However, although this issue (when considered individually) would appear to be a minor issue of concern, when grouped with other issues of concern discussed in this section, it indicates that the proposal is an over-development of the site and that the proposed change of use of an existing dwelling is not suitable at this site.

**E. Landscaping - Section 6.1 (e)**

*"A landscaping setback of minimum width 2m is to be provided along the front boundary of all new child care centres in residential zones to assist in preserving streetscape amenity and provide screening. Care is to be taken in design of the setback to avoid vegetation impeding sightlines from vehicles entering / exiting the site and to consider the use of materials and finishes to complement the neighbouring streetscape."*

Assessment Officer's Comment

A landscaping setback of 0.7m is proposed along the front boundary between the driveways. This represents a non-compliance of 1.3m.

On this occasion, non-compliance is satisfactory as minimised landscaping would assist in sightlines for vehicles manoeuvring around the area.

**F. Size and Functionality of Play Spaces - Section 6.2.1 (d)**

*"All new child care centres are to provide at least 4.5m<sup>2</sup> of unencumbered indoor play space for each licensed child care place, **exclusive** of transition areas provided in accordance with section 6.2.4 of this Part."*

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Assessment Officer's Comment

A total of 147.53m<sup>2</sup> unencumbered indoor play space is provided on the site, equating to an average of 3.78m<sup>2</sup> per child. The following area per child in their respective age categories appears as follows:

- 0-2 yrs play rm: 8m<sup>2</sup> per child
- 2-3 yrs play rm: 3.36m<sup>2</sup> per child
- 3-6 yrs play rm: 3.25m<sup>2</sup> per child

Whilst a shortfall of 0.72m<sup>2</sup> per child arises when assessed against the DCP, the requirements stipulated in the Education & Care Services National Regulation, the National Quality Framework for Child Care Centres across Australia, and the Children (Education & Care Services) Supplementary Provisions 2012 are for provision of 3.25m<sup>2</sup> indoor play space per child to be provided.

Similarly to the proposal's shortfall in unencumbered outdoor play space, the control is intended to apply to greenfield sites and therefore does not apply to this site.

The proposal is compliant with the Regulations stated above and is consistent with the objectives detailed in 6.2.3 of the DCP for designing an attractive, safe and functional indoor play space. However, as noted above when grouped with other issues of concern discussed in this section, it indicates that the proposal is an over-development of the site and that the proposed change of use of an existing dwelling is not suitable at this site.

**G. Size and Functionality of Play Spaces - Section 6.2.1 (e)**

*"All new child care centres are to provide at least 10m<sup>2</sup> of unencumbered outdoor play space for each licensed child care place, **inclusive** of transition areas provided in accordance with section 6.2.4 of this Part."*

Assessment Officer's Comment

A total of 254.14m<sup>2</sup> unencumbered outdoor play space is provided on the site, equating to an average of 6.51m<sup>2</sup> per child. In applying the requirements of the DCP, this results in a shortfall of 135.86m<sup>2</sup> or 3.49m<sup>2</sup> per child. In applying the requirements of the Education & Care Services Regulation and the Children (Education & Care Services) Supplementary Provisions Regulation 2012, this results in a shortfall of 18.86m<sup>2</sup> or 0.49m<sup>2</sup> per child.

A footnote to this control states that *"this minimum area requirement (to no less than the DoCS minimum requirement) may be considered subject to the*

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*satisfactory compliance with the general landscaping requirements under section 6.1, 6.2.2 and 6.2.4” of the DCP. Clause 108 of the Education & Care Services National Regulation and the Children (Education & Care Services) Supplementary Provisions Regulation 2012 stipulate that a minimum 7m<sup>2</sup> of unencumbered outdoor play space is provided which alone demonstrates a level of non-compliance of 0.49m<sup>2</sup>. In calculating this area, Clause 108 (3) of the Education & Care Services National Regulation states:*

*“(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded –*

- (a) any pathway or thoroughfare, except where used by children as part of the education and care program;*
- (b) any car parking area;*
- (c) any storage shed or other storage area;*
- (d) any other space that is not suitable for children.”*

This interpretation of the calculation of unencumbered outdoor play space is also stipulated in the Ryde DCP 2010 which states that:

*“Calculation of unencumbered (total ‘useable’) outdoor play space, is not to include areas where children are prevented from using the space, and where they cannot be readily supervised such as areas used for car parking, storage sheds, garden beds, hedges, or side boundary setbacks.”*

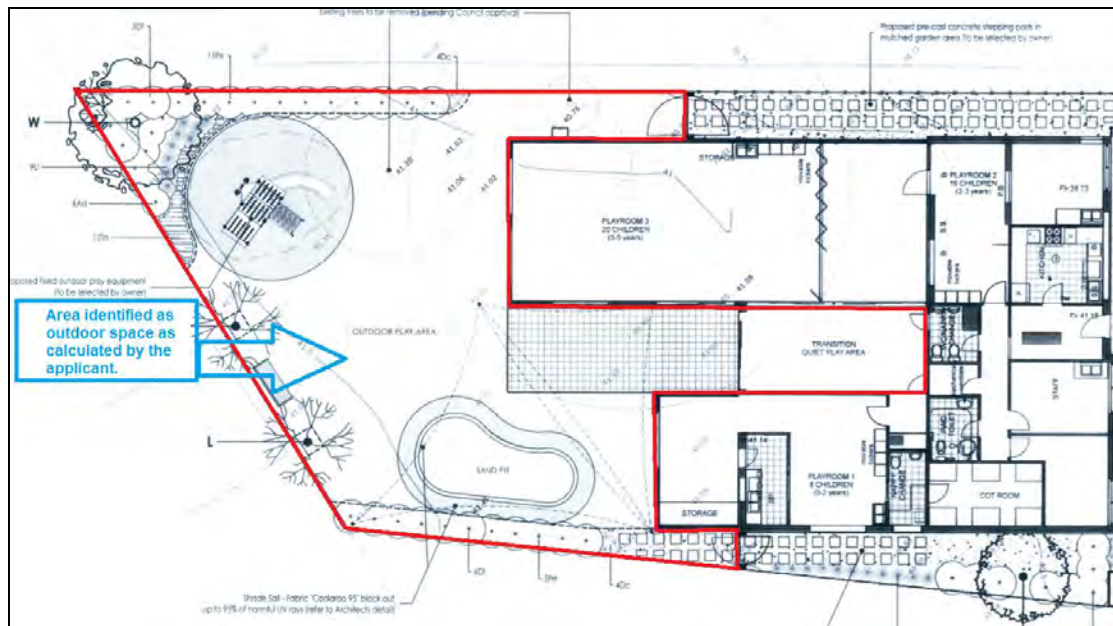
In applying these definitions, the applicant has included calculation of garden beds which are not deemed as ‘useable’ outdoor areas for children and portions of the side setback area which cannot be readily supervised. The following plan extracts highlight the portions of the site which cannot be counted as outdoor play space.



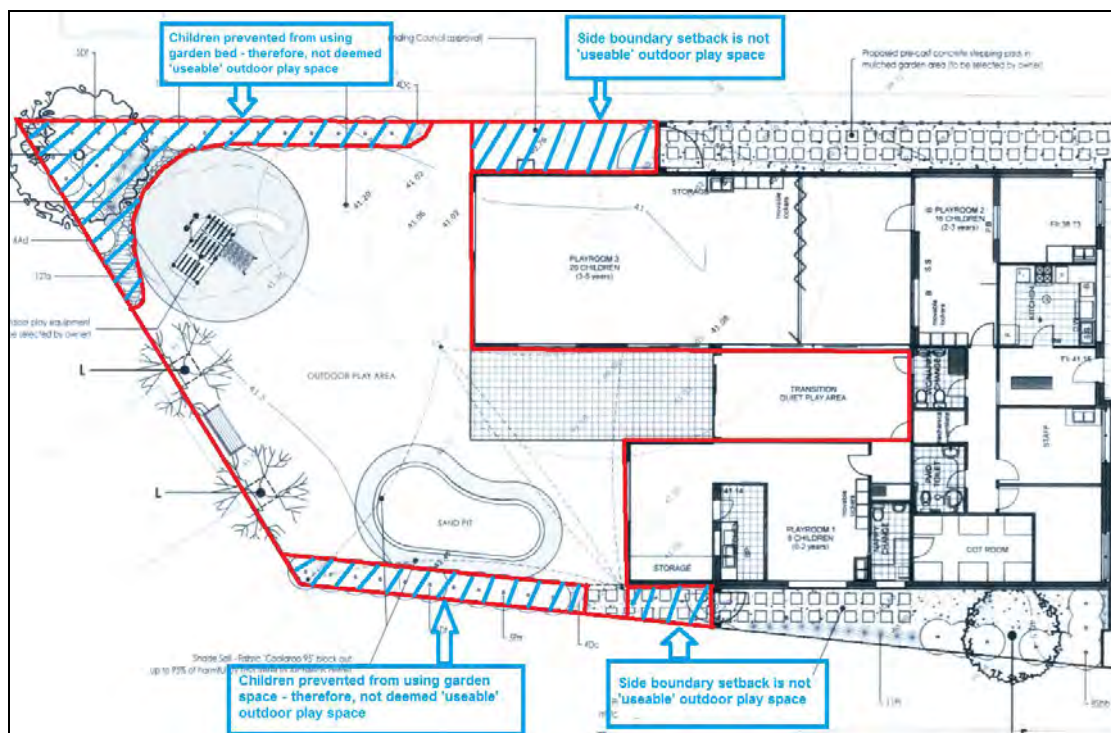
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**The applicant's calculation of outdoor play space**



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**Council's calculation of outdoor play space**

Not only does the proposal fail to achieve compliance with the DCP, compliance with the mandatory requirements of the Education & Care Services Regulation are not achieved, and when grouped with other issues of concern discussed in this section, it indicates that the proposal is an over-development of the site and that the proposed change of use of an existing dwelling is not suitable at this site. Consequently, the proposal cannot be supported.

**H. Centre Facilities - Section 7.1 (c)**

*"The staff room is to include a minimum floor space of 20m<sup>2</sup>."*

Assessment Officer's Comment

The staff room will have an area of 10.5m<sup>2</sup>; a non-compliance of 9.5m<sup>2</sup>.

The size of this child care centre is considered small with only 39 children and 7 full time staff proposed. This control is primarily aimed at child care centres where children and staff numbers are substantial. In assessing the plans, it appears the proposed staff room size is appropriate and acceptable. However, when grouped with other issues of concern discussed in this section, it indicates that the proposal is an over-development of the site and that the proposed change of use of an existing dwelling is not suitable at this site.

**I. Centre Facilities - Section 7.1 (d)**

*"In centres where children under the age of 2yrs are proposed to be cared for, the following are to be provided:*

- i. A sleeping room with a 2.5m<sup>2</sup> of floorspace per cot and a maximum of 10 cots per room."*

Assessment Officer's Comment

This control is not achieved as the average area per cot is 1.7m<sup>2</sup>; a shortfall of 0.8m<sup>2</sup>. The cot room is proposed to contain 6 cots.

The number of children between the ages of 0-2 years cared for is 4. Therefore, a condition of consent could be imposed requiring the number of cots to be reduced to 4 as it is determined that an oversupply of cots is proposed. The size of the cot room is 10.3m<sup>2</sup> therefore, reducing the number of cots within this room to 4 would result in an area of 2.575m<sup>2</sup> per cot to be provided. As noted above, when grouped with other issues of concern discussed in this section, it indicates that the proposal is an over-development of the site and that the proposed change of use of an existing dwelling is not suitable at this site

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**J. Centre Facilities - Section 7.1 (f)**

*“Consideration should be given to the provision of a pram storage area. Informal pram storage can be an occupational health and safety risk.”*

Assessment Officer’s Comment

No pram storage area is shown on the submitted plans. This non-compliance could be addressed through imposition of a condition requiring an area allocated and marked for the parents / carers to store prams should the need arise. However, when grouped with other issues of concern discussed in this section, it indicates that the proposal is an over-development of the site and that the proposed change of use of an existing dwelling is not suitable at this site.

**10. Likely impacts of the Development**

**(a) Built Environment**

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development, including a compliance check against all relevant planning controls and detailed assessment report.

Whilst the building envelope of the child care centre will be consistent with height and bulk of surrounding residential development, the level of traffic generated from the proposed use will severely impact the ability of traffic to manoeuvre along Winbourne Street. Therefore, the undue pressure along this roadway means that the proposal will not have a positive or even satisfactory impact on the existing built form elements within the locality.

When viewed from the streetscape, the removal of extensive soft landscaping in the front yard to accommodate an 8 space car park will have a considerable impact in terms of aesthetics. The introduction of a higher level of built form elements and reduction in natural vegetation will throw off the balance between the built and natural environment.

**(b) Natural Environment**

Impacts on the natural environment are generally considered acceptable in terms of tree removal and retention. However, the proposal will have unacceptable impacts in terms of streetscape given that it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.

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**11. Suitability of the site for the development**

A review of Council's Map of Environmentally Sensitive Areas (held on file) identifies that the subject site is partly affected by urban bushland. However a site inspection indicates that no significant trees are located on the site. A range of landscaping incorporating a range of native species is proposed.

**12. The Public Interest**

The development fails to comply with the objectives of the R2 Low Density Residential zone and Part 3.2 of the Ryde DCP 2010. In particular, amenity of adjoining neighbours is not maintained, the development is unacceptable in terms of traffic related issues as discussed throughout this report.

Therefore, it is considered that approval of this DA would not be in the public interest.

**13. Consultation – Internal and External**

Internal Referrals

**Senior Development Engineer:** In relation to drainage matters and the submitted architectural plans, Council's Senior Development Engineer has provided the following comments:

*"The drainage and the architectural plans as submitted do not address the following:*

- 1) The flows from the upstream catchment should be diverted away from the OSD tank. The drainage plan does not provide a method to divert this runoff from the upstream catchment away from the OSD tank and towards the street.*
- 2) The architectural plans also failed to show the increased driveway widths as mentioned in the traffic report and the retaining walls that are required along the side of the driveways."*

Note: These matters would normally be required to be addressed via a request for additional information from the applicant, however given the conclusion of this assessment (ie which is that the proposal is unacceptable in terms of traffic issues as discussed throughout this report), it was not considered appropriate or necessary to request additional information of this nature.

In terms of traffic impacts, the applicant has provided detailed Traffic Assessment Reports (prepared by Traffic Solutions Pty Ltd), as follows:

- Traffic and Parking Statement (4 April 2014). See copy of this report at **ATTACHMENT 3** to this report. This Traffic and Parking Statement was

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provided to adjoining owners/objectors in Council's re-notification letter dated 13 May 2014.

- A supplementary Traffic Statement (23 June 2014). See copy of this Statement at **ATTACHMENT 4** to this report.

Council's Senior Development Engineer has made an assessment of the proposal (in consultation with and incorporating comments from Council's Public Works Group). The following comments have been provided.

*Background*

*The proposed childcare centre is to accommodate a maximum of 7 staff on site (traffic report mentions 5 staff levels for the majority of the time) and 39 children within the following age ranges:*

- 4 - aged 0 – 2 years
- 15 - aged 2 – 3 years
- 20 - aged 3+ years

*It is proposed to provide 8 parking spaces accessed from a divided vehicle entry and exit ("U" shaped driveway).*

*Public Works - Traffic section reviewed the original application and Traffic Report and provided the following comments, forwarded 28 May 2014;*

- *The application does not provide SIDRA intersection for the AM and PM peak for the proposed development's access for the with and without on street parking on the development's frontage.*
- *The application does not provide swept path analysis for vehicles entering and exiting the development for the with and without on street parking on the development's frontage. As a worst case scenario, bear in mind that the AM peak of the development may coincide with the school AM peak.*
- *Based on drawing AG Ground, parking dimension shown are 2.4 metres wide. Please provide for at least five spaces of 2.6 metre wide parking for parent drop-off and at least three spaces of 2.4 metre parking for staff.*

*Therefore: SIDRA analysis of AM and PM for the with and without Winbourne Street on-street parking, swept path analysis for the with and without on street parking and parking layout for at least 8 off street parking spaces will be required.*

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*The applicant submitted revised documentation in response of this 23 June 2014, presenting;*

- Parking space dimensions have been revised on the architectural plans.*
- Swept turning path diagrams were provided for a B85 vehicle accessing the site and parking areas. The consultant presented the internal access requirements, as well as access to/ from the site with & without parking occupying the onstreet spaces at the front of the site.*
- The consultant revised the traffic software model to address vehicle movements to and from the proposed driveway.*

*Council's Public Works – Traffic section review of this information and provided a final set of comments on the 28 July 2014;*

*The SIDRA intersection analysis undertaken did not reflect the 40km/h speed conditions during the peak periods modelled, the on-street parking north and south of the proposed child care, on-street parking attitudes of the drop off zone of the Ermington primary school directly across the proposed child care's driveways, the undivided carriageway of Winbourne Street and lastly, the existing queue lengths currently occurring.*

*Furthermore, basis of the traffic volumes and speeds used in the SIDRA analysis was not cited in the supplementary traffic statement.*

*Autotrack Swept path analysis did not show existing conditions of on street parking.*

*The proposal is noted to be generally compliant with Councils Parking controls related to childcare centres, providing 8 offstreet spaces (5 spaces are warranted for the 39 children pickup-dropoff and 3 warranted for the 5 staff members). The parking area (car space dimensions, access aisle width, entry width) is also compliant with AS 2890.1 for the appropriate user class.*

**Traffic Report Review**

*A review of the applicant's traffic reports notes the following key issues:*

▪ ***Appropriateness of Traffic Generation Estimates***

*The consultants estimated levels are based on the RMS Guide to Traffic Generating Development for long day care centres. The consultant has presented that the peak vehicle trips from the site in the AM and PM peak will be 31.2 vtp (vehicle trips per hour) and 27.3 vtp respectively.*

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*The RMS provides the following rates for other age brackets/ functions of childcare centres.*

<b>Element</b>	<b>Time Period</b>		
	<b>7:00am - 9:00am</b>	<b>2:30pm - 4:00pm</b>	<b>4:00pm - 6:00pm</b>
<b>Pre-school</b>	1.4	0.8	
<b>Long day care</b>	0.8	0.3	0.7
<b>Before/ after care</b>	0.5	0.2	0.7

*Pre-schools operate on a similar time period to schools and therefore have a concentrated level of traffic generation. Given the proximity of the site to a public school, there is some potential that children in the centre aged 2 or higher, will have pickup-dropoff movements similar to the pre-school rate. On this basis and assuming that 50% of the pre-school age children will generate these pickup-drop off movements, the revised traffic generation levels are as follows:*

<b>Element</b>	<b>No.</b>	<b>Time Period</b>		
		<b>7:00am - 9:00am</b>	<b>2:30pm - 4:00pm</b>	<b>4:00pm - 6:00pm</b>
<b>Pre-schoolers</b>	18	25.20	14.40	-
<b>Long day care</b>	21*	16.80	6.30	14.70
<b>Before/ after care</b>	0	-	-	-
<b>TOTAL</b>		<b>42.00</b>	<b>20.70</b>	<b>14.70</b>

*(\*) Long day care = 4 x (0-2 yrs) + 7 x (2-3 yrs) + 10 x (3+ yrs)*

*As such, the peak traffic generation movements may potentially be 10 vtph higher in the morning peak than as presented by the consultant's report.*

▪ **Deficiencies in the SIDRA analysis.**

*Council's Public Works – Traffic section have noted a number of deficiencies in the consultant's analysis. In rebuttal, the consultant has noted in the second report that the situation is difficult to represent within the scope and limitations of the SIDRA modelling software. This is accepted (in light of the actual observed traffic conditions noted below) however the data and output presented by the consultant does not reflect the existing conditions and therefore has low validity in the assessment of the potential traffic impacts of this application.*

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- *Installation of No Stopping restrictions*

*The applicant's consultant has recommended the installation of No Stopping restrictions across the front of the site to assist traffic flow. This is contrary to Councils DCP which generally seeks to prevent the loss of public parking and impact to the public domain in development of a site. The measure is most unlikely to be supported by Council's Traffic section.*

*Review of Existing Traffic Conditions*

*An inspection of the site was undertaken on the morning of Tuesday 26 August between 8:15am and 9:15am to gauge the existing traffic conditions.*

*School generated traffic levels were noted to increase considerably between 8:20am and diminish at 9:10am. During this time, traffic flow became heavily congested for a local roadway with a frequent number of traffic queues and delays observed.*

*The road and traffic conditions fronting the subject site is beset by a number of shortfalls which give cause to this. These are noted on the following figure notes.*



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1. *A high proportion of school traffic was observed to utilise the turning circle at the northern end of the site frontage. As can be noted on the location plan, the majority of traffic accessing the area do so to/ from Marsden Road given the road network north of the schools presents a circuitous route back to the arterial roadways.*
2. *There is a bus zone just north of the pedestrian crossing (3.). Buses stopping in this location cause some constriction/ traffic congestion. The adjacent pedestrian crossing is heavily utilised due to the large volume of students disembarking the bus.*

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3. *Students utilising the pedestrian crossing caused some traffic delays and congestion in both directions.*
4. *The principal pickup-dropoff zone for Marsden High School is located on the departure side of the northern pedestrian crossing. Vehicles queuing to access the zone would sometimes extend into the turning circle. As such, surplus vehicles (those at the end of the queue that block the roadway) normally continue through and utilise the pickup-dropoff zone fronting Ermington Public School (5).*
5. *The pickup-dropoff zone fronting Ermington Public School enables parents to pickup- dropoff kids along this section. This occasionally creates ad-hoc traffic and parking conditions whereby vehicles may attempt to park mid-section, causing traffic delay.*
6. *The pedestrian crossing, on the departure side of the Ermington Public School pickup-dropoff zone causing some traffic queues and delays in both sections.*

*The section of roadway currently serves the pickup-dropoff needs for three separate schools, being Marsden High School, Ermington Primary School and the Goodstart Early Learning Childcare Centre. As such, traffic flow during school pickup-dropoff periods are very poor, presenting high levels of congestion and traffic delays. Unless both the High School and Primary School are to go massive internal changes, there is little ability to address the current traffic conditions by way of altering public traffic and parking conditions.*

**Recommendation**

*It is evident that this section of Winbourne Street suffers from poor traffic conditions during the school pickup-dropoff periods, resulting in a great level of traffic congestion and delays.*

*This is caused due to the location of the area with respect to the greater road network (essentially the approach from Marsden Road is the principle access), existing traffic facilities (2 pedestrian crossings) and the cumulative traffic volume due to the presence of a Primary School, High School and existing daycare centre (Goodstart Early Learning Centre) in close proximity to one another.*

*Whilst childcare centres result in a greater distribution of generated traffic in the afternoon and evening period, thereby presenting a lesser and more tolerable traffic impact, the morning traffic movements are more concentrated. It is in this period that the traffic generated by the proposed centre will coincide with the*

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*existing school traffic and exacerbate these issues. As such, the proposed development is not supported with respect to the traffic impacts.*

**Community and Culture**

Council's Community Project Officer recognises the need for child care centres within the Ryde local government area, however raised concerns stating:

*"The main aspects that need to be considered in this application area are safety issues and traffic conditions.*

*Consultation with childcare providers*

- *There is still demand for childcare in the area.*
- *The centres consulted have a short waiting list compared with previous years.*
- *The Directors of these child care centres agreed there is a need for more placements and would welcome another centre in the area. However adding a centre to the same street will increase an already very congested street.*
- *The Directors expressed a great concern regarding safety issues for the children due to the traffic conditions on Winbourne Street. Currently there are two Children's Centres, a High School, Primary school and a bus stop on the same street as the proposed child care centre."*

**Environmental Health Officer**

Council's Environmental Health Officer has provided the following comments on the proposal:

*I note that the proposed child care centre encompasses demolition, alterations and additions to an existing single storey brick and tile dwelling. This building appears to have been constructed prior or during the 1980's and therefore may have been constructed of materials potentially containing asbestos.*

*Asbestos/Lead*

*Therefore it is recommended that an Occupational Hygienist be engaged to assess the amount of asbestos, synthetic mineral fibres and lead based paint that may have used in the construction of the dwelling prior to any demolition occurring. A follow up assessment by a suitably qualified and experienced occupational hygienist shall assess whether or not all asbestos particles, lead based paint and any relevant synthetic mineral fibres have been removed and a Certificate of Clearance shall be issued prior to any construction of the Child*

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*Care Centre. This is to reduce the risk of staff and children being exposed to asbestos, mineral fibres or lead based paint in the child care centre.*

Noise

*I note that an Acoustic report, prepared by Koikas Acoustics Pty Ltd dated 15 October 2013 titled: "Acoustic Assessment Proposed Child Care Centre No. 21 Winbourne Street West Ryde" was submitted with the application. It is a recommendation of this acoustic report that a 2.4 metre barrier be installed around a portion of the perimeter of the site.*

SEPP 33

*Council is required to consider whether or not there is a likelihood of contamination on the subject site. It appears from research that the property has been used for residential occupancy and in 1943 it appears the site was vacant land. It is therefore not likely to have potentially contaminating soils on the subject site.*

ASS

*The subject site has not been identified as being within the Acid Sulfate Soils Buffer or on ASS exposed land.*

Food

*A kitchen for the preparation of meals for service to children has been included on the submitted plans.*

*I recommend the application be approved.*

**Landscape Architect**

Council's Consultant Landscape Architect is supportive of the proposal and provided the following comments:

*"An Arborist Report has been prepared by Tristan Bradshaw dated 24 September, 2013. The report identified six (6) trees located on the subject site which are recommended for removal as part of the proposed development and eight (8) trees located within 4m of the subject site boundaries on the neighbouring allotments. It is noted that one (1) tree (Tree 5) was unable to be identified on site and may have been previously removed.*

*A review of the abovementioned planting/landscape plan submitted in terms of location, design and extent of planting, paving, structures and general layout is generally considered to be satisfactory however the following minor concern is raised:*

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*Proposed Planting*

*The plant schedule and planting plan indicates that the site is to include plantings of Dianella caerulea. Despite not being specifically listed as being a poisonous species, there is a general caution relating to all Dianella sp. with regards to the berries which form on the plant during summer which can be toxic if large quantities are consumed. As this species of Dianella produces a number of bright blue/purple berries which are considered to be attractive to children and therefore possibly ingested, it is recommended that the following condition be imposed to substitute the proposed Dianella caerulea with a more appropriate species.*

**Species Substitution**

*The forty-two (42) Dianella caerulea indicated on the proposed landscape planting schedule are to be substituted with a more appropriate species which is in no way toxic, poisonous or harmful to persons."*

External Referrals

None.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

**16. Other Options**

None relevant.

**17. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979.

An assessment of the proposal in terms of the controls contained in DCP 2010 has identified several areas of non-compliance namely vehicular access to surrounding residents, car parking, on site manoeuvrability, front boundary landscaping, size and functionality of play spaces, cot room size, outdoor storage space, pram storage. The proposal is considered unacceptable in terms of these controls, particularly for the inadequate size of the outdoor play space and car parking.

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More pertinent to the proposal, the exacerbation of existing traffic issues considered to arise as a result of this development being proposed in this locality is not supported by Council's Senior Development Engineers and Traffic Engineers and strongly opposed by the community. These issues are considered to be fatal to the application.

The proposal has been notified and advertised in accordance with DCP 2010 and a total of 18 submissions and 3 petitions have been received objecting to the development. Several valid issues of concern have been raised in the submissions relating to traffic generation, pedestrian safety and ease of access along Winbourne Street.

On balance, the proposed location of the use is not appropriate and refusal is recommended.



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**PART 3.2 CHILD CARE CENTRES**

Requirements	Proposed	Compliance
<b>SUBMISSION REQUIREMENTS</b>		
Designed by an architect	Designeffect Pty Ltd.	Yes
Signed undertaking that proposal complies with Education & Care Services Regulation (DoCS)	Declaration not submitted.	No (Variation supported – could be addressed via condition)
Traffic Impact Assessment, Road Safety Audit, Acoustic Report/ Noise Impact Assessment, Contamination Report etc as per Clause 1.10.	All required documentation received for assessment.	Yes – upon request of a Traffic Report once DA was submitted.
<b>SITE, LOCATION &amp; SITE SELECTION</b>		
Min. lot <b>width</b> = 20m, corner lot 17m	The premises will be located at ground level within a large commercial building. Width at frontage = 21.335m	Yes
Min site <b>area</b> = 800m <sup>2</sup> (single use)	940.4m <sup>2</sup>	Yes
Not recommended on Arterial, sub-arterial Rd or busy intersection. Mixed use CCC to face distance away from arterial/ <b>busy roads</b> .	Site is located on Winbourne Street which is not identified as an arterial or sub-arterial. Acoustic report reviewed.	Yes
Site not to be <b>battle axe</b> shaped	Regular allotment with low density residential use.	Yes
<b>Cul-de-sacs</b> not preferred (if located - see special requirements)	N/A	N/A
Not near <b>brothel</b>	No known brothel nearby.	Yes
Site to be flat, gently sloping, well drained and easily accessible	Generally flat and accessible.	Yes
<b>Aspect</b> to maximise solar access	Single storey villa development situated on property adjoining site to the north. Appropriate level of solar access can be gained to the outdoor play areas. Shade sails and planting incorporated in the proposed design.	Yes
Site not be affected by <b>overshadowing</b>	North is situated along the longest side boundary with minimal overshadowing occurring to the outdoor play	Yes

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Requirements	Proposed	Compliance
	area.	
Site should not be subject to <b>overlooking</b>	No significant overlooking. Provision of 1.8m fencing surrounding the outdoor area will deter overlooking.	Yes
<b>Large scale centres</b> (50 - 90 places) in residential areas to be on corner lots & not share common boundaries with more than 3 residential properties.	CCC will have 39 places.	Yes
<b>Work based</b> CCC to preferably be adjacent to non-commercial/ non-residential components of uses to protect privacy/ amenity of workers/ centre and residents	CCC is located within a low density residential area with schools and pre-school located opposite site. Alterations and additions of existing dwelling which is primarily single storey (with the exception of single garage under dwelling) ensuring privacy to children at the centre and surrounding properties is maintained.	Yes
Not on land affected by <b>overland flow</b> (See Flood Study requirement Cl. 2.1.2)	Site is not affected by overland flooding.	Yes
Not on <b>Bushfire</b> prone land (Integrated development)	Site is not identified as bushfire prone land.	Yes
Not affected by environmental hazard such as <b>contaminated land</b> , vehicle fumes, asbestos, and electromagnetic fields etc.	Site is not affected by contamination and has in the past been used for residential purposes only. The proposal is at ground level for the most part (with the exception of a single garage under the dwelling to be used for staff parking) and will involve minimal ground disturbance. EHO has not raised any concerns.	Yes
If within 125m of arterial roads, <b>toxicity levels</b> of air and soil to be tested.	Air quality assessment has not been required as site is situated 270m from Victoria Rd. As previous and current use of the site has been for low density residential uses only, soil contamination is not	Yes



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Requirements	Proposed	Compliance
	an issue and will not pose a safety risk to children.	
Must comply with SEPP 55 – Site Contamination	Contamination is not an issue. Previous and existing use is low density residential. No history of contamination on the site.	Yes
<b>Number</b> of child care places, <b>age group</b> and number and role of <b>staff</b> to be identified.	39 places & 7 staff <u>Groups:</u> 0-2years: 4 children (1 staff) 2-3years: 15 children (4 staff) 3-6 years: 20 children (2 staff)	Yes
<b>Justification</b> of proposed number of children in each age group (refer DCP).	Based on current demand.	Yes
Detailed <b>site analysis</b> to be carried out (see DCP for details of what required)	Site analysis has been carried out.	Yes
<b>DESIGN &amp; CHARACTER</b>		
<b>All Child Care Centres</b>		
Must comply with CPTED (Safer by Design)	Proposed in residential dwelling with sufficient security & safety. The proposal is satisfactory in relation to Safer by Design principles.	Yes
Avoid proximity to UV reflecting surfaces	No large span of reflective surface nearby.	Yes
Comply with Energy Efficiency and sustainability requirement – Part 7.1 of DCP	Proposal will ensure water and hot water systems are energy efficient.	Yes
Incorporate energy efficient appliances	Proposal has potential for incorporate energy efficient appliances.	Yes
Building to be consistent with desired future character of the area	Existing building.	Yes
Frontages and entries to be readily apparent from street	Readily apparent.	Yes
SEE demonstrate how proposed design responds to site analysis	Details submitted are satisfactory.	Yes
If fill, only clean filled to be brought on site	No fill brought on the site.	Yes
<b>Detached Centres and Centres in Residential Areas</b>		
Designed to appear domestic in scale and character and shall have a bulk,	Design appears domestic in scale with minimal change to	Yes

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<b>Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
height, scale and appearance which is compatible with the existing surrounding development.	style of building façade (exc. Parking). Height of existing dwelling will not alter.	
Existing streetscape and character of the locality should be maintained as much as possible through the use of appropriate building materials, finishes, landscaping, fencing and plantings.	Minimal change to front façade of existing dwelling. Surfacing of front yard to occur to accommodate 7 hard stand car spaces and 1 space within single lock-up garage. Landscaping between each driveway entry and exit point.	Yes
CCC are encouraged to be single storey in height.	With the exception of a single lock-up garage under building, CCC is single storey.	Yes
Complies with 3.3 Dwelling Houses & Dual Occ. of DCP in terms of FSR, height, setbacks	FSR: 0.31:1 Height: 7.441m (existing) Front setback: 13.5m (existing) Northern side setback: 1.7m (existing) Southern side setback: 1.5m (existing)	Yes
Bulk and scale of building form to be compatible with existing and expected future desirable character and context.	Bulk and scale of CCC is compatible with existing and future desirable character of Winbourne St.	Yes
<b>Fence Design</b>		
Appropriate materials & finishes to be used to complement the streetscape	2.4m high noise barrier will be installed around the perimeter of the outdoor play area which does not face the street. The fence will be compatible with immediate site context.	Yes
Outdoor play area must be fenced on all sides	Will be fenced as per landscape plan.	Yes
Child proof locks to be used on gates	Child proof locks to be used on gates – will be a condition of consent should DA be approved.	Yes
Raised undercroft areas eg. stairs to be enclosed	No raised undercroft area proposed.	Yes
Safety provision to prevent access to	Well considered, other parts	

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<b>Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
other parts of building	not accessible without supervision.	Yes
Ensure adequate sight lines for vehicles	Sightlines not achieved.	No (variation supported)
<b>PRIVACY</b>		
<b>Privacy - Acoustic</b>		
Locate sleep rooms & play areas away from noise source eg. heavy traffic road.	An acoustic assessment has been undertaken and deems location of CCC acceptable in terms of noise. Cot rooms located along southern side of building and adequately distanced from Winbourne St to mitigate against noise. Complies with the requirements.	Yes
Internal noise level to meet AS2107 (eg sleep areas 30dBA, internal activity areas 40dBA)	Can comply as per EHO assessment.	Yes
Noise impact on adj. property to be minimised through design measures: <ul style="list-style-type: none"> <li>• Orient play areas etc away from living areas, bedrooms of affected property.</li> <li>• Use laminate or double glaze, sound proof.</li> <li>• Design fence to minimise noise transmission- lapped timber etc</li> <li>• Sound insulated roof &amp; walls</li> <li>• Other measures.</li> </ul>	As the site adjoins residential properties either side and to the rear boundary, there is a potential for noise impacts to arise. The submitted noise report recommends that a 2.4m high acoustically sound abatement wall be erected around the perimeter of the outdoor play area. Should application be approved, a condition can be imposed requiring all internal play area windows and glass doors be double glazed or laminate.	Yes
An acoustic report may be required indicating noise levels and attenuation measures	Pre-lodgement advice provided to the applicant indicated that Acoustic Report was required for this proposal given the proximity to residential properties. This report regards the noise impact to be satisfactory.	Yes
Elevated play & transition areas to be avoided.	Play areas and transition areas are level with the activity areas and are provided at	Yes

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Requirements	Proposed	Compliance
	ground level.	
Details regarding group management in the outdoor play area and time spent, group sizes, rotation, staff numbers etc to be provided.	Details on group routine have not been provided.	No
<b>Privacy – Visual</b>		
Direct overlooking of indoor amenities & outdoor play areas from public spaces to be avoided.	Views to indoor and outdoor play areas will be minimal as a car park will be located in front of the CCC providing separation between the indoor play areas and public areas. Outdoor play areas will be confined to the rear of the CCC with a 2.4m high fence recommended in the noise report to be erected around its perimeter. No opportunity for overlooking will occur.	Yes
Windows & doors located to maximise security of children & minimise loss of privacy of adjoining residents.	Security maximised – entrance located next to reception and within close proximity to staff room. Opportunity for loss of privacy with 1/23 Winbourne St as window in playroom 2 (ages 2-3yrs) aligns with window in adjoining property.	No (could be addressed via condition)
<b>CAR PARKING, TRAFFIC &amp; ACCESS</b>		
<b>Car Parking - All Child Cares</b>		
Parking to comply with AS2890.1 & AS2890.2	Council's Senior Traffic Engineer is satisfied parking complies with AS2890.1 & AS2890.2.	Yes
Provide parking at a rate of 1 per 8 children and 1 space per 2 staff (stack parking staff only)	39 children (= 4.875 spaces req'd) 6 staff (= 3 spaces req'd) 4 parking/ drop off/ pick up spaces provided. 4spaces allocated for staff.  * Complies numerically, however proposal's allocation of spaces will result in a high demand for on-street parking by parents / carers needing to	Yes

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Requirements	Proposed	Compliance
	drop off / pick up children.	
One disabled parking 3.6m wide to be provided – height clearance of 2.5m	1 disabled parking space has been provided.	Yes
New centres to comply with access requirements as per Part 9.2 Access of DCP 2006	The building was designed to be accessible. The child care centre will be fully accessible.	Yes
<b>Car parking - Work based/mixed use centres</b>		
Drop off pick up areas provided in close proximity (max of 30m) to the main entrance preferably same floor level to assist with accessibility & safety.	The proposed drop off area is within 30m of the entrance to the child care centre. Despite this, development is not within a mixed use centre.	Yes
Drop off/pick up areas to be exclusively available for use in conjunction with the Child Care Centre throughout the opening hours of the centre.	Site will only be developed for a CCC – public will not be allowed to park on the site.	Yes
Driveway access, manoeuvring areas and parking are not to be shared with access, parking, manoeuvring areas used by other uses or truck movements.	Site will only be developed for a CCC – driveway access, manoeuvring areas and parking will not be shared.	Yes
<b>Manoeuvrability</b>		
Provide min. of 12m between driveway laybacks	10.5m distance between driveway laybacks.	No (variation supported)
Variations to 'U' shape design can be approved following criteria met: <ul style="list-style-type: none"> <li>• Separate entry/exit at safe distance</li> <li>• Vehicles leave in a forward direction</li> <li>• Use does not endanger people/ vehicle</li> <li>• Front setback is not given over to traffic circulation and parking requirement &amp; compromises landscaping &amp; streetscape.</li> </ul>	U-shaped design proposed.	Yes
Separate entry and exit driveway at minimum safe distance.	Separate entry and exit driveway provided a safe distance. Driveway distances discussed with Council's Senior Traffic Engineer.	Yes
Vehicles to leave the site in forward gear	Will leave site in forward direction.	Yes
Vehicles must not encroach on pedestrian accessways. Use eg bollards	Does not encroach on pedestrian access way.	Yes

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<b>Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
Driveway use variation in pavement to distinguish car parking & driveways and reduce visual impact	Variation in driveway not specified – condition can be imposed to ensure difference in materials is provided.	Yes
<b>Traffic &amp; Pedestrian Safety</b>		
Pick up/drop off as separate area to that used for manoeuvring.	Separation provided.	Yes
Provide information on the impact of traffic on the local streets – Traffic Impact Assessment	Traffic & Parking Report provided.	Yes
Road Safety Audit may be required if development along major roads. See DCP	Audit not required as CCC is not proposed along a Collector Rd.	N/A
Pedestrian access segregated from vehicular access – paths clearly defined	Separate pedestrian access provided from street to entry.	Yes
<b>Accessibility</b>		
New Development must comply with: <ul style="list-style-type: none"> <li>AS 1428.1 Design for Access &amp; Mobility.</li> <li>BCA Part D</li> <li>Part 9.2 of DCP</li> </ul>	Development can comply with the requirements - condition can be imposed.	Yes
Minor Alterations – accessibility is not to be made worse	New CCC.	N/A
Other matters to be considered are: <ul style="list-style-type: none"> <li>Continuous path of travel from street/ parking area to rooms/ play area</li> <li>Hard paved surfaces leading into the entry of a play environment and continuing inside</li> <li>Parking areas to incorporate kerb cuts to eliminate barriers for prams or individuals using mobility aid</li> <li>Pathways 1200-1500mm wide &amp; grades no steeper than 1:14</li> </ul>	Continuous path of travel provided.  Transition area provided where hard paved surfaces are provided. Details not shown however kerb cuts can be achieved – via a condition of consent. Pathway 1.2m-1.5m in width.	Yes  Yes Yes Yes
<b>LANDSCAPING &amp; PLAY SPACES</b>		
<b>General Landscaping Requirements</b>		
Landscaping plan to be submitted (prepared by qualified landscape architect). Show existing & proposed planting, including a schedule of species. The plan must: <ul style="list-style-type: none"> <li>Show any significant trees on site</li> </ul>	Landscaping and the outdoor play area is considered satisfactory as it is in accordance with the specific requirements under the DCP:	

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Requirements	Proposed	Compliance
<ul style="list-style-type: none"> <li>• Avoid plants which may be poisonous or a hazard to children/ babies/ toddlers</li> <li>• Consider the compaction &amp; erosion of soil</li> <li>• Consider potential of tree roots to up lift outdoor surface eg footpath</li> <li>• Identify opportunities for deep soil planting and appropriate species</li> <li>• Include shrubs &amp; trees which offer range of textures, colours etc</li> </ul>	<ul style="list-style-type: none"> <li>• Trees to be removed are supported. Whilst not specifically poisonous, Council's Consultant Landscape Architect has recommended replacement of 42 Dianella species. The berries on this tree may be consumed in large quantities by children. Condition recommended to mitigate concern.</li> <li>• Sufficient sail shades and outdoor activity area provided within the landscaped area.</li> <li>• Sand pits have been proposed.</li> <li>• 66% grass &amp; soft landscaping.</li> <li>• Various plant species to be planted – only deep soil area surrounding plants.</li> </ul>	Yes
Irrigation – use rainwater or recycled water	Hose cock provided along each side elevation. Condition can be included to ensure appropriate irrigation on the site.	Yes
Landscape buffer of min 1m to be provided along side and rear boundaries for Res zones	1m buffer provided along side and rear boundaries.	Yes
Landscaping setback of min. 2m to be provided along front boundary of all new childcare centres in Res zones	Landscaping setback of 0.7m – sightlines.	No (variation supported)
<b>Play Spaces - Size and Functionality</b>		
Outdoor play area in the front yard should be avoided.	Outdoor play area at the rear only.	Yes
Play areas to be of regular shape rather than segmented and provide opportunities for easy supervision by	Supervision by staff achievable.	Yes



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<b>Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
Include suitable species to achieve canopy cover of 50-60% of outdoor play area within 5 years of planting	Plant species will provide canopy with shade sails also provided over sandpit area.	Yes
Outdoor play area must be adequately shaded from establishment as per <i>Shade for child Care Services</i> (NSW Cancer Council).	Adequate shading provided.	Yes
Outdoor play space should relate directly to the Indoor play space for relevant age groups. Separate play areas are encouraged for 0-2 year olds.	Spaces connected and relates to indoor play space. Separate area for 0-2 years.	Yes
Appropriate access to be provided to the outdoor play area for maintenance.	Access provided.	Yes
Vehicles not to be parked in the outdoor play areas	No vehicular access/ parking provided in the play area.	Yes
<b>Work based/ in mixed use child care</b>		
If outdoor space external above ground level: <ul style="list-style-type: none"> <li>• Ensure outdoor space of similar quality to that achievable at ground floor level and complies with Clause 6.2.2</li> <li>• Implement measures to protect from natural elements for year-round use</li> <li>• Fencing to be provided for safety and prevent objects being thrown over</li> </ul>	1.8m high fencing proposed. Recommendation within noise report for a 2.4m high fence due to the potential for noise generated in outdoor play area disturbing residents in surrounding properties. Adequate measures enforced offering protection from natural elements.	Yes
Storage be provided to 0.5m <sup>2</sup> of space per child and not impede supervision of play areas.	Proposal is not work based/in mixed use.	NA
<b>Transition Areas</b>		
Transition area to be located between indoor and outdoor areas	Transition area connects each play room to the outdoor area	Yes
Designed to allow indoor & outdoor activities to be conducted under cover	Transition area covered	Yes
Designed to offer protection from unfavourable weather conditions	23.28m <sup>2</sup> transition area provided to offer protection from poor weather.	Yes
Can incorporate facilities for educational experiences & storage areas	These are provided outdoors	Yes
<b>Swimming Pools and Water Hazards</b>		
New swimming pools are not permitted on premises of any child care centre	No pool proposed	N/A

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<b>Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
Existing pool must be fenced as per Swimming Pools Act 1992	No pools exist on site	N/A
Pool filters must be housed so are inaccessible by children	N/A	N/A
<b>GENERAL CONTROLS</b>		
<b>Centre Facilities</b>		
Provide rooms for administration/office and staff respite	Provided	Yes
Locate office adjacent to entry area (security)	Located adjacent to entry	Yes
Staff room to include min 20m <sup>2</sup> floor space	10.5m <sup>2</sup>	No (variation supported)
If children below under 2 year are to be cared for then these be provided: <ul style="list-style-type: none"> <li>a sleeping room with 2.5m<sup>2</sup> of floorspace per cot and maximum of 10 cots per room</li> <li>a nappy change area adj. to the cot room to be provided</li> </ul>	1 cot room (4 children < 2yrs): Room 10.3m <sup>2</sup> (6 cots) = 1.7m <sup>2</sup> per cot.  Provided.	No (could be addressed via condition)  Yes
Provide laundry facilities	N/A - Undertaken off site.	Yes
Provide pram storage area	Not provided.	No (could be addressed via condition)
<b>Signage</b>		
Must comply with Part 9.1 of DCP	No signage proposed as part of application.	Yes
<b>Exterior Lighting</b>		
Provide lighting at main entrance and within the site as necessary Spot light is discouraged	Details not provided – condition can be provided.	Yes
Street number to be clearly visible	Details not provided - condition can be imposed.	Yes
<b>Waste Storage and Management</b>		
Waste Management Plan to be submitted and must comply with Part 7.2 of DCP	Detailed Waste Management Plan provided.	Yes
Adequate provision be made for storage & collection of waste and recycling receptacle	EHO recommended various conditions to address this issue.	Yes
In addition the following to be addressed: <ul style="list-style-type: none"> <li>special removal service</li> <li>frequency of removal of waste</li> <li>opportunities for reuse and recycling</li> </ul>	Private waste collector Staff to monitor collection frequency. EHO has recommended	Yes

**ITEM 2 (continued)**

**ATTACHMENT 1**

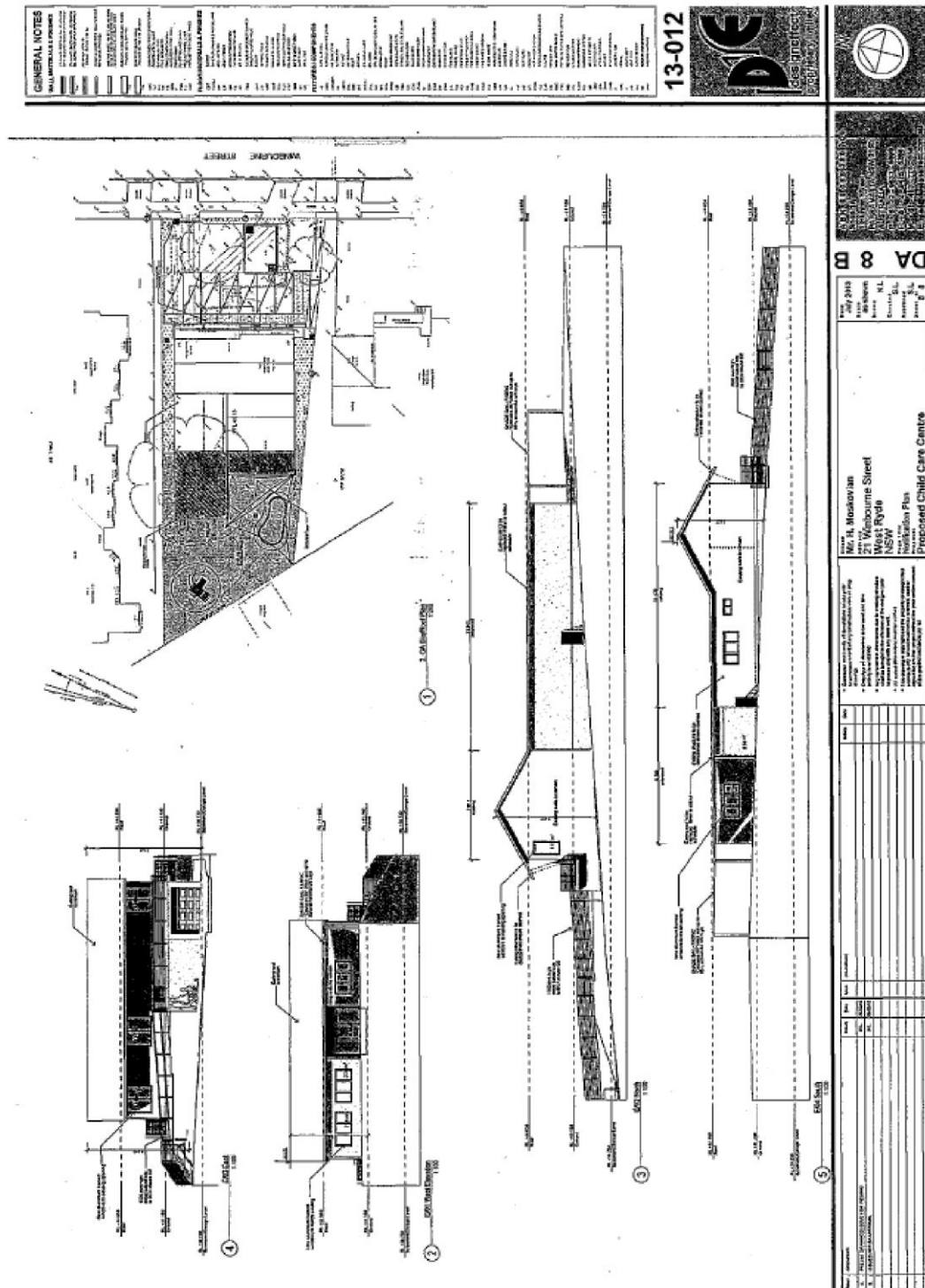
**PREVIOUS REPORT – ATTACHMENT 1**

<b>Requirements</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>location, size and capacity of bins and ease of removal</li> <li>Avoid access by children</li> <li>Requirements for waste from kitchen facilities</li> <li>Impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise.</li> </ul>	conditions relating to waste storage to ensure compliance. Not accessible by children.	
New child care centres being built must incorporate waste storage area designed to be visually and physically integrated with the development and not stored within the front setback.	Consolidated waste storage area to be constructed in accordance with EHO conditions.	Yes
Waste facilities are not to be sited within the areas required for car parking, driveway, access or landscaping areas.	Will not affect the car parking or the landscaping areas.	Yes
Waste storage area not to be visible from street – elements such as fencing, landscaping & roof treatment can be added for aesthetic improvement	Not visible from street. EHO has recommended conditions to ensure waste storage area is constructed appropriately and to Council's standards.	Yes
If food preparation on site, designate waste storage area with cover – subject to Sydney Water Requirement.	Sydney water requirements to be met – via a condition should DA be approved.	Yes
Any composting area must not impact on amenity of adjoining properties	No composting area proposed	N/A
<b>Emergency Evacuation</b>		
A 'Fire Safety and Evacuation Plan' complying with AS3745 is to be submitted to PCA prior to Occupation Certificate: <ul style="list-style-type: none"> <li>Address mobility of children during evacuation</li> <li>Safe congregation area</li> <li>Procedure and supervision of children during evacuation.</li> </ul>	Condition can be imposed to ensure Fire Safety and Evacuation Plan is submitted prior to Occ. Cert. should approval be granted.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 2**



ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3



Address:  
P.O Box 9161  
Bathurst NSW 2795

Phone :  
(02) 6331 0467

E-mail  
craig@trafficsolutions.com.au

## Traffic Solutions Pty Ltd

4 April 2014  
Reference No. 13.14.085

The General Manager  
Ryde City Council  
Locked Bag 2069  
North Ryde NSW 1670

Dear Sir

**Traffic & Parking Statement - Proposed Child Care Centre,  
21 Winbourne Street, West Ryde**

Traffic Solutions Pty Ltd has been engaged by the applicant to provide Council with an assessment of the potential traffic and parking implications of a proposed 39 place Long Day Care Centre at the subject location. To that end this statement examines the implications of the proposed development and will assess the:

1. Proposed access arrangements, adequacy and suitability of the off-street parking provision.
2. Proposed development traffic generation.
3. Impacts of the estimated traffic generation on the existing road network.

The proposed Centre is located on the western side of Winbourne Street and provides 8 car parking spaces on site including 1 disabled space. Vehicular access to the development is proposed via a 4.6m wide separated entry and 4.2m wide exit driveway. An inspection of the site reveals that the proposed location of the driveways will provide very good sight distance in both directions along Winbourne Street.

The geometric design requirements for car park layouts such as aisle widths and parking bay sizes are specified in the "Australian/New Zealand Standards, Parking Facilities Part 1: Off Street Car Parking (AS 2890.1)" of 2004. This standard classifies this development as a Class 3 off-street car parking facility requiring a category 1 driveway. The following table provides a comparison of the key requirements of AS 2890.1.

FEATURE	AS/NZS 2890.1 REQUIREMENT	PROPOSED	CONFORMS TO AS/NZS 2890.1
Parking Space Dimensions	5.4m x 2.6m Standard	5.5m x 2.4m standard staff and 5.5m x 2.6m parent drop off/pick up spaces	YES (see note)
	5.4m x 2.4m plus 5.4m x 2.4m shared space Disabled	5.5m x 2.4m plus 5.5m x 2.4m shared space disabled.	YES
Aisle Widths	5.8m minimum	6.2m	YES
Driveway Width	Category 1 d/w=3m-5.5m Note: driveways are normally combines, but if separate, both entry and exit widths should be 3.0m min	Entry 4.6m exit 4.2m	YES

Note: The Australian standard permits spaces widths of 2.4m for long term parking such as staff at a child care centre.

Accordingly this development proposal adheres to the tabulated Australian Standard requirements.

AMENDED PLANS  
7 APR 2014

**ITEM 2 (continued)**

**ATTACHMENT 1**

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A review of City of Ryde Development Control Plan 2010 – Part 3.2 Child Care Centre reveals the car parking rate for a 39 child care centre is 1 space per 8 children and 1 space per 2 staff. The applicant has advised that 5 staff will be required. Utilising these rates the requirements for a 39 place Child care centre is 7.4 car parking spaces.

Consequently, the proposed Child Care Centre development complies with City of Ryde parking requirements with the provision of 8 off street parking spaces.

An estimation of the traffic generation of the proposed development can be calculated by referring to the Roads and Maritime Services 'Guide to Traffic Generating Developments, Section 3 – Landuse Traffic Generation' of October 2002. The guide specifies the following peak hour generation rates:

Centre Type	Peak Vehicle Trips/Child		
	7.00-9.00am	2.30-4.00pm	4.00-6.00pm
Pre-school	1.4	0.8	--
Long day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

Accordingly, the estimated traffic generation of this development calculates as:

Children number and centre type	AM Peak Hour	PM Peak Hour
39 place long day care	$39 \times 0.8 = 31.2$	$39 \times 0.7 = 27.3$
<b>Total</b>	<b>31.2 Trips</b>	<b>27.3 Trips</b>

The estimated potential traffic generation of the subject site is in the order of 31 and 27 trips in the morning and evening peak hours respectively. The RMS defines a vehicle trip as a one-way vehicular movement from one point to another excluding the return journey. Accordingly, the estimated trips will be in the order of 15 in and 16 out in the morning peak hour and 13 in and 14 out in the evening peak hour.

Data on the traffic movements in the vicinity of the subject site have been collected as part of this assessment by surveys undertaken by R.O.A.R. Data Pty Ltd on behalf of this firm from 7.00 am – 9.30 am and 2.30 pm – 5.30 pm on Wednesday, 12 February 2014. Counts were taken of the traffic volumes along Winbourne Street, the pedestrians crossing the marked crossing and the number of vehicles doing U-turns outside the school.

The weekday peak hour at the section of Winbourne Road in the morning and evening was found to be between 8.00am – 9.00am and 2.45pm – 3.45pm respectively which is to be expected given the location adjacent a school. Detailed results of the survey are attached. The recorded peak hour flows in Winbourne Street at this time are as follows:

	AM Peak Hour	PM Peak Hour
	8.00am – 9.00 am	2.45pm – 3.45pm
Northbound	229	147
Southbound	226	216
<b>Total</b>	<b>455</b>	<b>363</b>

The flows along Winbourne Street are exaggerated as a result of 114 and 96 vehicles that undertook



ITEM 2 (continued)

ATTACHMENT 1

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U-turns in the morning and evening peak hours respectively.

On site observations during the peak times reveal some congestion due to the drop off and picking up of school children on both sides of Winbourne Street which is only 9.2m wide. When cars park on both sides of a road, the road is effectively reduced to one lane with passing opportunities only where parking is prohibited and double driveways occur.

It should be noted that there are double white centrelines on both approaches to the Zebra crossing which legally prohibits parking on both sides in this part of Winbourne Street (parking is prohibited within 3m of double white centrelines), however, Council has provided a kiss and ride area adjacent the double white lines which promotes illegal parking. It is the opinion of this firm that Council should review this area as Council has provided line marking and signposting that conflicts.

To assist in improving this situation Traffic Solutions Pty Ltd recommends that 'No Stopping 8.00am – 9.00am and 2.30pm – 3.30pm school days' (RS-404 standard sign series) be provided along the full frontage of the proposed centre. This will provide sufficient width for 2 vehicles to pass at this location and encourage parents dropping off and picking up at the proposed child care centre to utilise the car park that is provided.

The Road's and Maritime Services 'Guide to Traffic Generating Developments, Section 4 – Interpretation of Traffic Impacts' provided the operating level of service of urban roads based upon peak flows per direction. A copy of table 4.4 of the RTA guide is reproduced below:

**Table 4.4**  
**Urban road peak hour flows per direction**

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

Therefore Winbourne Street with a peak hour direction flow of up to 229 vehicles travelling northbound in the morning peak hour, is currently operating at a satisfactory level of service 'B' and the potential additional 31 vehicle trips will not alter this operational level of service.

The level of service is used as the performance standard. This is a qualitative assessment of the quantitative effect of factors such as speed, volume of traffic, geometric features, traffic interruptions, delays and freedom of manoeuvre. There are six levels of service (LOS) as described below, from AUSTRROADS *Guide to Traffic Engineering Practice – Part 2: Roadway Capacity, (1988)*.

**Level of Service A**

This, the top level is a condition of free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high, and the general level of comfort and convenience provided is excellent.

**Level of Service B**

This level is in the zone of stable flow and drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream, although the general level of comfort and convenience is little less than that of the level of Service A.



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**Level of Service C**

The general level of comfort and convenience declines noticeably at this level.

**Level of Service D**

This level is close to the limit of stable flow but is approaching unstable flow. All drivers are severely restricted in their freedom to select their desired speed and to manoeuvre within the traffic stream. The general level of comfort and convenience is poor, and small increases in traffic flow will generally cause operational problems.

**Level of Service E**

This occurs when traffic volumes are at or close to capacity and there is virtually no freedom to select desired speeds or to manoeuvre within the traffic stream. Flow is unstable and minor disturbances within the traffic stream will cause a traffic jam.

**Level of Service F**

This service level is in the zone of forced flow. With it, the amount of traffic approaching the point under consideration exceeds that which can pass it. Flow break-down occurs and queuing delays result.

To assess the impact of the development on Winbourne Road the estimated morning and evening peak hour approach and departure vehicle trips have been assigned to Winbourne Street south of the site.

It is recognised that some of the traffic generated by the development may approach and depart the site via Winbourne Street north, however, by concentrating the potential traffic generated by this development to the south a higher impact upon this road (and therefore a worse case scenario) is modelled.

Using SIDRA, a software program developed for the purpose of analysing signalised, roundabout and sign controlled intersections, the effect of the estimated traffic generation of this development on the adjacent road system has been assessed.

A comparison of intersection performance between the existing and projected traffic demands during the morning and evening peak hours upon the intersection of Winbourne Street Zebra Crossing has been modelled. Tabled below are the results of the intersection modelling and a copy of the *SIDRA* output file is attached for Council's information.

	Intersection of Winbourne Street and school Zebra crossing			
	Existing		Proposed	
	AM	PM	AM	PM
Level of Service	A	A	A	A
Degree of Saturation	0.227	0.224	0.242	0.238
Total Average Delay	0.6	0.6	0.6	0.7

The results of the SIDRA analysis reveals:

- The Level of Service at the intersection of will not change with the estimated additional traffic generation of the proposed development.
- The additional traffic demand on the intersection as a consequence of the proposed development will only alter the Degree of Saturation and Total Average Delays minutely.

**ITEM 2 (continued)**

**ATTACHMENT 1**

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The preceding assessment has revealed the following:

- The access driveways proposed to serve the development are suitably located and will provide good sight distance in both directions along Winbourne Street.
- The estimated potential traffic generation increase of up to 31 vehicle movements in the peak hours will not have a detrimental effect on the surrounding road network.
- The short term congestion in Winbourne Street is due to the drop off and picking up of school children on both sides of Winbourne Street. This is exacerbated by the narrow road width and conflicting line marking/signposting which encourages parents to park within 3m of double white lines.
- The traffic volumes past the school is exaggerated as a result of a considerable number of vehicles that undertook U-turns in the morning (114) and evening (96) peak hours respectively.
- The proposed development satisfies the related geometric design specifications contained in the Australian Standards for off street parking and vehicular access.
- The off street parking provided in the proposed development satisfies the requirements specified by Council's Development Control Plan.
- It is recommended that 'No Stopping 8.00am – 9.00am and 2.30pm – 3.30pm school days' (RS-404 standard sign series) be provided along the full frontage of the proposed centre to provide an addition section of Winbourne Street where 2 vehicles can pass.

Should you require any additional information or clarification of the contents of this letter please contact me on the telephone numbers provided.

Yours sincerely



Craig Hazell  
Director

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3



**R.O.A.R. DATA**  
Reliable, Original & Authentic Results  
Ph. 88196847, Fax 88196849, Mob. 0418-239019

AM

Client : Traffic Solution Pty Ltd  
Job No/Name : 5007 WEST RYDE Winbourne St  
Day/Date : Thursday 20th February 2014

Winbourne St			
Light		NTH-B	STH-B
Time Per			TOT
0700 - 0715	9	21	30
0715 - 0730	26	23	49
0730 - 0745	21	23	44
0745 - 0800	26	27	52
0800 - 0815	41	35	76
0815 - 0830	36	31	67
0830 - 0845	67	79	146
0845 - 0900	78	75	153
0900 - 0915	20	46	66
0915 - 0930	11	17	28
Per End	334	377	711

Winbourne St			
Light		NTH-B	STH-B
Peak Per			TOT
0700 - 0800	81	94	175
0715 - 0815	113	108	221
0730 - 0830	123	116	239
0745 - 0845	169	172	341
0800 - 0900	222	220	442
0815 - 0915	201	231	432
0830 - 0930	176	217	393
PEAK HR	222	220	442

Winbourne St			
Heavies		NTH-B	STH-B
Time Per			TOT
0700 - 0715	0	1	1
0715 - 0730	1	0	1
0730 - 0745	1	1	2
0745 - 0800	0	0	0
0800 - 0815	3	1	4
0815 - 0830	0	3	3
0830 - 0845	2	0	2
0845 - 0900	2	2	4
0900 - 0915	2	2	4
0915 - 0930	0	1	1
Per End	11	11	22

Winbourne St			
Heavies		NTH-B	STH-B
Peak Per			TOT
0700 - 0800	2	2	4
0715 - 0815	5	2	7
0730 - 0830	4	5	9
0745 - 0845	5	4	9
0800 - 0900	7	6	13
0815 - 0915	6	7	13
0830 - 0930	6	5	11
PEAK HR	7	6	13

Winbourne St			
Combined		NTH-B	STH-B
Time Per			TOT
0700 - 0715	9	22	31
0715 - 0730	27	23	50
0730 - 0745	22	24	46
0745 - 0800	25	27	52
0800 - 0815	44	36	80
0815 - 0830	36	34	70
0830 - 0845	69	79	148
0845 - 0900	80	77	157
0900 - 0915	22	48	70
0915 - 0930	11	18	29
Per End	345	388	733

Winbourne St			
Combined		NTH-B	STH-B
Peak Per			TOT
0700 - 0800	83	96	179
0715 - 0815	118	110	228
0730 - 0830	127	121	248
0745 - 0845	174	176	350
0800 - 0900	229	226	455
0815 - 0915	207	238	445
0830 - 0930	182	222	404
PEAK HR	229	226	455

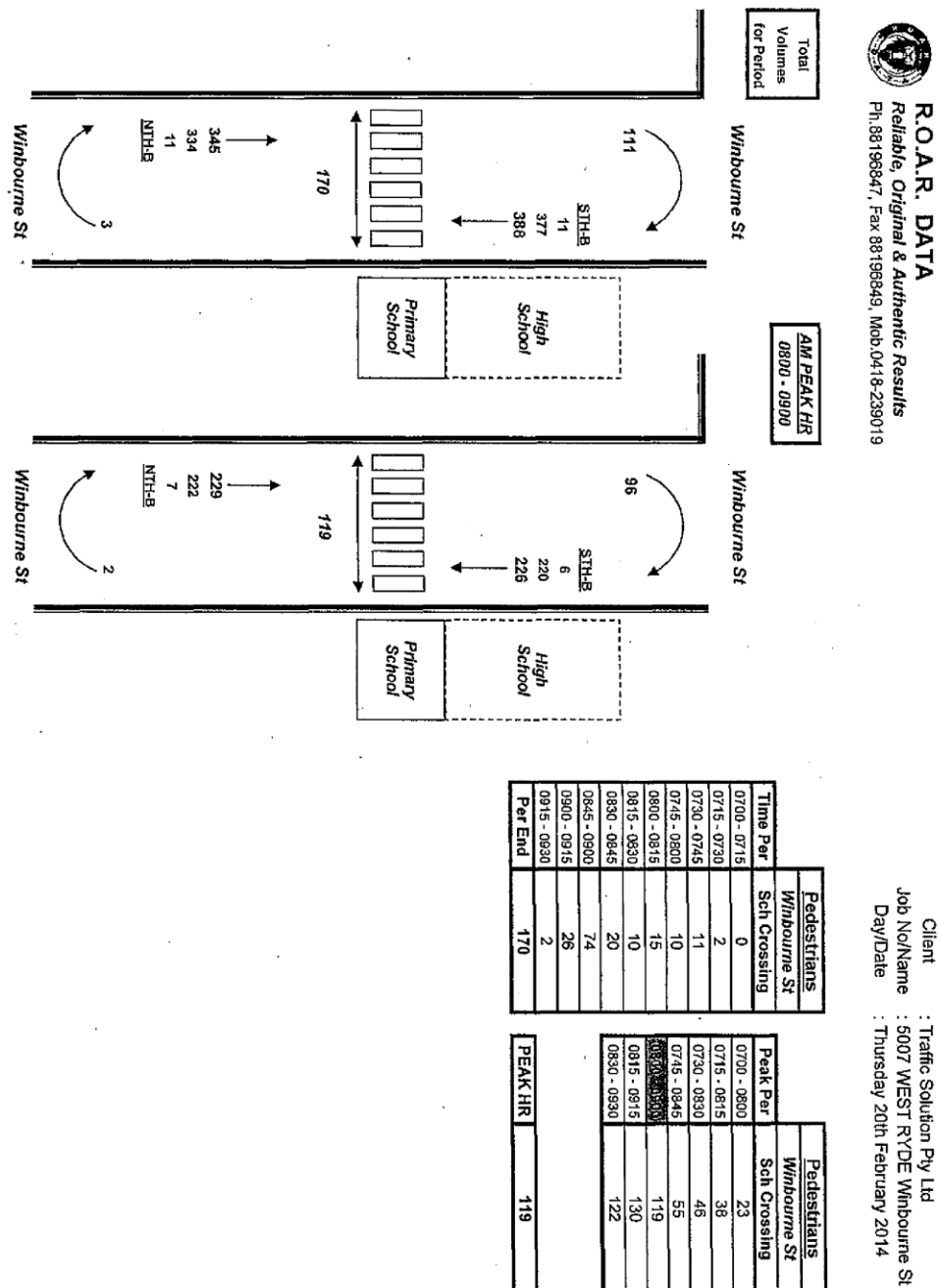
Winbourne St			
NORTH		North	South
Time Per			TOT
0700 - 0715	0	0	0
0715 - 0730	0	0	0
0730 - 0745	1	0	1
0745 - 0800	0	0	0
0800 - 0815	1	0	1
0815 - 0830	8	0	8
0830 - 0845	30	1	31
0845 - 0900	57	1	58
0900 - 0915	13	1	14
0915 - 0930	1	0	1
Per End	111	3	114

Winbourne St			
NORTH		North	South
Peak Per			TOT
0700 - 0800	1	0	1
0715 - 0815	2	0	2
0730 - 0830	10	0	10
0745 - 0845	39	1	40
0800 - 0900	96	2	98
0815 - 0915	108	3	111
0830 - 0930	101	3	104
PEAK HR	96	2	98

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**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 3**



ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3



**R.O.A.R. DATA**  
Reliable, Original & Authentic Results  
Ph. 88196847, Fax 88196849, Mob. 0418-239019

PM

Client : Traffic Solution Pty Ltd  
Job No/Name : 5007 WEST RYDE Winbourne St  
Day/Date : Thursday 20th February 2014

Winbourne St			
Light		NTH-B	STH-B
Time Per	TOT		
1430 - 1445	27	14	41
1445 - 1500	32	28	60
1500 - 1515	48	76	124
1515 - 1530	37	70	107
1530 - 1545	21	38	54
1545 - 1600	13	24	37
1600 - 1615	11	21	32
1615 - 1630	23	43	66
1630 - 1645	20	32	52
1645 - 1700	17	26	42
1700 - 1715	14	23	37
1715 - 1730	15	27	42
Per End	278	416	694

Winbourne St			
Light		NTH-B	STH-B
Peak Per	TOT		
1430 - 1530	144	188	332
1530 - 1630	136	207	345
1630 - 1730	119	203	322
1730 - 1830	82	148	230
1830 - 1930	68	121	189
1930 - 2030	67	120	187
2030 - 2130	71	121	192
2130 - 2230	74	123	197
2230 - 2330	66	107	173
PEAK HR	138	207	345

Winbourne St			
Heavy's		NTH-B	STH-B
Time Per	TOT		
1430 - 1445	4	4	8
1445 - 1500	1	1	2
1500 - 1515	0	0	0
1515 - 1530	4	4	8
1530 - 1545	4	4	8
1545 - 1600	0	0	0
1600 - 1615	2	1	3
1615 - 1630	0	0	0
1630 - 1645	1	1	2
1645 - 1700	0	0	0
1700 - 1715	1	1	2
1715 - 1730	0	0	0
Per End	17	16	33

Winbourne St			
Heavy's		NTH-B	STH-B
Peak Per	TOT		
1430 - 1530	9	9	18
1530 - 1630	8	8	16
1630 - 1730	10	9	19
1730 - 1830	6	5	11
1830 - 1930	3	2	5
1930 - 2030	3	2	5
2030 - 2130	2	2	4
2130 - 2230	2	2	4
PEAK HR	9	9	18

Winbourne St			
Combined		NTH-B	STH-B
Time Per	TOT		
1430 - 1445	31	18	49
1445 - 1500	33	29	62
1500 - 1515	48	76	124
1515 - 1530	41	74	115
1530 - 1545	25	37	62
1545 - 1600	13	24	37
1600 - 1615	13	22	35
1615 - 1630	23	43	65
1630 - 1645	21	33	54
1645 - 1700	17	26	42
1700 - 1715	15	24	39
1715 - 1730	15	27	42
Per End	295	432	727

Winbourne St			
Combined		NTH-B	STH-B
Peak Per	TOT		
1430 - 1530	153	197	350
1530 - 1630	147	216	363
1630 - 1730	127	211	338
1730 - 1830	92	157	249
1830 - 1930	74	126	200
1930 - 2030	70	122	192
2030 - 2130	74	123	197
2130 - 2230	76	125	201
2230 - 2330	68	109	177
PEAK HR	147	216	363

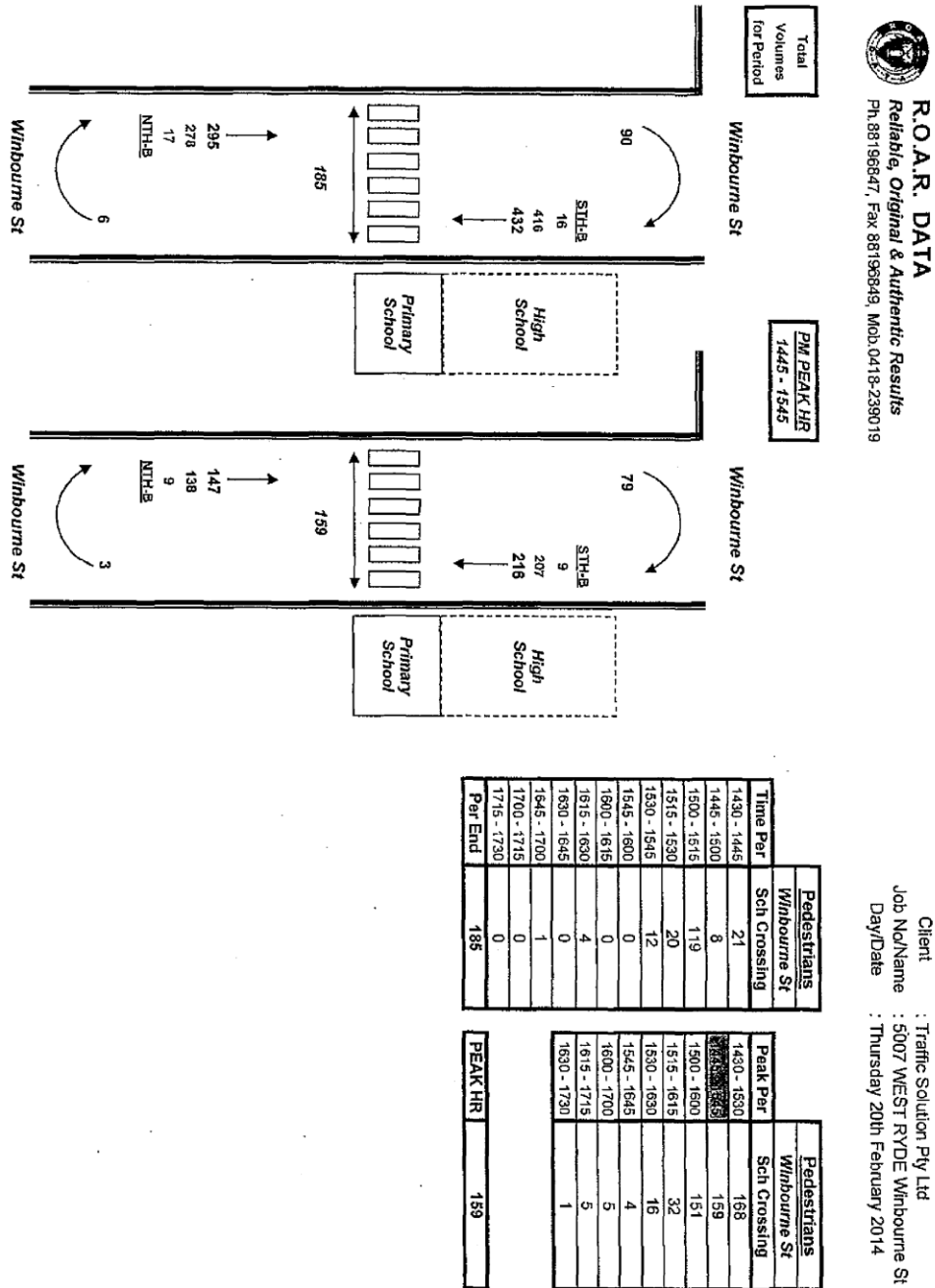
Winbourne St			
North		NTH-B	STH-B
Time Per	TOT		
1430 - 1445	6	0	6
1445 - 1500	12	0	12
1500 - 1515	30	2	32
1515 - 1530	27	1	28
1530 - 1545	10	0	10
1545 - 1600	1	2	3
1600 - 1615	0	1	1
1615 - 1630	1	0	1
1630 - 1645	1	0	1
1645 - 1700	2	0	2
1700 - 1715	0	0	0
1715 - 1730	0	0	0
Per End	90	6	96

Winbourne St			
North		NTH-B	STH-B
Peak Per	TOT		
1430 - 1530	75	3	78
1530 - 1630	79	3	82
1630 - 1730	68	5	73
1730 - 1830	38	4	42
1830 - 1930	12	3	15
1930 - 2030	3	3	6
2030 - 2130	4	1	5
2130 - 2230	4	0	4
2230 - 2330	3	0	3
PEAK HR	79	3	82

**ITEM 2 (continued)**

**ATTACHMENT 1**

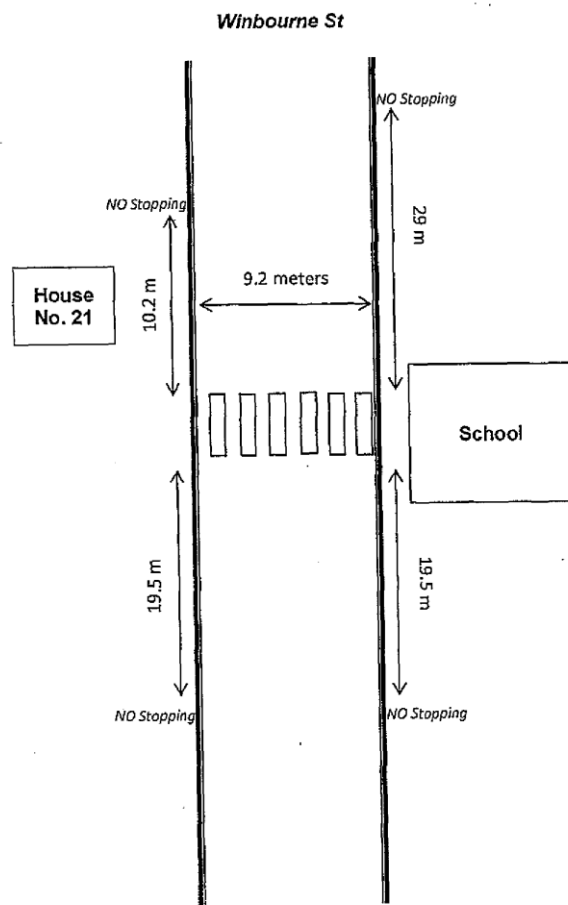
**PREVIOUS REPORT – ATTACHMENT 3**



**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 3**





**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 3**

**MOVEMENT SUMMARY**

Site: AM Existing

Winbourne Street Unsignalised pedestrian (Zebra) crossing across two-way road

Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
<b>Souths Winbourne St</b>											
V1	T	241	3.1	0.227	0.7	LOS A	1.0	7.1	0.27	0.10	38.6
Approach		241	3.1	0.227	0.7	LOS A	1.0	7.1	0.27	0.10	38.6
<b>Norths Winbourne St</b>											
V2	T	238	2.7	0.224	0.7	LOS A	1.0	7.0	0.27	0.10	38.6
Approach		238	2.7	0.224	0.7	LOS A	1.0	7.0	0.27	0.10	38.6
<b>West Pedestrians</b>											
P	T	125	0.0	0.021	0.0	LOS A	0.0	0.0	0.00	0.00	4.0
Approach		125	0.0	0.021	0.0	NA	0.0	0.0	0.00	0.00	4.0
<b>All Vehicles</b>											
		604	2.3	0.227	0.6	NA	1.0	7.1	0.22	0.08	35.9

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

Processed: Tuesday, 25 March 2014 10:51:29 AM  
SIDRA-INTERSECTION 5.1.13.2093  
Project: T:\20132014\085\Winbourne St Zebra.sip  
8000870, TRAFFIC SOLUTIONS PTY LTD, SINGLE

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**SIDRA**  
**INTERSECTION**

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 3**

**MOVEMENT SUMMARY**

Site: AM Potential

Winbourne Street Unsignalised pedestrian (Zebra) crossing across two-way road

Giveaway / Yield (Two-Way)

Movement Performance - Vehicles										
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn w/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh
Southbound Winbourne St										
V1	T	257	2.9	0.242	0.7	LOS A	1.1	7.7	0.28	0.11
Approach		257	2.9	0.242	0.7	LOS A	1.1	7.7	0.28	0.11
Northbound Winbourne St										
V2	T	255	2.5	0.240	0.7	LOS A	1.1	7.6	0.28	0.11
Approach		255	2.5	0.240	0.7	LOS A	1.1	7.6	0.28	0.11
Westbound Pedestrians										
P	T	125	0.0	0.021	0.0	LOS A	0.0	0.0	0.00	0.00
Approach		125	0.0	0.021	0.0	NA	0.0	0.0	0.00	0.00
All Vehicles		537	2.1	0.242	0.6	NA	1.1	7.7	0.22	0.09

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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Project: T:\20132014\085\Winbourne St Zebra.sip  
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**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 3**

**MOVEMENT SUMMARY**

Site: PM Existing

Winbourne Street Unsignalised pedestrian (Zebra) crossing across two-way road

Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
<b>South Winbourne St</b>											
V1	T	155	6.1	0.154	0.9	LOS A	0.6	4.6	0.30	0.13	38.4
Approach		155	6.1	0.154	0.9	LOS A	0.6	4.6	0.30	0.13	38.4
<b>North Winbourne St</b>											
V2	T	227	4.2	0.224	0.9	LOS A	1.0	7.0	0.32	0.14	38.3
Approach		227	4.2	0.224	0.9	LOS A	1.0	7.0	0.32	0.14	38.3
<b>West Pedestrians</b>											
P	T	167	0.0	0.028	0.0	LOS A	0.0	0.0	0.00	0.00	4.0
Approach		167	0.0	0.028	0.0	NA	0.0	0.0	0.00	0.00	4.0
<b>All Vehicles</b>											
		549	3.4	0.224	0.6	NA	1.0	7.0	0.22	0.10	34.0

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 3**

**MOVEMENT SUMMARY**

Site: PM Potential

Winbourne Street Unsignalised pedestrian (Zebra) crossing across two-way road

Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn w/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South Winbourne St											
V1	T	169	5.6	0.168	0.9	LOS A	0.7	5.0	0.30	0.13	38.4
Approach		169	5.6	0.168	0.9	LOS A	0.7	5.0	0.30	0.13	38.4
North Winbourne St											
V2	T	242	3.9	0.238	1.0	LOS A	1.0	7.5	0.32	0.14	38.3
Approach		242	3.9	0.238	1.0	LOS A	1.0	7.5	0.32	0.14	38.3
West Pedestrians											
P	T	167	0.0	0.028	0.0	LOS A	0.0	0.0	0.00	0.00	4.0
Approach		167	0.0	0.028	0.0	NA	0.0	0.0	0.00	0.00	4.0
All Vehicles											
		579	3.3	0.238	0.7	NA	1.0	7.5	0.22	0.10	34.2

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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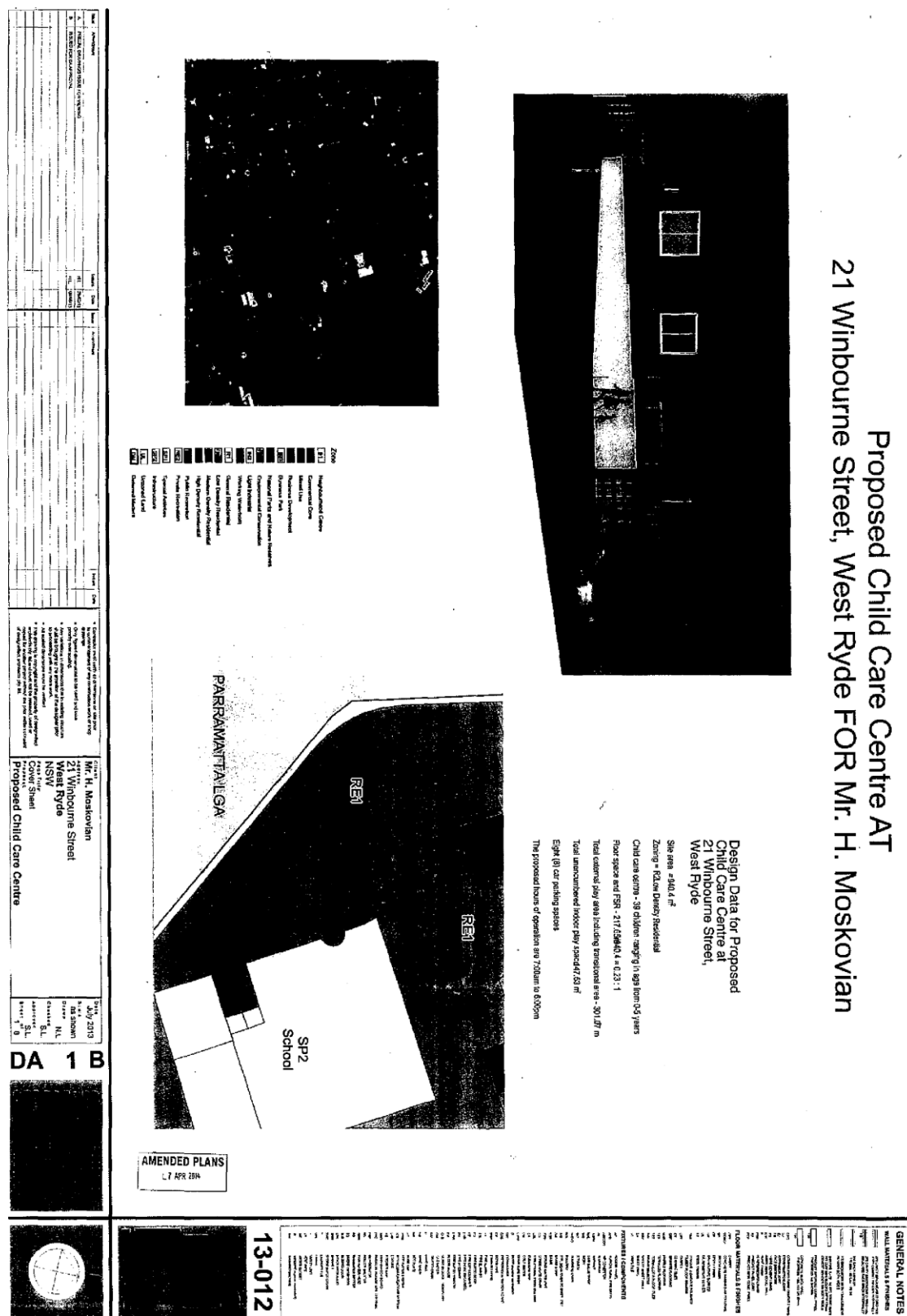
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**ITEM 2 (continued)**

## ATTACHMENT 1

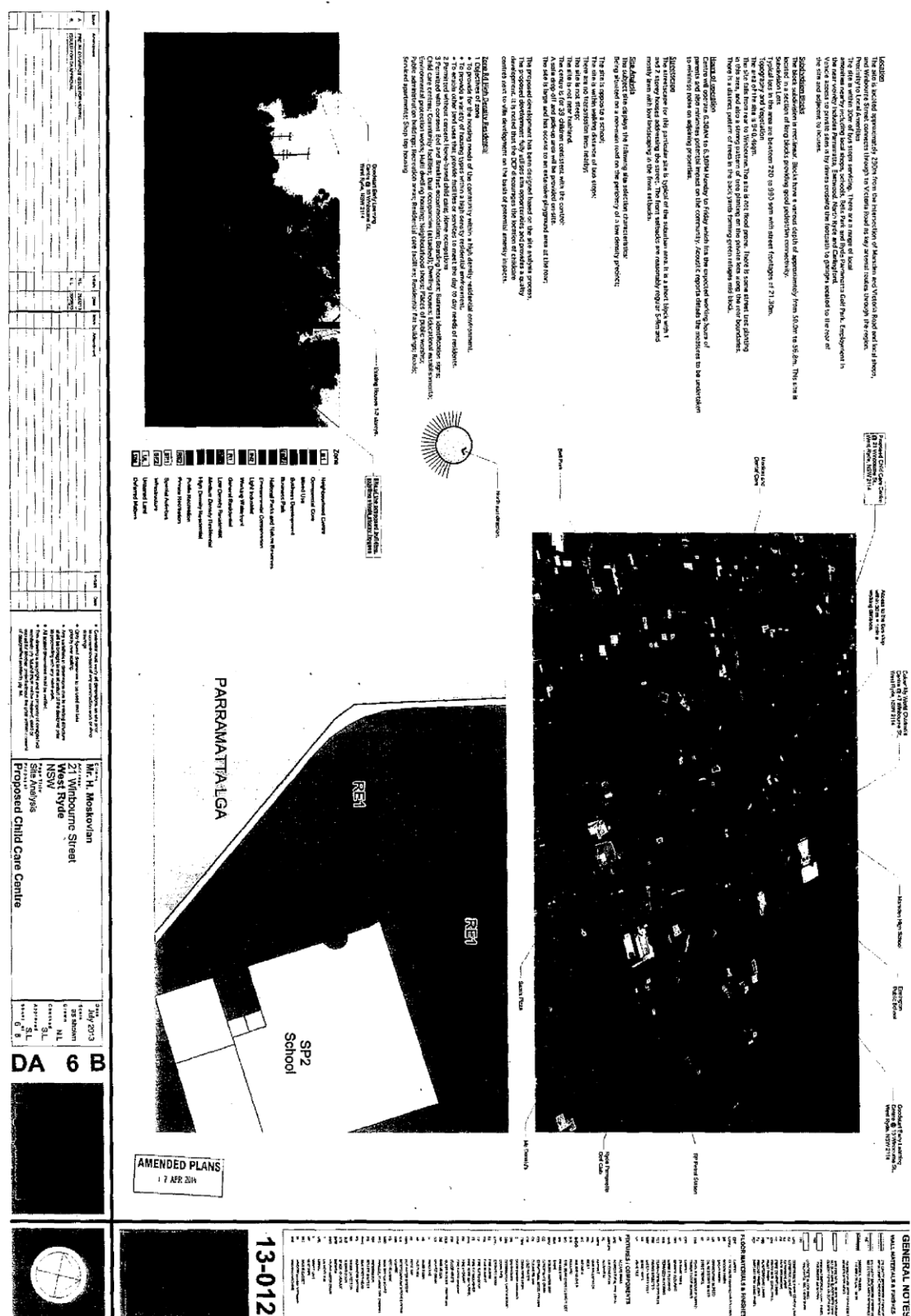
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**ITEM 2 (continued)**

## ATTACHMENT 1

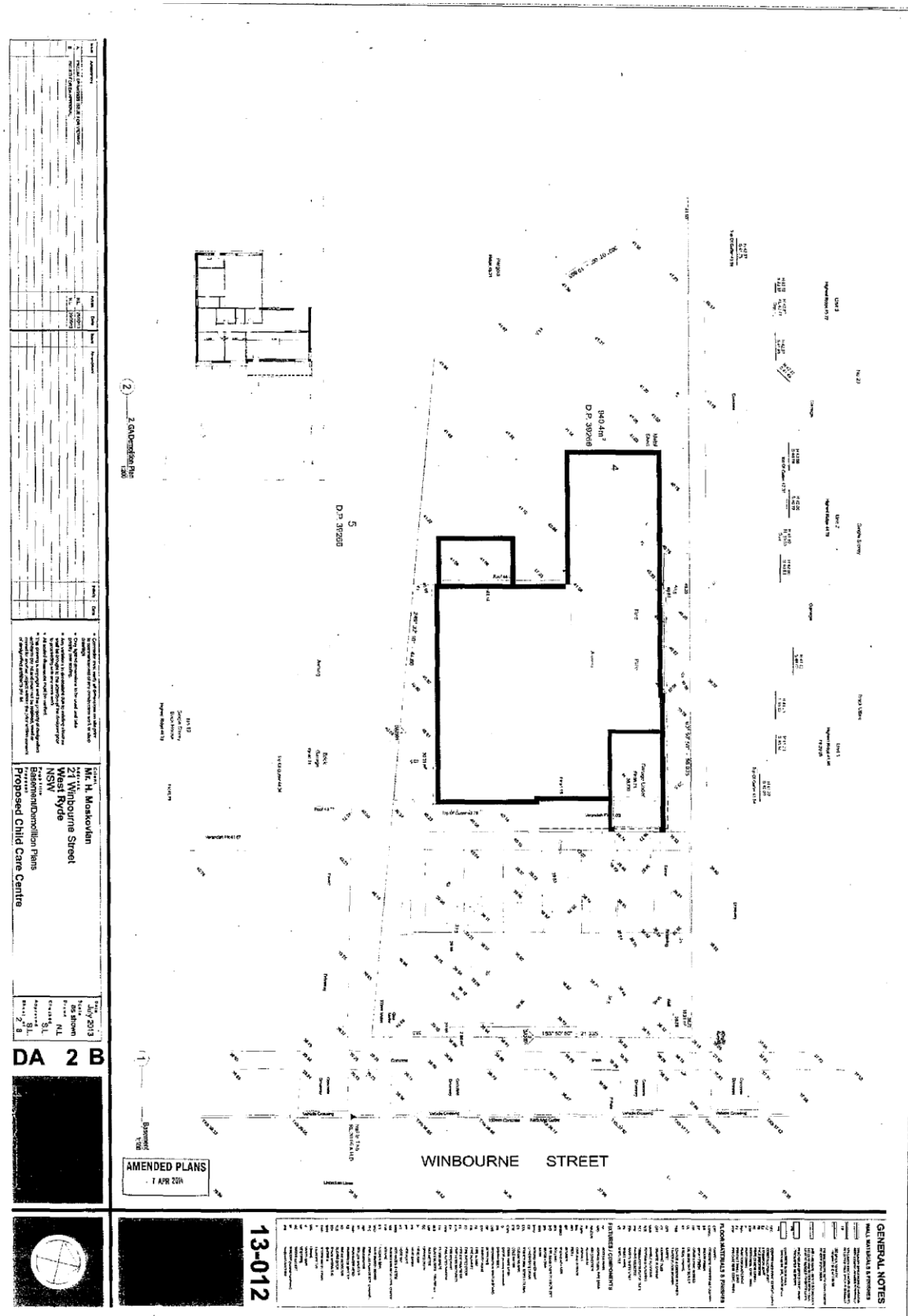
## PREVIOUS REPORT – ATTACHMENT 3



**ITEM 2 (continued)**

## ATTACHMENT 1

## PREVIOUS REPORT – ATTACHMENT 3





**ITEM 2 (continued)**

## ATTACHMENT 1

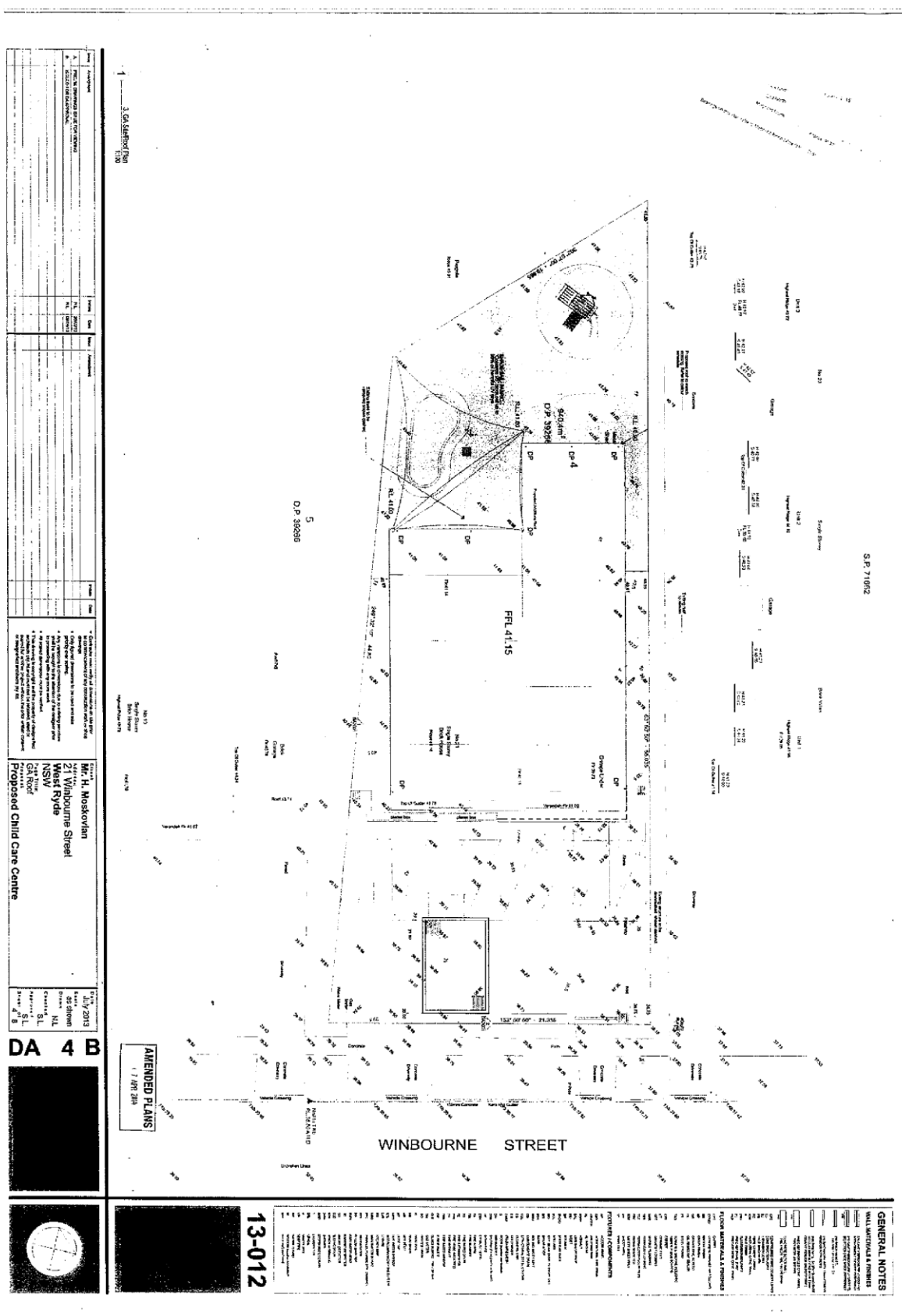
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**ITEM 2 (continued)**

## ATTACHMENT 1

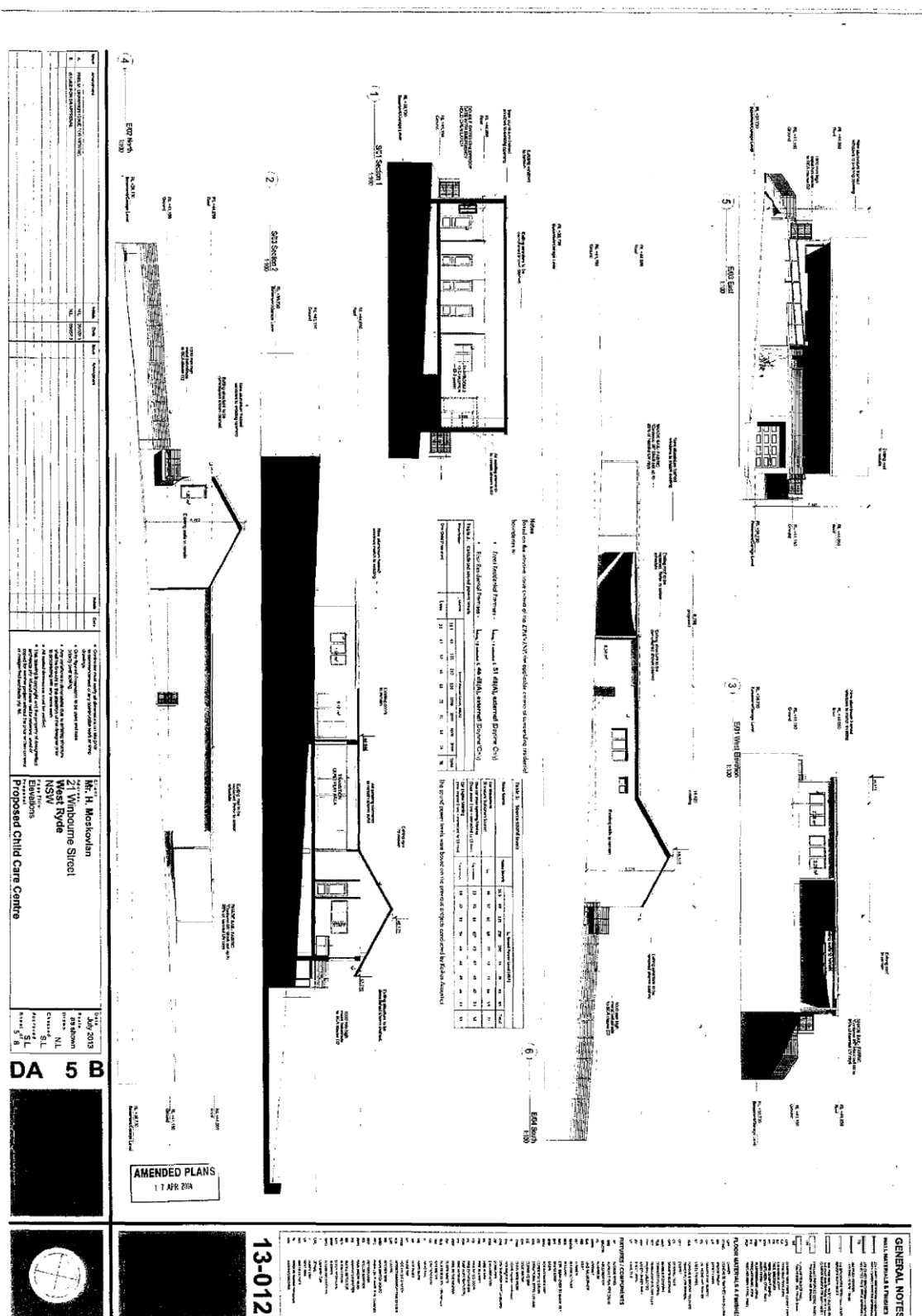
**PREVIOUS REPORT – ATTACHMENT 3**



**ITEM 2 (continued)**

## ATTACHMENT 1

**PREVIOUS REPORT – ATTACHMENT 3**



ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

## Traffic Solutions Pty Ltd



Address:  
P.O Box 9161  
Bathurst NSW 2795

Phone :  
(02) 6331 0467

E-mail  
craig@trafficsolutions.com.au

23 June 2014  
Reference No. 13.14.085

The General Manager  
Ryde City Council  
Locked Bag 2069  
North Ryde NSW 1670

Attention: Ms Lauren Franks

Dear Lauren

**Supplementary Traffic Statement - Proposed Child Care Centre, 21 Winbourne Street,  
West Ryde – DA No. LDA2013/0420**

Traffic Solutions Pty Ltd has been requested by the applicant to provide Council with a response to the traffic related issues raised by council in letter dated 7<sup>th</sup> May 2014.

The issues raised in Council's that will be responded to are:

1. Traffic Engineer's Assessment:

- The application does -not provide SIDRA intersections for the AM and PM peak for the proposed development's access for the with and without on-street parking on the development's frontage. This information is requested.
- The application does not provide swept path analysis for vehicles entering and exiting the development for the with and without on-street parking on the development's frontage. Bare in mind that as a worst case scenario, AM peak of the development may coincide with the school AM peak. This information is requested.

As Council is aware, to assist in improving this situation Traffic Solutions Pty Ltd has recommended that 'No Stopping 8.00am – 9.00am and 2.30pm – 3.30pm school days' (R5-404 standard sign series) be provided along the full frontage of the proposed centre. This will provide sufficient width for 2 vehicles to pass at this location and encourage parents dropping off and picking up at the proposed child care centre to utilise the car park that is provided.

The length of two way as a result of the proposed part time no stopping restrictions has been measured off the survey plan as being approximately 30m in length (This includes the adjoining driveways which prohibit parking).

The potential traffic generation of the subject site was estimated to be in the order of 31 and 27 trips in the morning and evening peak hours respectively. The RMS defines a vehicle trip as a one-way vehicular movement from one point to another excluding the return journey. Accordingly, the estimated trips will be in the order of 15 in and 16 out in the morning peak hour and 13 in and 14 out in the evening peak hour.

To assess the impact of the development on Winbourne Road the estimated morning and evening peak hour approach and departure vehicle trips have been assigned to Winbourne Street south of the site.

It is recognised that some of the traffic generated by the development may approach and depart the site via Winbourne Street north, however, by concentrating the potential traffic generated by this development to the south a higher impact upon this road (and therefore a worse case scenario) is modelled.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 4**

As requested SIDRA modelling has been undertaken at the proposed entry and exit driveway intersections with Winbourne Street. Council should note that SIDRA is not capable of replicating the existing situation with cars requiring to pass in opposite directions with 1 lane. Therefore only the proposed arrangement with the proposed restrictions has been modelled. Tabled below are the results of the intersection modelling and a copy of the *SIDRA* output files are attached for Council's information.

	Intersection of Winbourne Street and proposed child care centre driveways			
	Entry driveway		Exit driveway	
	AM	PM	AM	PM
Level of Service	A	A	A	A
Degree of Saturation	0.133	0.133	0.124	0.117
Total Average Delay (sec/veh)	0.3s	0.3s	0.3s	0.3s
Delay for right turn from d/w (sec/veh)	n/a	n/a	10.5s	10.0s

The results of the SIDRA analysis reveals that the proposed entry and exit driveways with the part time No Stopping restrictions will operate at a very good level of service with minimal delays.

**Dot point two (2)** requests swept path analysis with and without the proposed part time No Stopping restrictions. Attached are the requested swept turning paths which clearly indicate that the additional width provided by prohibiting parking on the western side of Winbourne Street across the frontage of the site would improve the existing congestion during peak drop of and pick up times. This will also encourage parents dropping off and picking up at the proposed child care centre to utilise the car park that is proposed.

The preceding assessment has revealed the following:

- The estimated potential traffic generation increase of up to 31 vehicle movements in the peak hours will not have a detrimental effect on the surrounding road network.
- The recommended 'No Stopping 8.00am – 9.00am and 2.30pm – 3.30pm school days' (R5-404 standard sign series) provides a 30m section of two way roadway on Winbourne Street which will assist in reducing vehicle conflicts and congestion in the vicinity of 21 Winbourne Street.
- The AUTOTRACK swept vehicle paths reveal that the proposal will operate satisfactorily without the part time No Stopping restrictions and will be improved with the provision of the restrictions.

I trust this additional information is sufficient to enable the continued assessment of this application. Should you require any additional information or clarification of the contents of this letter please contact me on the telephone number provided.

Yours sincerely

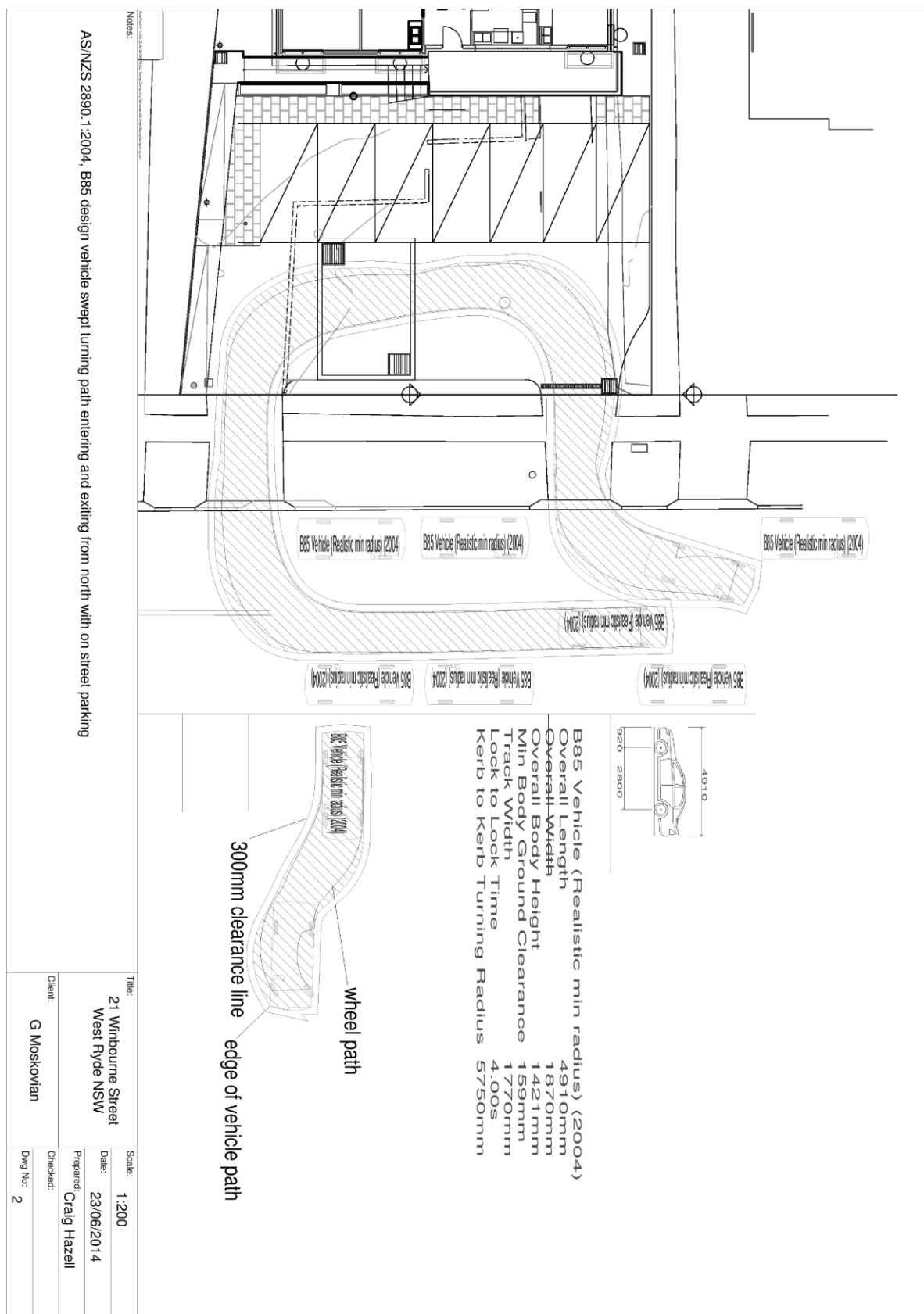


Craig Hazell  
Director

**ITEM 2 (continued)**

## ATTACHMENT 1

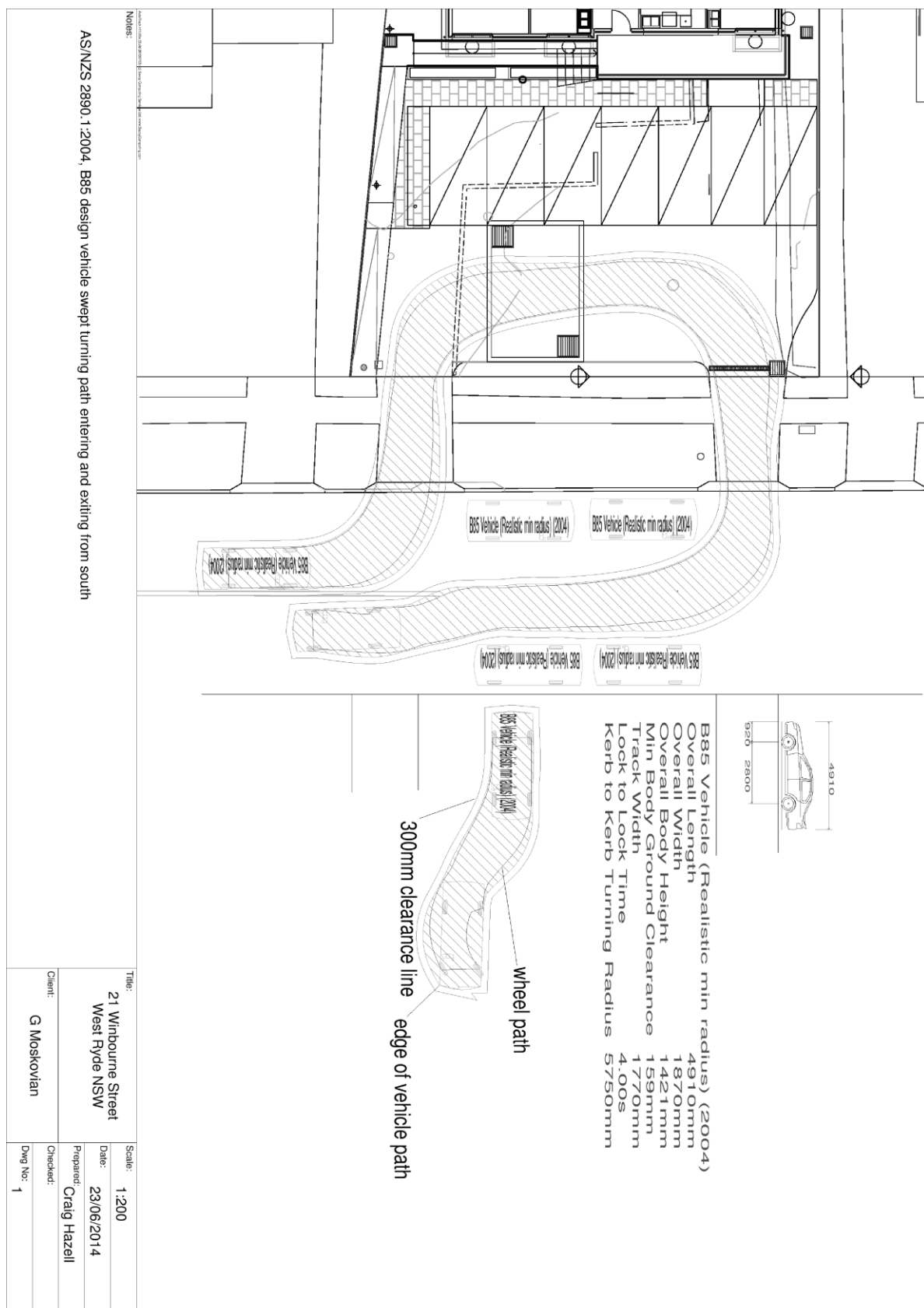
**PREVIOUS REPORT – ATTACHMENT 4**



**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 4**

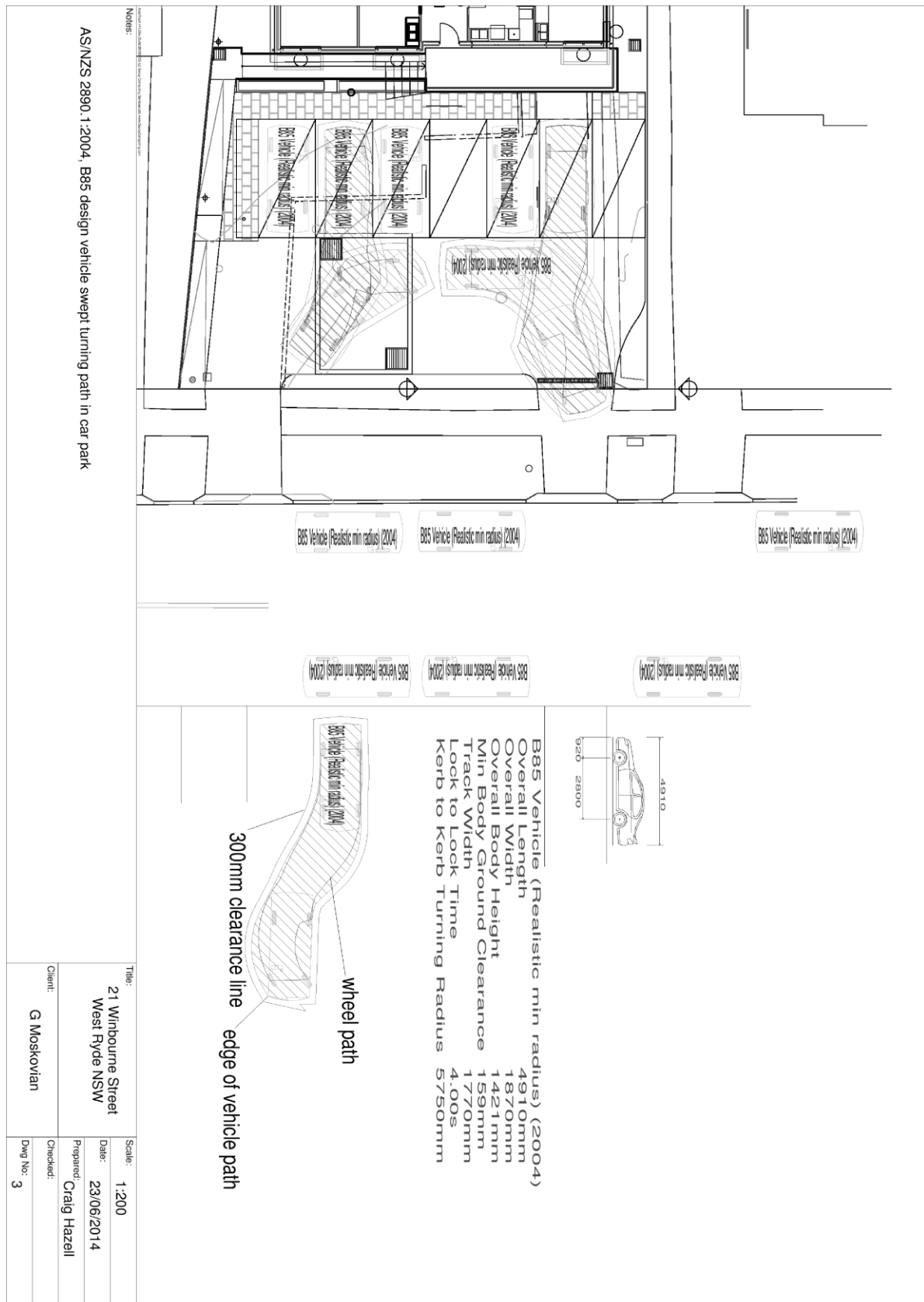




ITEM 2 (continued)

ATTACHMENT 1

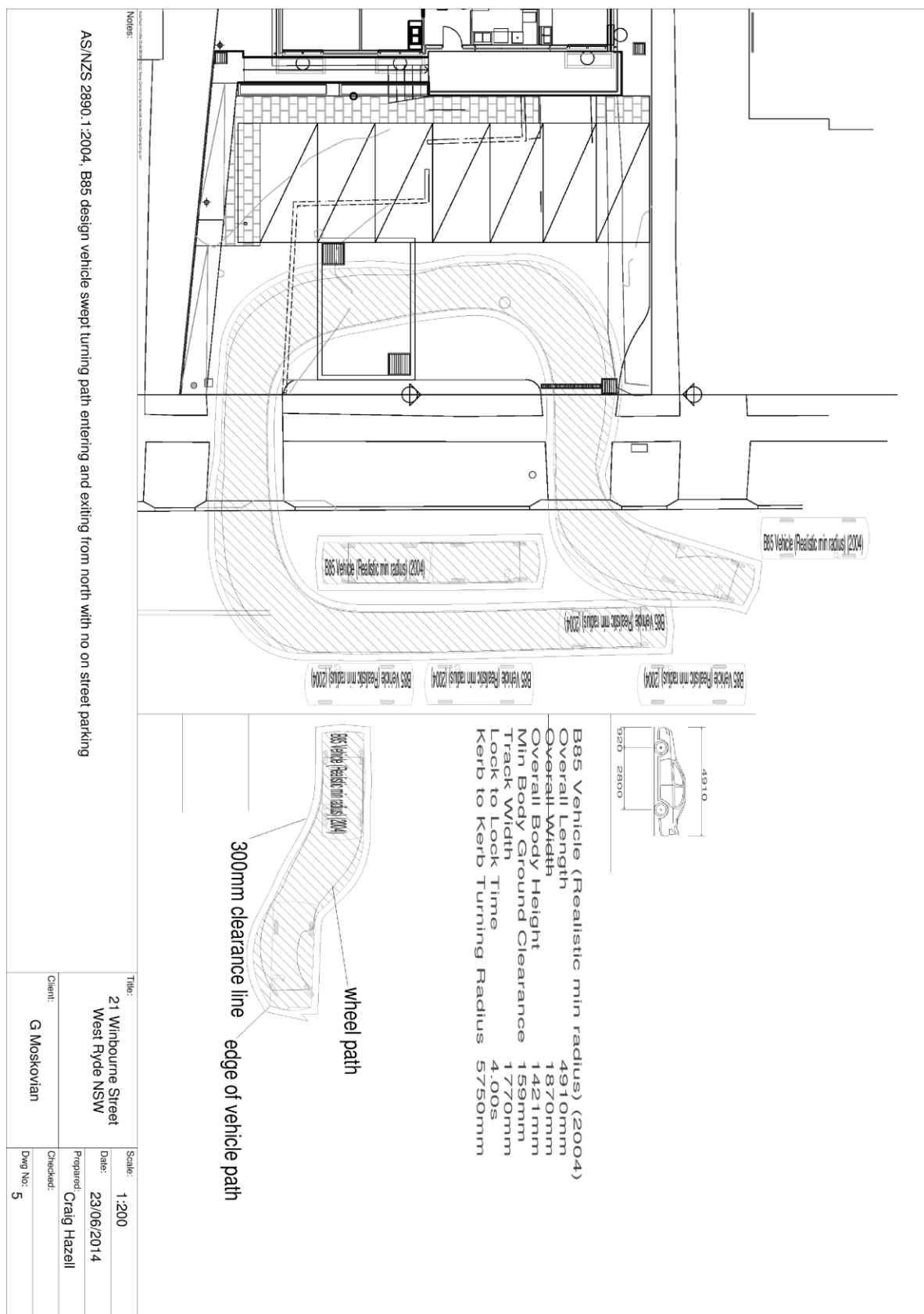
PREVIOUS REPORT – ATTACHMENT 4



**ITEM 2 (continued)**

## ATTACHMENT 1

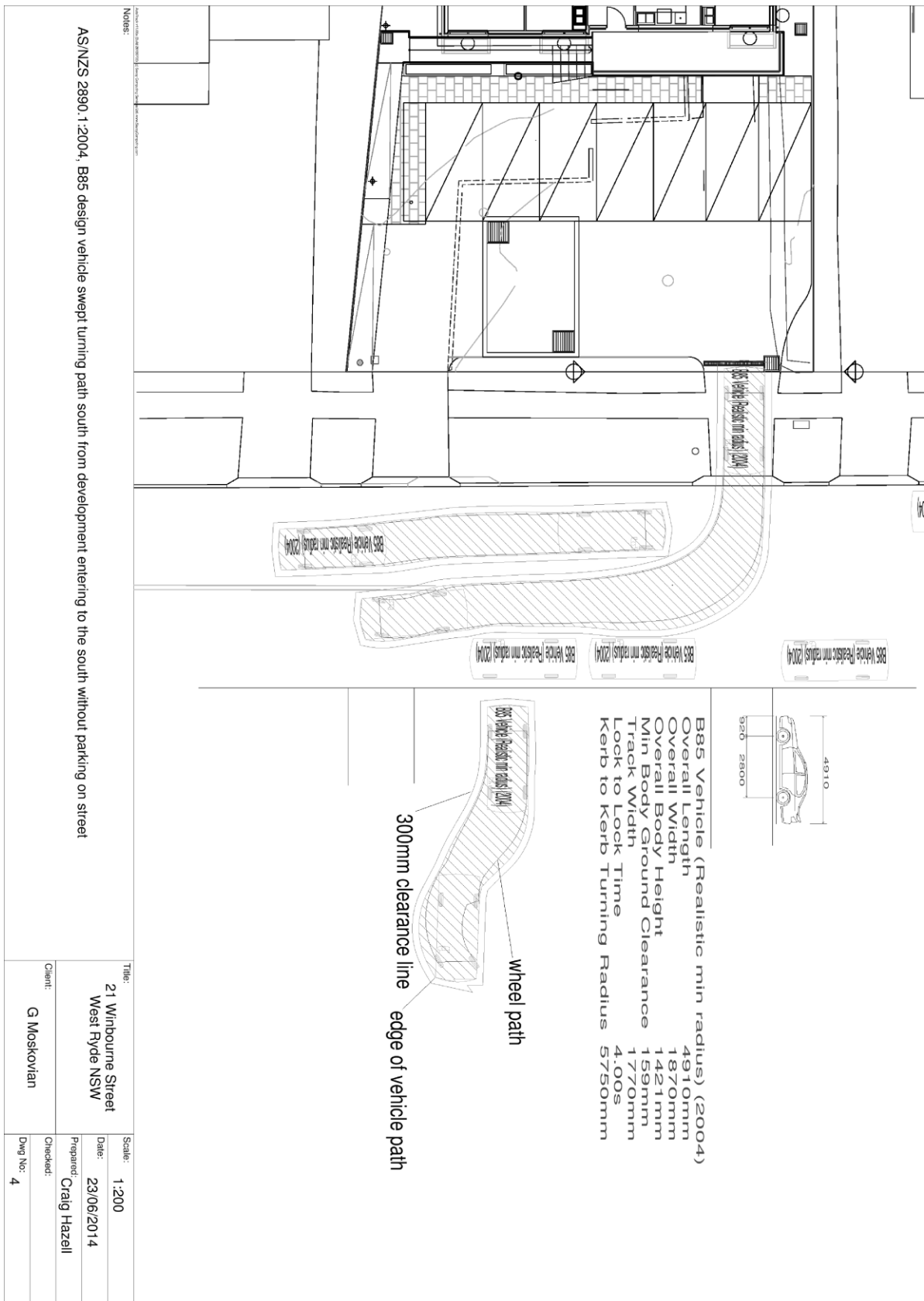
**PREVIOUS REPORT – ATTACHMENT 4**



**ITEM 2 (continued)**

## ATTACHMENT 1

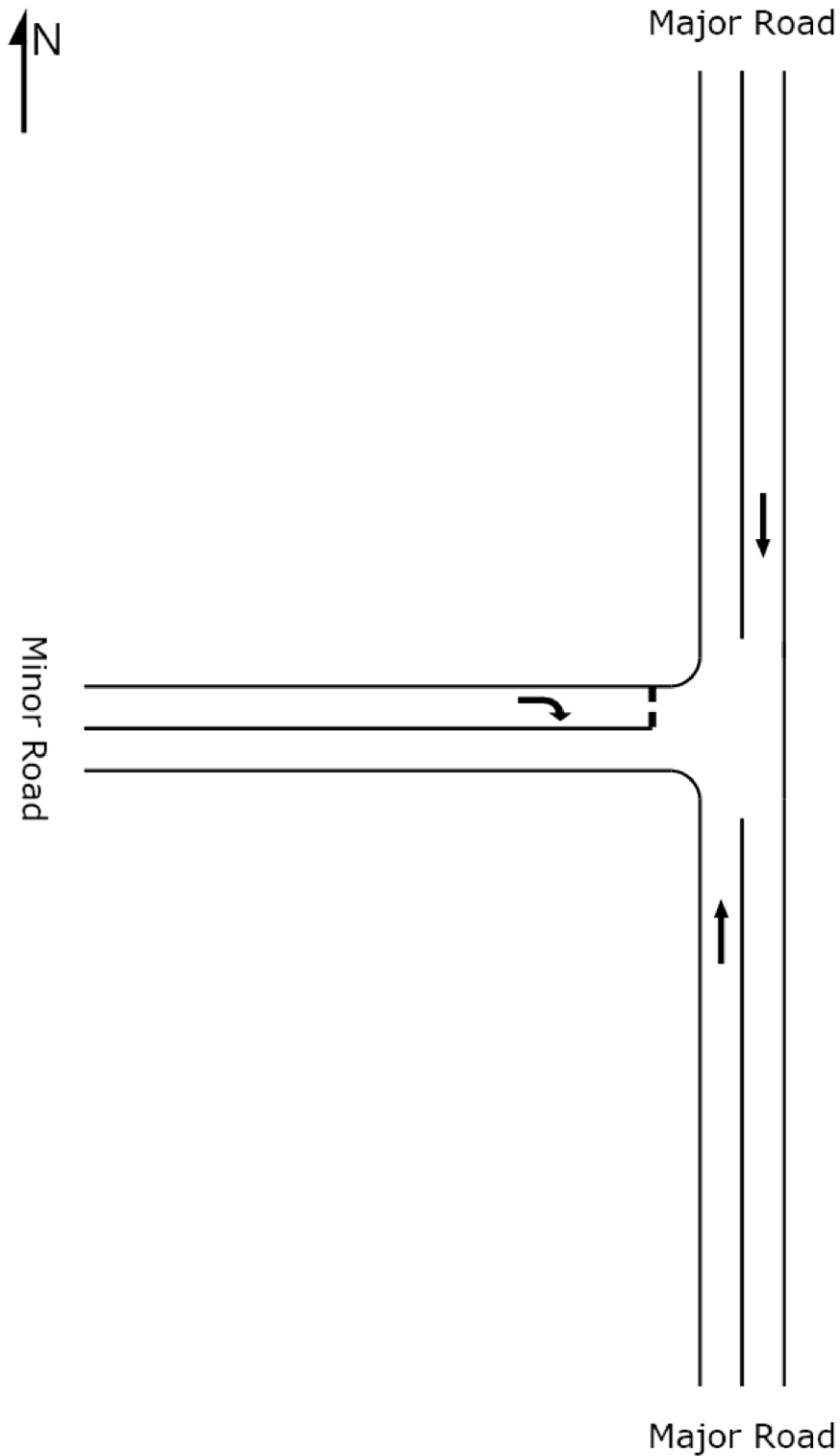
## PREVIOUS REPORT – ATTACHMENT 4



**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 4**



**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 4**

**MOVEMENT SUMMARY**

Site: Entry Driveway AM peak

Winbourne Street and entry driveway (Give-Way control)  
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Major Road											
4	L	17	0.0	0.133	8.2	LOS A	0.0	0.0	0.00	1.04	49.0
5	T	241	0.0	0.133	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		258	0.0	0.133	0.5	NA	0.0	0.0	0.00	0.07	59.1
North: Major Road											
11	T	238	0.0	0.122	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		238	0.0	0.122	0.0	NA	0.0	0.0	0.00	0.00	60.0
West: Minor Road											
1	L	1	0.0	0.001	8.9	LOS A	0.0	0.0	0.31	0.58	47.6
Approach		1	0.0	0.001	8.9	LOS A	0.0	0.0	0.31	0.58	47.6
All Vehicles		497	0.0	0.133	0.3	NA	0.0	0.0	0.00	0.04	59.5

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 4**

**MOVEMENT SUMMARY**

Site: Entry Driveway PM peak

Winbourne Street and entry driveway (Give-Way control)  
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Major Road											
4	L	15	0.0	0.087	8.2	LOS A	0.0	0.0	0.00	1.03	49.0
5	T	155	0.0	0.087	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		169	0.0	0.087	0.7	NA	0.0	0.0	0.00	0.09	58.8
North: Major Road											
11	T	227	0.0	0.117	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		227	0.0	0.117	0.0	NA	0.0	0.0	0.00	0.00	60.0
West: Minor Road											
1	L	1	0.0	0.001	8.6	LOS A	0.0	0.0	0.24	0.58	47.9
Approach		1	0.0	0.001	8.6	LOS A	0.0	0.0	0.24	0.58	47.9
All Vehicles		398	0.0	0.117	0.3	NA	0.0	0.0	0.00	0.04	59.5

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT – ATTACHMENT 4**

**MOVEMENT SUMMARY**

Site: Exit driveway AM peak

Winbourne Street and Exit driveway (Give-Way control)  
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Major Road											
5	T	241	0.0	0.124	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		241	0.0	0.124	0.0	NA	0.0	0.0	0.00	0.00	60.0
North: Major Road											
11	T	238	0.0	0.122	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		238	0.0	0.122	0.0	NA	0.0	0.0	0.00	0.00	60.0
West: Minor Road											
3	R	16	0.0	0.019	10.5	LOS A	0.1	0.5	0.45	0.71	46.4
Approach		16	0.0	0.019	10.5	LOS A	0.1	0.5	0.45	0.71	46.4
All Vehicles		495	0.0	0.124	0.3	NA	0.1	0.5	0.01	0.02	59.4

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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**ITEM 2 (continued)**

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**MOVEMENT SUMMARY**

Site: Exit driveway PM peak

Winbourne Street and Exit driveway (Give-Way control)  
Giveaway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Major Road											
5	T	155	0.0	0.079	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		155	0.0	0.079	0.0	NA	0.0	0.0	0.00	0.00	60.0
North: Major Road											
11	T	227	0.0	0.117	0.0	LOS A	0.0	0.0	0.00	0.00	60.0
Approach		227	0.0	0.117	0.0	NA	0.0	0.0	0.00	0.00	60.0
West: Minor Road											
3	R	14	0.0	0.015	10.0	LOS A	0.1	0.4	0.40	0.68	47.0
Approach		14	0.0	0.015	10.0	LOS A	0.1	0.4	0.40	0.68	47.0
All Vehicles		396	0.0	0.117	0.3	NA	0.1	0.4	0.01	0.02	59.4

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model used.

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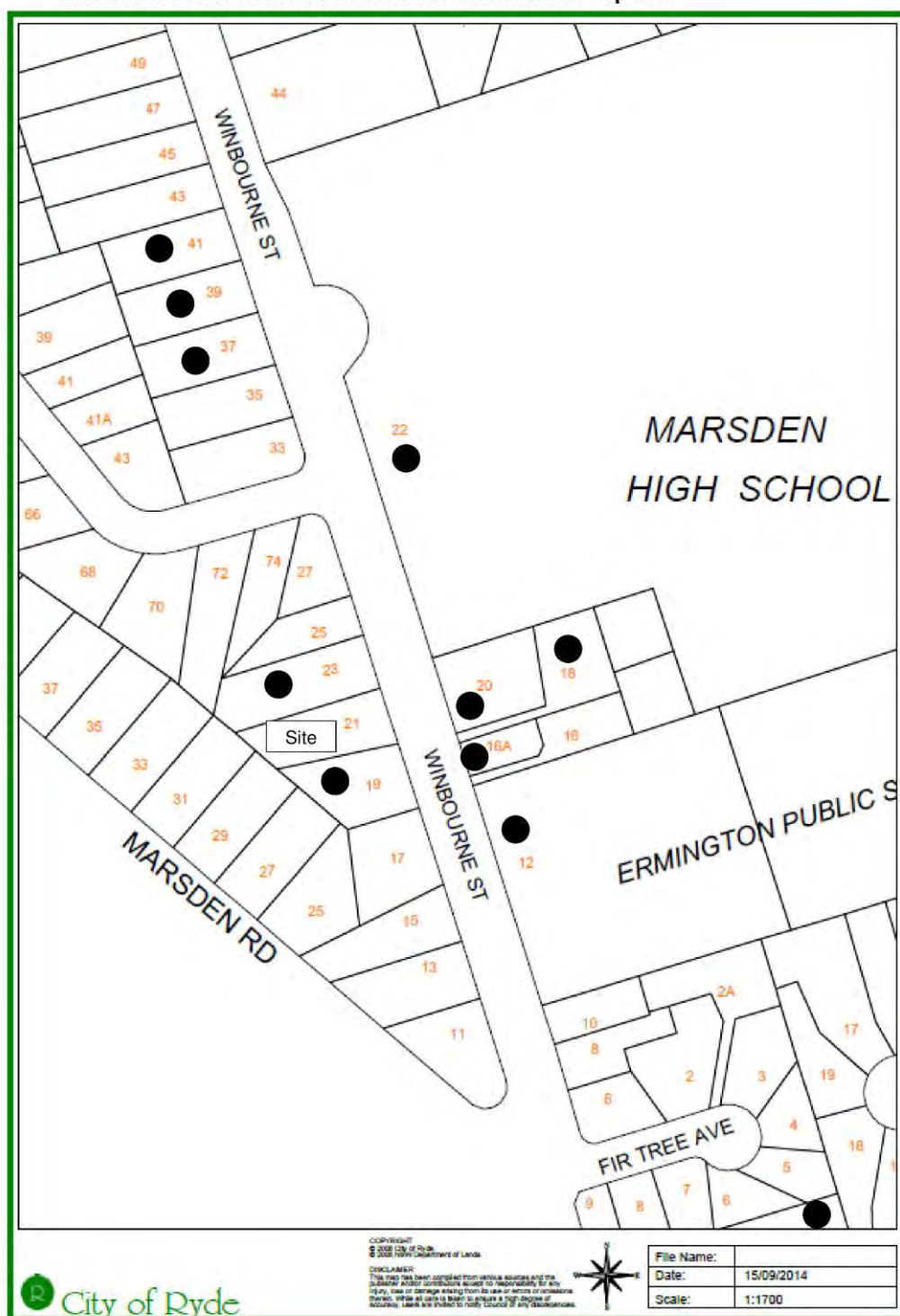
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**ITEM 2 (continued)**

**ATTACHMENT 1**

**PREVIOUS REPORT**

- Indicates submissions received.  
Petitions also received. Other submissions outside map area.



**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>Meeting Notes</b>	
<b>21 Winbourne Street, West Ryde. Alterations and additions and change of use of existing dwelling to a child care centre for 39 children. (LDA2013/420)</b>	
<b>Ground Floor Meeting Room, Ryde Planning and Business Centre. 13 November 2014, 10am</b>	
<b>In attendance:</b>	
<u>Council Officers:</u>	(MB) Meryl Bishop: Acting Group Manager Environment & Planning (Chair); (CY) Chris Young: Team Leader – Assessment; (LF) Lauren Franks: Assessment Officer; (DP) Daniel Pearce: Senior Development Engineer.
<u>Applicant:</u>	(HM) Harry Moskovian, Relative representing applicant / owner (NW) Nigel White, Planner
<b>SUMMARY OF DISCUSSIONS:</b>	
<u>Introduction</u>  MB opened the meeting by noting that this DA had been to the Planning & Environment Committee Meeting (PEC Meeting) and Council Meeting, and there is a Council resolution for discussions to occur between the applicant and Council staff.  Quoted, the resolution from Council in this matter states: <ul style="list-style-type: none"> <li>(a) <i>The Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being Lot 4 DP 39266 be deferred for a meeting to be held with the Group Manager – Environment and Planning and the applicant to discuss amendments to address the issues raised in the assessment report.</i></li> <li>(b) <i>That amended plans be submitted to Council and renotified to all adjoining owners and those people who made submissions.</i></li> <li>(c) <i>That a further report be submitted to the Planning and Environment Committee.</i></li> </ul> MB explained that this is an opportunity for the applicant to respond to the reasons recommended refusal and for Council staff to reconsider any additional information / amended plans.	

**ITEM 2 (continued)**

**ATTACHMENT 2**

LF then identified each reason for refusal, which state:

1. *The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.*
2. *A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.*
3. *The amenity of surrounding residential properties will be detrimentally impacted – in particular the ability to enter and exit their driveways will be further impeded.*
4. *The proposal fails to comply with mandatory requirements of the following Regulations and is unacceptable when assessed in terms of the Ryde DCP 2010:*
  - *Education and Care Services National Regulation 2012: Clause 108(2) Space requirements – outdoor space.*
  - *Children (Education and Care Services) Supplementary Provisions Regulation 2012: Clause 28(4) Space requirements – centre based education and care services.*
  - *Ryde DCP 2010 (Part 3.2 – Child Care Centres: Clause 6.2.1 Size / functionality of play spaces (unencumbered outdoor play space).*
5. *The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.*
6. *The allocation of on-site parking results in the provision of spaces for the drop off / pick up of children failing to achieve compliance.*
  - *Clause 5.1(b) Car parking*  
*The layout of parking will result in a high demand for on-street parking by parents / carers along Winbourne Street.*
7. *In the circumstances of the case, approval of the development is not in the public interest.*

Traffic congestion – 1<sup>st</sup> reason for refusal

NW noted that the two (2) driveways to allow for a drive-in and drive-out arrangement would have no impact on surrounding residents and that manoeuvrability would be confined within the site. NW considers that any adverse traffic issues are addressed through the design of the parking area.

**ITEM 2 (continued)**

**ATTACHMENT 2**

MB outlined a scenario where staff and children would be arriving by car and parents / carers would then leave the site noting the impact on the existing traffic congestion in the morning peak period that will arise due to vehicles entering and exiting the internal parking area.

NW noted that there is a misconception that children at the centre would be dropped off at once.

CY explained that the key issue is the overall traffic generation associated with the use compared to the existing development of a dwelling house, rather than issues regarding parking area design.

NW commented that altering street parking signs to restrict parking along the frontage of the site would improve the flow of traffic. NW questioned why the proposal was not referred to the Local Traffic Committee.

DP explained that there is no statutory requirement to refer the DA to the Local Traffic Committee, and that adequate assessment can be made by the relevant Council Officers.

NW maintains that the parking area design is efficient and not sure how he can add to address this issue. Further advised that he would not be submitting further amended plans / additional information and that information currently submitted is satisfactory.

Safety of children – 2<sup>nd</sup> reason for refusal

LF explained that a footpath extends across the site's frontage and the proposal will utilise two (2) active driveways. LF noted that during site inspections at peak periods the footpath is heavily pedestrianised by children.

NW and HM fundamentally disagree with this issue.

Amenity impacts to surrounding residents – 3<sup>rd</sup> reason for refusal

LF explained the concerns raised in submissions that the child care centre will further inhibit the ability of residents to exit their driveways. This issue also extends from the increased traffic generated from the use.

NW disagrees that the proposal will adversely impact surrounding residents.

Size of outdoor play space – 4<sup>th</sup> reason for refusal

LF explained that the Regulations (each are listed in the reason for refusal) and Ryde DCP stipulate which areas are excluded from calculation of outdoor play space. LF noted that the applicant has relied on the inclusion of side setback areas which are deemed to be areas which can't appropriately be supervised by staff and garden beds / hedged areas which are not suitable as an outdoor play area in their calculations.

**ITEM 2 (continued)**

**ATTACHMENT 2**

NW suggested removing landscaping within the rear outdoor play space as an option to rectify this issue and will look into this further.

Streetscape impacts – 5<sup>th</sup> reason for refusal

MB noted that limited provision of landscaping within the front setback should be reconsidered and that the dominance of hard paved areas for parking is not visually appealing from the streetscape.

NW advised that it is commonly seen that child care centres contain parking in front of the centre.

Incorrect allocation of parking – 6<sup>th</sup> reason for refusal

LF explained that whilst the overall number of parking spaces is compliant, a shortfall of one (1) drop-off / pick-up car space and an additional one (1) staff car space results. Noted that drop-off / pick-up spaces require a width of 2.6m as opposed to 2.4m for staff parking in accordance with AS2890.

NW advised that altering the dimensions of car spaces would need to be looked into further.

Not in public interest – 7<sup>th</sup> reason for refusal

NW highlighted that one (1) person spoke against the proposal at the PEC Meeting and that their only issue related to concerns during the construction phase with trucks entering and exiting the property and soil being deposited onto the street.

MB noted that one (1) person speaking at the PEC Meeting is not representative of the whole community and that a total of eighteen (18) submissions have been received objecting to the proposal including three (3) petitions and that these are considered as part of the assessment.

Discussion

NW asked if there were any other issues.

MB summarised that the key issues related to traffic generation and parking.

NW asked DP if he had reviewed the Traffic and Parking Statement and Supplementary Traffic Statement. DP said yes and that the SIDRA files were not relevant to the site and that he did not agree with their results and that the underlying issue was that the proposal is intensifying existing traffic issues.

HM stated that the traffic along Winbourne Street would be no different by 8:30am as children will be dropped off at the child care centre earlier. DP advised that he looks at a proposal from a traffic point of view only and that it is impossible for him to support the proposal from a traffic

**ITEM 2 (continued)**

**ATTACHMENT 2**

perspective.

MB summarised what needs to occur from here advising that the applicant is required to provide a justification to Council as to why the proposal is satisfactory, particularly addressing the reasons recommended for refusal. Noted that amended plans may need further notification and that the application would be scheduled for another PEC Meeting once additional information / amended plans is received and assessed by Council staff.



ITEM 2 (continued)

ATTACHMENT 3

**21 Winbourne Street West Ryde**

**Proposed Childcare Centre - 39 Children**

**RECEIVED**  
19 NOV 2014  
CUSTOMER SERVICE CENTRE

Att : Chris Young

I refer to our meeting on Thursday 13th November, 2014 in relation to the matter and Council's committee meeting resolution.

Provided below is a response to each ground of refusal for Council's consideration:

1 The proposal will exacerbate traffic congestion.

- The proposal is for a childcare centre catering for a modest 39 children only representing between 15 vehicle trips in during the morning and 13 in of an afternoon period based on standards. Drop-off and pick-up will occur over a staggered period in the morning and afternoon. That is all cars do not arrive at the same time. Allowances are made for parents who walk to the centre or already drop off and pick up siblings attending the schools across the road. The drop-off will generally occur before 8.30AM being the peak arrival time for school children and definitely pick-up will occur after school closing being about 3.30PM. Given that all arrivals and departures from the centre occur over an even spread of 1-1.5 hour period in the morning and afternoon respectively and given that complying car parking provision is achieved on-site, there will be no exacerbation of traffic congestion already caused by the two schools across the road. It should be noted that the applicant's traffic report recommends that 'no stopping' signs be erected across the frontage of the subject site complimenting the 'no parking or kiss and drop' on the opposite side of the street. It is envisaged that the removal of parked cars in front of the subject site will only improve traffic flows in front of the site allowing 2 cars to pass. Should the rare incidence occur when all parking on-site is occupied, the driveway through arrangement enables 2-3 cars to still park on-site in the manoeuvring aisle and not compete with traffic in Winbourne Street. In consideration of the design measures proposed by the applicant there will be no exacerbation of existing traffic congestion.

2 Traffic trips from the centre will put children safety at risk walking along the footpath.

- The benefit of the one way driveway arrangement is that cars will enter and leave the site in a forward direction. Children using the footpath will be highly visible to any driver given the level grade of the driveway and footpath.

If such an issue warranted consideration, no development would be approved in Ryde.

3 The amenity of surrounding residential properties will be detrimentally impacted - in particular the ability to enter and exit their driveways will be further impacted.

**RECEIVED**  
20 NOV 2014  
Records Management Services  
Doc No: \_\_\_\_\_  
File No: \_\_\_\_\_

**ITEM 2 (continued)**

**ATTACHMENT 3**

- In consideration of the comment made in reference to point 1 above, it is expected that all drop off and pick up will occur on the subject site. Attendees of the centre will not need to use the driveways of adjoining properties. With regards to residential amenity of adjoining properties it is noted that Council raises no issues in terms of overshadowing, bulk and scale, loss of privacy or noise intrusion which are issues typically associated with new developments. In addition compliant parking and internal/external spaces are provided ensuring that the development can be comfortably accommodated on-site.
- 4     The proposal is non compliant with external play area and internal cot room.
  - It is understood that Council has excluded landscape beds and side setbacks from the calculation. The applicant has provided 301sqm of external play area. The Department requires a minimum of 273sqm. To ensure that more space is usable in the rear yard, it is recommended that the landscaping beds be removed. This can be done via a condition of consent.
  - It is understood that Council staff are not pressing their claim re deficiencies with the internal room areas.
- 5     The proposal is unsatisfactory in terms of streetscape because of the car parking provided in the front setback.
  - The retention of the existing dwelling and provision of car parking within the large front setback is highly logical from a planning and economic point of view. The proposed development is consistent with Object of the Environmental Planning and Assessment Act 1979 which seeks to achieve 'orderly and economic development'. This aside the proposed parking includes 2 landscaped pockets and will involve stencilled concrete to distinguish the pedestrian paths from the driveway. Low planting across the frontage is necessary and highly desirable so that pedestrians walking along the footpath can see cars leaving the site particularly.
  - A review of many recently approved childcare centres within the Ryde LGA will reveal car parking provision is common in the front setback including the centre up the road. Such is not a ground warranting refusal.
- 6     Refusal ground 6 appears to relate to a deficiency of 200mm in width from one car space width.
  - The additional 200mm required by Council can be provided on-site by shifting the car spaces in a southern direction. This can be appropriately conditioned.
- 7     Not in the public interest.
  - It is understood that individual submissions were made including a petition opposing the proposal. One can only imagine that the grounds for refusal summarise the issues raised in objection. Council should be aware that the applicant also submitted a

ITEM 2 (continued)

ATTACHMENT 3

petition and letters from residents expressing support for the proposal and highlighting the desperate need for quality centres in the locality.

- The representative from the School who came to the Committee meeting and spoke against the centre was specific in his concerns re construction traffic and dirt leaving the site only. He acknowledged that the times of arrivals and departures will not conflict with school starting and closing times. He raised no concern with the establishment of a childcare centre perse.

Conclusion

The subject site is ideally located on the western fringe of the Ryde local government area and within close proximity to school catchments. Traffic arriving to the centre will utilise in part main roads - Victoria Road and Marsden Road and will not be fully reliant on access through local streets.

The centre is better located in this location where noise levels and traffic volumes are higher than that of quieter inner low density residential street blocks. The centre also directly relates to the schools and other centres nearby.

A high level of demand for quality child placements also exists in this precinct.

Should the building be demolished and a purpose built centre be proposed as suggested by Council staff, a larger two storey building may eventuate with probably closer to 60 children attending to justify the expense of construction on economic grounds. Ironically a larger centre may have greater impacts on neighbours.

In view of the above, the application should be supported and not refused.

Regards



Nigel White

Bachelor of Applied Science (Environmental Planning)

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**3      142 MORRISON ROAD, PUTNEY – Lot 7362 – DP1166680. Development Application for Installation of Playing Field Lighting at Morrison Bay Park. LDA2014/0289.**

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**Report prepared by:** Creative Planning Solutions; Creative Planning Solutions;  
Team Leader - Assessment

**Report approved by:** Manager Assessment; Group Manager Environment and  
Planning

**Report dated:** 15/01/2015

**File Number:** GRP/09/5/6/2 - BP15/25

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**1. Report Summary**

**Applicant:** City of Ryde

**Owner:** City of Ryde and Crown Land (under care, control and  
Management of City of Ryde)

**Date lodged:** 04 July 2014

This report considers a development application (DA) for the erection of eight (8) galvanised steel poles with luminaries (4 x 23m high and 4 x 18m high) to illuminate two (2) playing fields at Morrison Bay Park. The proposed hours of illumination of the playing fields are as follows:

- Monday to Thursday 4.00pm to 9.30pm during the winter season (April to August) for social sport and training.
- Monday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.

This DA has been advertised and notified to neighbours, and a total of **52 submissions** were received – 41 objections and 11 letters in support.

The submissions in support of the proposal were mostly on the basis that the Putney, and wider Ryde local government area, does not have adequate illuminated sports fields and there is a demand for illuminated sports fields to accommodate the growing number of people taking part in organised sport and training within not only the local government area, but also the wider region. The letters of objection indicate opposition to the development mostly on the following key grounds:

- Acoustic Impacts;
- Light Spillage;
- Traffic and Parking;
- Loss of Park Amenity; and
- Impact on Park Ecology.

The assessment has found that the increased usage of the sports fields at Morrison Bay Park as a result of the proposed field lighting will directly impact on the amenity of those residential areas surrounding the park.

**ITEM 3 (continued)**

The primary cause for the assessed loss of amenity is that of the noise generated by the sports field usage. These noise impacts are considered to be derived from the sporting activities themselves, such as noise from kicking of soccer balls, player shouting, referee whistling, shouting/cheering from families, spectators and companions. To a lesser extent, noise associated with the proposal is also considered to be derived from increased vehicular activity in the surrounding streets and car parks. This includes vehicular movements, car horns, persons picking up and dropping off players, car doors closing, and people generally present in the surrounding streets before and after games/training. The submitted consultant acoustic report indicates the predicted noise levels from sports field usage at the residences on the north-eastern side of Morrison Bay Park are up to 24dB(A) over the existing background noise level, and up to 10dB(A) over the noise objective. The acoustic report indicates that the predicted road traffic noise level generated by the sporting activities at the nearest residences would however comply with the recommended assessment objective.

The significant increase in noise levels from sporting activities is expected to negatively impact on the quality of life experienced by adjoining residences, particularly those adjacent to Field 2. This is because the proposal will include the illumination and use of the sports fields up to 9:30pm during the winter season (April to August) and for up to 1.5 hours later into the evening to 9.00pm during the summer season (September to March). These times of the evening are considered to be when dwellings will be occupied, and used for evening respite and sleeping times, particularly for children and some adults, including shift workers and elderly persons.

As such, the envisaged loss of amenity to these surrounding residential areas as a result of the abovementioned noise impacts is considered to negatively affect people's orderly use of living areas and private open space, as well as bedroom areas for sleeping.

It is acknowledged that light spillage impacts are derived from the sports field luminaries are located within 15m of the nearest residential accommodation. The consultant report on light spillage indicates that Lux levels up to 7.56 (vertical) at the residential area boundaries is to be expected. While representing an increase over the existing light levels on the subject site, the proposed vertical Lux levels are below the maximum of 10 Lux for pre-curfew hours as recommended by the relevant Australian Standards.

Having regards to the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979, the following has been determined:

**ITEM 3 (continued)**

- When assessed against the relevant environmental planning instruments pertaining to the subject site, including Ryde Local Environmental Plan 2010, now gazetted as the Ryde Local Environmental Plan 2014, the proposal, in its current form, cannot comply with all of the objectives of the RE1 zoning for the site;
- The assessment identified no relevant provisions within the Ryde Development Control Plan 2014 applying to the proposed development;
- The likely noise impacts of the proposed development have been considered and determined to be unsatisfactory when having regard to the noise levels predicted at adjoining residences;
- The subject sports fields at Morrison Bay Park are not considered to be a suitable site for the scale of the currently proposed development. This is because of the noise impacts stemming from the playing field use on adjoining residences, particularly from Field 2, significantly exceed the noise objective criteria established by the consultant acoustic engineer. Furthermore, those mitigation measures recommended by the acoustic engineer have been assessed as impracticable; and
- Overall, when considering submissions both in support and against the proposal, as well as the non-compliances with the applicable planning controls, the proposed development, on balance, is not considered to be in the public interest.

On this basis, the subject DA is recommended for refusal.

**Reason for Referral to Planning and Environment Committee:** Nature of proposed development; number of submissions received; and proposal is for Council-owned land where Council is also the proponent for the DA.

**Public Submissions:** 52 submissions received, consisting of:

*Original Notification Period:* 35 objections; and 11 submissions in support (including one letter from Putney Rangers Football club containing 324 signatures)

*Notification of Additional Information:* 6 further objections received (no further submissions in support).

**Clause 4.6 Ryde LEP 2010 objection required?** None required.

**Value of works?:** \$250,000

### **ITEM 3 (continued)**

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

#### **RECOMMENDATION:**

- (a) That Council refuse LDA2014/0289 at 142 Morrison Road, Putney being Lot 7362 DP1166680 for the following reasons:
  - (i) The proposal will result in unacceptable acoustic impacts upon neighbouring properties surrounding Morrison Bay Park. This is because the evening use of the sports fields and associated noise generation will negatively impact evening respite and sleeping times, particularly for children and some adults, including shift workers and elderly persons.
  - (ii) The proposal cannot comply with all of the objectives of the RE1 – Public Recreation zoning of the property under Ryde LEP 2010 (and now Ryde LEP 2014).
  - (iii) Approval of the development is not in the public interest.
- (b) That Council consider reducing the scope of the proposal to limit sports field lighting to Field 1 only, it is recommended that this be the subject of a new development application, whereby additional information be provided for assessment, including that relating to an updated Ecological Assessment, new Acoustic Report to reflect the usage arrangements of Field 1, Acid Sulfate Soils Management Plan, and re-notification/advertisement of the revised proposal.
- c) That Council advise the persons who made submissions of Council's decision.

#### **ATTACHMENTS**

- 1 Map.
- 2 Draft conditions of consent.
- 3 A4 plans.
- 4 A3 plans - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

**Christophe Charkos Planning Consultant**  
**Creative Planning Solutions**  
**Ben Tesoriero Planning Consultant**  
**Creative Planning Solutions**  
**Chris Young**  
**Team Leader - Assessment**

**ITEM 3 (continued)**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

**Dominic Johnson**  
**Group Manager Environment and Planning**

**2. Site** (*Refer to attached map overleaf*)

<b>Address</b>	142 Morrison Road, Putney Physical Works taking place on Lot 7362 DP1166680 and Lot 1 DP 107801, ancillary use of the park and parking areas etc. on nearby lots including Lot 2 DP 1124578, Lot 1 DP 912044, and Lot 1 DP 1058077.
<b>Site Area</b>	8.8ha (from Morrison Bay Park Plan of Management)  Deposited Plan 116680 shows Morrison Bay Park to have irregular boundaries that have partial road frontages to Morrison Road to the north and Frances Road to the west. Morrison Bay Canal divides the park running from the north to the south into Morrison's Bay. The remaining boundaries are formed by Morrison Bay to the south and residential properties to the west (along Stanley Street) and to the east (along Bayview Street) with an additional access point from Teemer Street to the east.  A smaller portion of Morrison Bay park extends on the western side of Frances Road, although not land subject to this application it is noted that use of the existing car park on the western side of Frances road will intensify as a result of the proposed development.
<b>Topography and Vegetation</b>	The topography of the subject site, being the sports field and curtilage area, is relatively level with slight undulations around the periphery of the site. It is noted that the fields gently slope towards the central portion of the site, or the playing field surface itself. The site where the works are to take place is clear of any significant vegetation, while the perimeter of the site includes some strands of continuous vegetation to adjoining residential properties to the east. The remainder of the perimeter contains mainly scattered vegetation.



**ITEM 3 (continued)**

<b>Existing Buildings</b>	Sports field-associated buildings including amenities blocks, cricket nets, bike paths etc.
<b>Planning Controls Zoning</b>	RE1 – Public Recreation under Ryde LEP 2010 RE1 – Public Recreation under Ryde LEP 2014.
<b>Other</b>	SREP (Sydney Harbour Catchment) 2005 Ryde DCP 2014 Sydney Harbour Foreshores Area DCP Morrison Bay Park – Plan of Management

**3. Councillor Representations**

None.

**4. Political Donations or Gifts**

None disclosed in applicant's DA submission or in any submission received.

**5. Proposal**

The following outlines the scope of works proposed as part of the DA activity at 142 Morrison Road, Putney.

- Erection of eight (8) galvanised steel poles with luminaries (4 x 23m high to Field 1 and 4 x 18m high to Field 2) to illuminate the playing fields at Morrison Bay Park. The proposed lights are to be located either side of each playing field as shown in Figures 1-2 and the photographic montages in Figures 4-8.

The proposed hours of operation for the floodlighting are:

- Monday to Thursday 4.00pm to 9.30pm during the winter season (April to August) for social sport and training.
- Monday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training

**ITEM 3 (continued)**



**Figure 1 – Proposed location of the light poles at Morrison Bay Park sports field.**

**ITEM 3 (continued)**



**Figure 2 - Photograph looking eastward from the western side of Morrison Bay Park near the central canal showing the sports field surface of Field 1, vegetation around the perimeter the field and dwellings beyond.**



**ITEM 3 (continued)**



**Figure 3: Photograph looking west showing the sports Field 2 surface and raised topography on the opposite side of Frances Road adjacent to the Teemer Street access to Morrison Bay Park.**



**Figure 4 – Photographic montage of the proposed light poles at Morrison Bay Park looking south towards Morrison Bay**



**ITEM 3 (continued)**



**Figure 5 - Photographic montage of the proposed light poles at Park looking west towards Philip St and Jetty Road**



**Figure 6 - Photographic montage of the proposed light poles at Morrison Bay Park looking east towards Teemer St and Bayview Street**



**Figure 7 - Photographic montage of the proposed light poles at Morrison Bay Park looking east towards neighbouring residential properties on Bayview Street.**



**Figure 8 - Photographic montage of the proposed light poles at Morrison Bay Park looking west towards Philip St and Jetty Road**

**ITEM 3 (continued)****6. Background**

The following is a brief overview of the development history relating to the current proposal.

History of Council's Consideration of Sports Field Lighting – Morrison Bay Park

The proposal to install field lighting for Morrison Bay Park comes as result of an audit of existing playing field lighting within the City of Ryde. Subsequently, a proposal to upgrade Morrison Bay Park lighting to current Australian Standards was tabled at the Council meeting on 6 February 2009 (Meeting No. 01/09).

In accordance with the Council resolution, community consultation on the proposed playing field lighting upgrade was undertaken between 6 April 2009 and 11 May 2009. This included information relating to the proposal being placed on Council's website, hard copies being made available at the Customer Service Centre and at Ryde libraries, advertisements in the Northern District Times, and information packages being sent to residents within close proximity to all playing fields in Ryde.

Prior to the finalisation of the Morrison Bay Park lighting proposal, the City of Ryde consulted the community with a proposal for the lighting of five (5) fields within the park. The consultation occurred between December 2013 and January 2014.

This community consultation was undertaken by Elton Consulting on behalf of the City of Ryde and encompassed the following:

- Community Notification including
  - Newsletter distributed to neighbouring residents to Morrison Bay Park
  - An advertisement placed in the Mayor's column of the Northern District Times, on 27 November 2013
  - Representatives from Council and Elton Consulting completed a door knock of adjacent properties to speak to residents about the proposal
- Two Community Information and Feedback Sessions
  - Held at Council Chambers on Wednesday 4 December and at Morrison Bay Park on Saturday 7 December.

**ITEM 3 (continued)**

The Elton report submitted as an Appendix to the subject DA noted that

*“Approximately 31 adults attended the community information session and 28 people signed the register (several on behalf of a couple or family). “*

In addition the report noted that

*“Attendees were given a feedback form to comment further on the proposed sports lighting (see Appendix G). This could be submitted on the day or mailed in the pre-paid envelope supplied.”*

The Elton report noted that a total of 118 feedback forms were received. Further it is significant to note that of these 118 responses, 64% were not supportive of sporting facilities (Morrison Bay Park) being made available after dark, in addition it is noted that 63% of the respondents identified themselves as a resident/landowner adjacent to Morrison Bay Park.

As a result of the above consultation process, the proposal was amended to be for the lighting of two (2) soccer fields (Field 1 and 2) and a training area adjacent to Field 1.

Subject Development Application – LDA2014/289

The subject DA for the installation of playing field lighting and use of the illuminated playing fields was lodged on 4 July 2014 (LDA2014/0289). A total of eight (8) light towers were proposed with hours of use as follows:

- Monday – Thursday 4.00pm – 9.30pm during the winter season (April to August) for social sport and training.
- Monday – Thursday 6.00pm – 9.00pm during the summer season (September to March) for social sport and training.

The DA was notified in accordance with the then Ryde DCP 2010 (now superceded by Ryde DCP 2014) on 10 July 2014. The application was also advertised in the Ryde City View insert in the Northern District Times on 16 July 2014. A total of **52 submissions** were received – 41 objections and 11 letters in support. These submissions are considered in the Submissions section of this report.

Also submitted with the revised DA was the following information prepared by independent consultants:

**ITEM 3 (continued)**

- Assessment and Recommendations Report for New Flood Lighting at Morrison Bay Park prepared by Gary Roberts and Associates dated 6 June 2013;
- *Morrison Bay Park Sports Lighting – Consultation Outcomes Report* prepared by Elton Consulting and dated January 2014,
- *Ecological Assessment* prepared by NGH Environmental;
- *Morrison Bay Park, Putney – Proposed Floodlighting, Noise Assessment* prepared by Acoustic Consulting Engineers dated June 2014;
- *Morrison Bay Park Lighting Update Traffic Impact Assessment* prepared by Bitzios Consulting dated 2 May 2013.

A preliminary assessment of the DA raised concerns that the submitted Noise Assessment (dated June 2014, prepared by Acoustic Consulting Engineers Pty Ltd) was inadequate. In addition, further information was required in regards to the submitted Lighting Design Report (dated 6 June 2014, prepared by GRA Pty Ltd).

A request for additional information was sent to the applicant on 23 August 2014 that raised the following issues.

**Acoustic Report Matters**

- A. *The Acoustic Report has no assessment of how loud men's training is on Field 2 (referred to in the Acoustic Report as Field 1). This is because on each night the consultant acoustic engineer attended Morrison Bay Park there was no men's use of this field.*
- B. *The predictions in Table 3 indicate that the noise level at adjoining properties of Field 2 (or Field 1 in the report) is 52-54db, however this is the same as the measured girls training/match level. The Acoustic Engineer makes this observation in the report that men's use is louder than girl/women, so what will the predicted noise level be when men are using Field 2 (or Field 1 in the report).*
- C. *The Acoustic Engineer undertook the noise measurements in the summertime period when there were six (6) players in each team. They then say that teams consist of six (6) players for the summer season and eleven (11) players for the winter season. If two teams are plaything against each other in the winter season for training purposes there could be up to 22 players on the field plus coaching staff etc. There seems to be no measurement of such a scenario, and no prediction of what the noise level would be if this were to occur on the fields.*
- D. *Also, it mentions that less experienced teams are louder than more experienced teams so this should be a consideration for Field 2 (Field 1 in the report). For example what will the noise level at the boundary of the sensitive receivers be if 22 less experienced men were training on the field?*
- E. *It would seem logical that that the Acoustic Engineer would need to visit somewhere where such training was occurring, and then measure what the*



**ITEM 3 (continued)**

*noise level is at a distance equal to that of the nearest sensitive receivers at Morrison Bay Park and perhaps use this as the prediction?*

- F. Given the above, are the recommendations contained within the Acoustic Report still appropriate or will additional measures need to be included, particularly as the acoustic report and its recommendations will form part of the development consent.*
- G. The Acoustic Report was prepared by a firm called Acoustic Consulting Engineers Pty Limited which appear to be based in Putney. Given the proposed development is to be undertaken in Putney, it is recommended that the Acoustic Report be updated to comment that there is no conflict of interest with the proposed development given the widespread notification that undertaken as part of the proposal.*
- H. Additionally, it is requested that the author of the Acoustic Report be nominated in the report, as has been done with all other specialist consultant reports for this project. This should indicate the authors appropriate qualifications as an acoustic engineer to complete this report.*

**Lighting Design Report**

- The Lighting Design report recommends that 'glare shields' be installed to reduce spill light on residential boundaries to the minimum possible. We would like to know what the maximum Lux levels would be at the residential boundaries with the glare shields installed given that the report only appears to consider the Lux without the glare shields. This is an important consideration in understanding the real impact of the proposed field lighting on the residential boundaries.

A response was received by Council on 14 October 2014, which included a response from both Acoustic Consulting Engineers Pty Ltd in relation to their Noise Assessment and from GRA Pty Ltd in relation to their Lighting Design Report.

The Additional Information (above) was subsequently re-notified to neighbours for a period from 20 October to 19 November 2014. A further six (6) submissions were received (all of these submitters had previously submitted letters of objection to the proposed development which are summarised in the Submissions section below).

**7. Submissions**

The DA was notified in accordance with the Ryde DCP 2010 (now Ryde DCP 2014) on 10 July 2014. The application was also advertised in the Ryde City View insert in the Northern District Times on 16 July 2014. As a result, 35 objections and 11 letters in support were received (including one letter from the Putney Rangers Football club containing 324 signatures).

When additional information was received regarding the Noise Assessment and Lighting Design, this was re-notified to neighbours and advertised in the Ryde City

### ITEM 3 (continued)

View insert in the Northern District Times for a period from 20 October to 19 November 2014. A further six (6) objections were received (no further submissions in support).

The overall total of submissions received for this DA was **52 submissions** – 41 objections and 11 letters in support.



**Figure 9 – Map of the subject site, including annotations of those in the vicinity of the proposed development who have made a submission. Note that those submissions outside the map boundary have not been shown on the map however their submissions have been included in the assessment below.**

### Submissions of Objection

**ITEM 3 (continued)**

- A. *Acoustic Impacts.*** *Concerns are raised that the proposal will result in unacceptable noise impacts associated with the use of the playing fields for sporting activities in the evening.*

**Assessment Officer's Comment:** It is considered that the acoustic impacts associated with the proposed development will directly impact on the amenity of those residential areas surrounding Morrison Bay Park. This consideration is based on the following:

- The Noise Assessment (NA) submitted in support of the subject DA and subsequent additional information provided by the consultant acoustic engineer indicates that the predicted noise levels at 84% of the measurement locations will exceed the noise assessment objective of background noise level plus 10dB. In particular, the predicted noise levels at the residences on the north-eastern side of Morrison Bay Park are between 22dB(A) and 24dB(A) over the existing background noise level. The noise has been indicated within the NA as being derived from kicking of soccer balls, player shouting, referee whistling, shouting/cheering from families, spectators and companions.
- The majority of recommendations contained within the NA are considered to be either impracticable or unmanageable. For example, it is considered difficult to ensure players remain aware of the need to minimise noise levels, or unrealistic to construct noise walls up to 5m high at property boundaries.
- The background noise levels established within the NA are questioned on the basis of the measurements being somewhat unreflective of the proposed winter season park usage. This is because the background noise measurements were undertaken during daylight savings time when Morrison Bay Park is more highly utilised, compared to that during mid-winter when daylight savings time has ended and there is less usage of the park. Additionally, it has been identified that touch football completion was taking place at Morrison Bay Park during the background noise measurement period, thus further contributing to a somewhat unrepresentative background noise level.
- Concern has been raised by objectors over the impact of vehicular traffic and parking noise on the surrounding area derived from the prolonged vehicular activity in the surrounding streets and car parks. While additional vehicular movements associated with the proposed sports field lighting are acknowledged as creating prolonged noise in the area, the acoustic report indicates that the predicted road traffic noise level generated by the sporting activities at the nearest

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residences would however comply with the recommended assessment objective.

Also, this assessment questions the accuracy of the predicted vehicular movements and associated parking from the proposal. The reasons for this are discussed later in the submissions section of this report under 'C'.

- The significant increase in noise levels from additional sporting activities is expected to negatively impact on the quality of life experienced by adjoining residences. This is because the proposal will include the illumination and use of the sports fields up to 9:30pm during the winter season (April to August) and up to 1.5 hours later into the evening to 9.00pm during the summer season (September to March). These times of the evening are considered to be when dwellings will be occupied, and used for quiet evening respite and sleeping times, particularly for children and some adults, including shift workers and elderly people.
- As such, the envisaged loss of amenity to these surrounding residential areas as a result of the abovementioned noise impacts is considered to negatively affect people's orderly use of living areas and private open space, as well as bedroom areas for sleeping.

Accordingly having regard to the above it is considered that the submissions outlining noise concern with the proposed development are well founded. For this reason, it is considered the acoustic impacts associated with the proposed development, in its current form, are significant enough to warrant refusal of the subject development application.

- B. *Light Spillage.*** *Concerns are raised that the proposed lighting will cause loss of amenity to nearby dwellings through high levels of illumination and light spillage, and also on flora and fauna within the area.*

**Assessment Officer's Comment:** Based on the outcomes of the independently prepared Assessment and Recommendations report for New Floodlighting at Morrison Bay Park by GRA Electrical Engineers dated June 2014, it is considered that there will be illumination impacts with the proposal on the surrounding built and natural environment, most notably to those residential areas on the eastern side of Morrison Bay Park adjacent to Field 2.

The residential areas adjacent to Field 2 are within 15m of the proposed luminaries. The consultant report on light spillage indicates that Lux levels up to 7.56 at the residential area boundaries is to be expected without the inclusion of glare shield. Should glare shields be installed on the light poles, then additional information from the lighting consultant has indicated that this

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would usually reduce the spill light by 2 – 3 Lux. As such, the consultant states that with glare shields installed, this should reduce the worst case spill light to around 5 Lux.

While the light spillage associated with the proposed development represents an increase over the existing light levels on the subject site, the proposed vertical Lux levels, whether glare shields are installed or not, are below the maximum of 10 Lux for pre-curfew hours as recommended Australian Standard 4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting).

Increased illumination generally has the potential to impact on the amenity of residential areas by affect people's orderly use of living areas, private open space, and bedroom areas for sleeping, however it is also acknowledged that there can be positive outcomes derived from additional illumination including enabling passive surveillance over parks and streetscapes, and acting as a deterrent for anti-social behaviour.

As such, the proposed light spillage as a result of the illuminated sports fields can be seen to have both positive and some negative outcomes, however on balance these impacts are considered to be neutral, particularly should the proposal be required to install glare shields to reduce the impact on adjoining residential areas.

This assessment has also taken into consideration the wider visual impacts associated with the change in the night time landscape as a result of the illuminated park when viewed from Morrison Bay, Parramatta River and the southern shore of Parramatta River at Breakfast Point and Cabarita. It has been concluded that while the proposed illumination of sports fields at Morrison Bay Park will be noticeable from these areas in the wider view catchment, the visual impact associated with these noticeable changes is not beyond that of other foreshore development in Sydney Harbour. This is because the light poles themselves are considered to be comparably modest structures in terms of their bulk and scale, and the illumination effects of the lighting will be restricted to 9pm in the summer season, and 9.30pm in the winter season. After these times, the visual landscape will largely return to pre lighting conditions at Morrison Bay Park.

Accordingly having regard to the above it is considered that light spill impacts associated with the proposed development are not a reason for refusal of the subject development application. This is primarily because the proposal in its current form has the ability to comply with the relevant Australian Standards for the obtrusive effects of outdoor lighting.

Additionally, should the application be approved, a condition of consent has been recommended in this assessment report that the installation of glare

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shields and curfew switches be installed to ensure that the obtrusive effects of outdoor lighting are further reduced to even more acceptable levels.

- C. *Traffic and Parking.*** *Concerns are raised that the additional hours of park usage created by the proposed lighting will see increased traffic congestion and parking demand.*

**Assessment Officer's Comment:** The prolonged use of the sports fields at Morrison Bay Park will result in additional vehicular activity in the surrounding streets and car parks. The Traffic Impact Assessment Report prepared by Bitzios Consulting submitted with the subject development application has concluded that the proposal will extend the operation hours of the car park but no additional parking bays are necessary, as the expected hourly peak parking demand remains the same. Similarly, the report also indicated that the estimated additional traffic is unlikely to have an adverse effect on the operation of the existing road network in peak traffic hours, as demonstrated by traffic monitoring.

The development assessment has raised some questions with the submitted traffic report. Firstly, the report has not addressed the impact of additional traffic generated within the summer season, and secondly it is considered that the report has perhaps underestimated the number of additional vehicle movements by undertaking their site inspection for assessment purposes on a day when the sports fields were operating at a level below that expected once the proposal becomes operational.

It is acknowledged however, that despite whether the traffic movements as a result of the proposal are greater or less than that covered by the traffic report, it is important to note that the proposal will not necessarily increase the demand for parking in the area, but rather extend the operation hours of the existing car park and vehicular movements associated with the use of the park in the surrounding streets.

In this regard, the questions raised in this development assessment with the traffic report do not result in a concern that the existing road network and parking facilities will be able to cater to the proposal, but rather it is acknowledged that residents within the surrounding residential areas may potentially experience existing traffic volumes from sporting activities at the park for a prolonged period of time if the proposal proceeds.

As has been discussed within the response to the objector's acoustic concerns, additional vehicular movements associated with the proposed sports field lighting are acknowledged as creating prolonged noise in the area. The acoustic report indicates that the predicted road traffic noise level

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generated by the sporting activities at the nearest residences would however comply with the recommended assessment objective.

Accordingly having regard to the above it is considered that traffic and parking impacts associated with the proposed development are not a reason for refusal of the subject development application.

- D. *Hours of Operation*** – *The submissions noted that the proposed hours of operation are excessive, noting that there are families and elderly that live in the area that may suffer impacts on sleep. The submissions also note that the hours will prevent quiet enjoyment of their living areas and private open space.*

**Assessment Officer's Comment:** Significant concerns have been raised in the submissions in relation to excessive hours of operation.

It is noted that currently the summer soccer competitions finishes at around 7.30 – 7.40pm. The application notes that the lights will be switched off at 9pm in summer. This represents an additional 1.5hrs of sports field use time later in the evening during the summer season.

In this regard, later finishing of sports field usage for four (4) days per week is not considered to be a significant increase in the overall usage of the park for sporting activities in the summer season.

It is acknowledged though, that the at use of the sports fields through to 9pm in the evening during the summer season will have a prolonged noise impact on adjoining residential areas. As has been discussed earlier, those residences on the eastern side of Morrison Bay Park adjacent to Field 2 are predicted to experience noise levels 22db(A) to 24db(A) over existing background noise levels. This is 12db(A) to 14db(A) over the noise objective outlined in the acoustic report.

The evening period is considered to be when dwellings will be occupied, and used for quiet respite and sleeping times, particularly for children and some adults, including shift workers and elderly people.

As such, despite the 1.5 hours later usage being a seemingly small increase in the operation time of the sports fields, given this 1.5 hours is to occur in the quiet respite times for adjoining dwellings, there is concern that this will unsatisfactorily impact on the amenity of the surrounding residential areas, particularly those adjoining Field 2.

Perhaps more importantly for the subject development application, it is also noted that the proposed hours of operation of the sports field in the winter season will be from 4.00pm to 9.30pm in winter. This is considered a



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significant change over the current arrangements because civil twilight during the winter season when daylight savings time has ended would ordinarily mean the park would cease primary usage at around 5:20pm in mid-winter.

This four hours additional usage will significantly impact on neighbouring residents, particularly given that the properties adjacent to Field 2 are directly adjacent to the boundary with Morrison Bay Park. The assessment has determined that the noise impacts of the development to these properties will be significant, and in the order of 22db(A) to 24db(A) over existing background noise levels. Again, the evening period for which the sports fields will be in use is considered to be when dwellings will be occupied, and used for quiet respite and sleeping times as discussed above.

Accordingly having regard to the above it is considered that the submissions outlining concerns with the hours of operation to the sports field are closely linked to the associated noise impacts with the development. As such, it is considered the proposed development, in its current form, cannot be supported.

- E. *Loss of park amenity.*** *Concerns are raised that by installing lighting to the park exclusive use and privilege will be given to the sporting clubs until late in the evening, leaving little time for nearby residents to use and enjoy the park. Concerns are also raised in relation to damage to the playing field surface and to an increase to anti-social behaviour.*

**Assessment Officer's Comment:** The current use of the sports field in Morrison Bay Park is outlined as follows:

- In summer (September to March)
  - Monday - Thursday 5.30pm to 8.00pm for social sport activities (6 a side soccer and touch football)
  - Saturdays and some Sundays for senior and junior cricket competition between 8.00am to 6.00pm
- In winter (April to August)
  - Saturdays between 8.00am and 6.00pm, by the Gladesville Hornsby Football Association (GHFA)
  - Sundays between 8.30am and 5.30pm by the North West Sydney Women's Football Association.
- The park is also used by casual park users for passive recreational purposes and pathway along the river line is popular. There are also cricket practice nets in the park and the park is utilised by personal trainers.



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Given the proposed development will extend the use of the sports field within Morrison Bay Park into the mid-evening period, and given the outcome of the proposal will enable the sports field to comply with Australian Standards for ball physical training and local football competition purposes (AS 2560.2.3 – 2007), it is considered that the proposal will significantly enhance the active use of the park in the weekday evenings.

However there is concern that this intensive activation of the park within the evenings will potentially displace those more passive users of the park. For example, the Morrison Bay Park Plan of Management identifies that picnicking, cycling, walking, playground, fitness and BBQ activities also take place in the park alongside sports uses. It is these passive uses which are considered to be impacted upon by the activation of the park.

A number of objections raised the issue of anti-social behaviour that has been experienced at times that the park is in use for organised sport competitions. It is noted that a submission supporting the development by the Putney Rangers Football Club disputes that lights will bring anti – social behaviour, citing that the use of the park will act as a deterrent for such anti-social behaviour.

This assessment has also noted that the introduction of lighting to parks can have the positive effect of reducing anti-social behaviour due to the increase in not only the active use of the park, but also passive surveillance over the illuminated park area.

On the above basis, it is considered that whilst the lights may be viewed as an amenity upgrade for some, it is considered some passive users of the recreational area may potentially be displaced. In this regard, the outcome of the proposed development is considered to be balanced between the passive and active users of the park.

- F. *Impact on the Natural Environment*** - Concerns have been raised in the submissions on the adequacy of the submitted Ecological Assessment and the impacts of the proposed sports field lighting on bird and animal life in the park. Concerns have also been raised in relation to the disturbance of Acid Sulfate soils and the potential resultant rubbish being washed in to Morrison Bay Canal. In addition it is noted that the submissions raise concerns over the increased use and potential damage to the playing field surfaces.

**Assessment Officer's Comment:** As part of the initial assessment of the proposal, it was identified that this objector concern relating to perceived shortcomings of the Ecological Assessment had some merit. This is because the objectors note that the Ecological Assessment did not appropriately consider the Migratory Wetland Birds which are present at Morrison Bay Park at different times of the year, and to a lesser extent the Grey Headed Flying Fox.

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Submissions from objectors also noted that additional species that have been apparently observed were not assessed in the ecological report.

The objector's concerns relating to the subject Ecological Assessment are considered to have merit, particularly considering the protection status given to Migratory Wetland Birds under the Commonwealth Government's Environmental Protection and Biodiversity Conservation Act 1999. Ordinarily, additional information would be sought from the applicant in the form of a revised Ecological Assessment or addendum. However, given the preliminary assessment of the subject development application had already determined that the noise impact of the proposal on adjoining residential areas were sufficient grounds for refusal of the proposal in its own right, it was considered unnecessary to request such additional information from the applicant. It is noted however, that these concerns raised by objectors should be addressed in any future ecological assessment for sports field lighting at Morrison Bay Park.

In relation to acid sulphate soils, it is acknowledged that provisions within the Ryde Local Environmental Plan 2010 (now Ryde Local Environmental Plan 2014) would require that an acid sulphate soils management plan be included for assessment prior to development consent for the subject development application.

However, as indicated above, given the preliminary assessment already identified sufficient grounds for refusal of the proposal, it was considered unnecessary to request such additional information from the applicant. Again it is noted, that any future development application for sports field lighting at Morrison Bay Park should be accompanied by an acid sulphate soils management plan.

Concerns have also been raised in the submissions on the potential damage of the playing surface of the sports fields. It is noted that this is covered by the Plan of Management for Morrison Bay Park, and as such it is considered that Council's Public Works Group will continue to be able to manage the upkeep and maintenance of the sports fields according to the Morrison Bay Plan of Management irrespective of the increased use of the fields by the proposed sports field lighting.

Accordingly having regard to the above it is considered that the impacts associated with the proposed development on the natural environment are not a reason for refusal of the subject development application. However, should the subject development application be considered for approval despite this recommendation, it would be appropriate that the Ecological Assessment be upgraded to include the issues raised above, particularly those relating to any impacts on Migratory Wetland Birds.

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- G. *Use (training vs social sport)*** – Concerns have been raised by residents on the use of the park for social sport, how this is defined. Submissions have also questioned the need for facilities given that other fields have lights within the Ryde LGA, however it also noted that submissions in favour of the development state that teams from the local Putney Rangers must travel out of the area to train and compared to other LGA's Ryde has an inadequate number of sports fields with lighting. Concerns have also been raised that the fields will be used by people outside the LGA.

**Assessment Officer's Comment:** Investigation into what is considered social sport has been undertaken. It is considered that social sport is mainly team based where players select and arrange their own teams and pay an entry fee to participate in an organised competition. The teams are not considered to be part of a 'sports club' although it is noted that players may be affiliated with sports club or association. Social sport is considered to be open to all skill levels and is inherently 'social' in nature. For the basis of this assessment 'social sport' is not considered to be paid personal training activities, nor is it considered to be a 'group of friends' meeting at a park to play a spontaneous team sport.

As has been demonstrated within the assessment report, there is a clear need for additional sports field lighting to satisfy the current and future demand for organised sporting activities within the local area and wider region. Council has undertaken audits of its playing fields and determined that such facilities are required. Reference should be made to the comments under 'Submissions in Support' later in this report for further details of the need for such facilities.

It is noted that many of the submissions raise concern of the potential of an increase in 'social sport' within Morrison Bay Park, and the increase in impacts on amenity as a result of this.

While there is no specific objection to social sport itself taking place at the park, the times at which such social sport is proposed has been assessed as having associated noise impact on adjoining residences, whereby noise levels are predicted to be increased by 22db(A) to 24db(A) over existing background noise levels. This is 12db(A) to 14db(A) over the noise objective outlined in the acoustic report.

Reference should be made to objection response 'A' earlier in this report for a detailed assessment on the acoustic impacts of the proposal.

- H. *Cost to ratepayers and use by people outside of the LGA*** – Concerns have been raised on the cost to rate payers of the proposed sports field lighting and the ongoing utility and maintenance costs. In addition some submissions note that the lights may likely be used by persons not living in the Ryde LGA.

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While the cost to ratepayers is not necessarily considered to be a valid planning concern in relation to the assessment of the subject development application, it is noted that Morrison Bay Park is a regional park and public open space which attracts users from areas outside of the Ryde local government area. Morrison Bay Park caters for diverse recreation and leisure needs of the wider community and provides access to the Parramatta River foreshore.

In addition, the park provides sporting facilities for use of organisations not only within the Ryde local government area, but also the wider region.

In this regard, suggestions by objectors that the park, and any associated upgrades are for the use of City of Ryde ratepayers only is not supported.

- I. *Design*** – *Concerns have been raised in the submissions in relation to the design of the proposed light poles including their height, overall visual impacts, overshadowing and privacy*

**Assessment Officer's Comment:** This assessment has determined that the light poles themselves are considered to be comparably modest structures in terms of their bulk and scale given the large open setting of Morrison Bay Park. Additionally, it has been assessed that the proposed light poles will not cause any unacceptable overshadowing, nor is it considered that the proposed flood lights will impact unnecessarily on the privacy of adjacent residential areas.

As has been outlined above, this assessment has also taken into consideration the wider visual impacts associated with the change in the night time landscape as a result of the illuminated park when viewed from Morrison Bay, Parramatta River and the southern shore of Parramatta River at Breakfast Point and Cabarita. It has been concluded that while the proposed illumination of sports fields at Morrison Bay Park will be noticeable from these areas in the wider view catchment, the visual impact associated with these noticeable changes is not beyond that of other foreshore development in Sydney Harbour.

Accordingly having regard to the above it is considered that the design of the light poles, whether it be the structures themselves or the light created by them is not a reason for refusal of the subject development application.

- J. *Effect on Property Values*** – *Concern has been raised in the submissions in relation to the impacts on property values as a result of the proposed sports field lighting.*

**Assessment Officer's Comment:** Whilst it is acknowledged that this may be a concern to residents adjacent to Morrison Bay Park it is noted the concerns regarding effects on property values is not a valid matter for consideration in the

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assessment of the subject development application. This has been reinforced by decisions in the NSW Land and Environment Court.

- K. *Cultural and Historical Significance of MBP*** – *Concern has been raised in the submissions in relation to the impacts on the cultural and historical significance of Morrison Bay Park*

**Assessment Officer's Comment:** Whilst it is noted that the Morrison Bay Park could have cultural and historical significance as raised in the submissions, it is noted that the site is not identified as a Heritage Item under Ryde LEP 2010 (or now Ryde LEP 2014) and as such it is not considered that the proposed flood lighting will significantly impact on the cultural and historical significance of Morrison Bay Park.

It is considered that the proposed sports field lighting will enable the continuation of the existing sporting cultural activities and social gathering of people at Morrison Bay Park, and as such reinforced the importance of the park and associated sports fields as a regional asset to the community.

- L. *Compliance with Planning Controls and Planning Process***: *Concerns have been raised in the submissions that the proposed Sports Field Lighting does not comply with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, SREP Sydney Harbour Catchment Ryde LEP 2010, Ryde DCP 2014, Sydney Harbour Foreshores and DCP and Morrison Bay Park Plan of Management 2009. In addition concern has been raised in the submissions in relation to the process that was undertaken in the preparation and lodgement of the DA including the community consultation both prior to lodgement and the duration of the DA notification period*

**Assessment Officer's Comment:** The submissions point out that the proposed sports field lighting does not comply with the provisions of Section 79C and other relevant planning controls pertaining to the site including the SREP (Sydney Harbour Catchment) 2005, Ryde Local Environmental Plan 2010, Ryde DCP 2014, The Sydney Harbour DCP and the Morrison Bay Park POM.

All submitted documentation has been subjected to a full assessment against all the relevant planning controls and the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*. Where non-compliances have been identified they have been assessed and discussed in detail in this report.

In relation to the planning process and community consultation, as noted earlier in this report, in accordance with the Council resolution, community consultation on the proposed playing field lighting upgrade was undertaken as part of the

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audit of sports field lighting (2009), and also the subject DA was notified to neighbours and advertised on two (2) occasions during the DA process.

Accordingly it is considered that the required statutory process for notification of the subject DA has been undertaken.

In respect of resolving the potential conflict of interest in Council being both the applicant and consent authority, the subject DA has been assessed by an external consultant.

In respect to Council making available all pre and post DA reports in respect to previous similar applications for Pidding Park, Magdala Oval and Waterloo Park it is noted that this information is freely available pursuant to the *Government Information (Public Access) Act 2009*.

Submissions In Support

- M. *Lack of adequate night training facilities*** – *Submissions in support of the proposed sport field lighting have noted that there are not enough night training facilities within the Ryde LGA and note that the local football side (Putney Rangers) must travel out of the suburb to train.*

Submissions for the development have noted that not enough night training facilities are located within the Ryde LGA to satisfy current and future growth of local and regional sporting clubs. Furthermore, various clubs are required to share facilities at other grounds which places pressure on the use of these venues.

In the submissions of support for the proposal, it was acknowledged by clubs that memberships are continuing to grow, and as a result there is a clear need for the augmented use of Morrison Bay Park.

Accordingly, it is clear that such night training facilities as that proposed are required. This is supported by Council's audit of existing playing field lighting within the City of Ryde.

It is also acknowledged that there is a necessity to ensure that existing sports fields are capable of operating at minimum safety levels for ball sports established by Australian Standard AS2560.23.

**Figure 10** below illustrates that 12 sports fields currently have flood lighting within the City of Ryde, this does not include the recently approved Waterloo Park which is not shown on the below map.

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**Figure 10 Map showing existing and proposed sports flood lighting. Note the potential sports field lighting is the Subject Site – Morrison Park.**

**8. Clause 4.6 Ryde LEP 2010 objection required?**

None required

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### 9. Policy Implications

#### Relevant Provisions of Environmental Planning Instruments etc:

##### (a) Ryde Local Environmental Plan 2010

#### Zoning

Under the Ryde LEP 2010 the zoning of the subject site is RE1 – Public Recreation. Within this zoning, the proposed development is permissible with Council's development consent.

#### Zone Objectives

The objectives of the RE1 zone under the Ryde LEP 2010 set out the purpose of the zone and reflect the strategic land use direction for land. These objectives for the RE1 zone are listed below, followed by an assessment of how the proposed development performs against each of these objectives:

- *To enable land to be used for public open space or recreational purposes.*

**Assessment Officer's Comment:** The proposed development will further enable Morrison Bay Park to be used for public open space and recreational purposes by way of increasing its usability into the evening period where previously lack of lighting did not allow for extended use of the park for organised sport. In this regard it can be considered that the proposed development would be consistent with the objective of enabling the land within Morrison Bay Park to be used for recreation purposes, however there is a need also to consider what impacts the extended proposed sports field usage will have on other community users of the park. This is explored further below.

- *To provide a range of recreational settings and activities and compatible land uses.*

**Assessment Officer's Comment:** As outlined on the City of Ryde website, and as observed during site visits undertaken both during the day and in the early evening, Morrison Bay Park provides for a range of recreational settings and activities both in a passive and active environment including:

- |                |                      |
|----------------|----------------------|
| - Picnic areas | - Cycle path         |
| - BBQ;         | - Walking track/path |
| - Playground   | - Fitness circuit    |
| - Sports field | - Natural Area       |
| - Cricket Nets |                      |



**ITEM 3 (continued)**

As the proposed development is limited to the installation of sports field lighting, and subsequent illumination of the sports field in the early-to-mid evening period for certain times, the proposal is not considered to significantly reduce, or negatively impact on the existing range of recreational settings and activities within Morrison Bay Park.

Given the proposed development will effectively enable the extended use of the sports field within Morrison Bay Park into the mid-evening period at certain times, and given the outcome of the proposal will enable the sports field to comply with Australian Standards for ball physical training and local football competition purposes (AS 2560.2.3 – 2007), it is considered that the proposal will enhance the range of activities and recreational uses of Morrison Bay Park

However, having regard to the assessment of the proposed development and its significant impacts on the built environment, more specifically its direct acoustic impacts on surrounding residential properties it is considered that the proposed development does not satisfactorily maintain Morrison Bay Park's compatibility with surrounding residential land uses.

- *To protect and enhance the natural environment for recreational purposes.*

**Assessment Officer's Comment:**

As part of the initial assessment of the proposal, it was identified that objector concern relating to perceived shortcomings of the Ecological Assessment had some merit. This is because the objectors note that the Ecological Assessment did not appropriately consider the Migratory Wetland Birds which are present at Morrison Bay Park at different times of the year, and to a lesser extent the Grey Headed Flying Fox. Submissions from objectors also noted that additional species that have been apparently observed were not assessed in the ecological report.

Ordinarily, additional information would be sought from the applicant in the form of a revised Ecological Assessment or addendum. However, given the preliminary assessment of the subject development application had already determined that the noise impact of the proposal on adjoining residential areas was sufficient grounds for refusal of the proposal in its own right, it was considered unnecessary to request such additional information from the applicant. It is noted however, that these concerns raised by objectors should be addressed in any future ecological assessment for sports field lighting at Morrison Bay Park.

In relation to acid sulphate soils, it is acknowledged that provisions within the Ryde Local Environmental Plan 2010 (now Ryde Local Environmental Plan 2014) would require that an acid sulphate soils management plan be included

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for assessment prior to development consent for the subject development application.

However, as indicated above, given the preliminary assessment already identified sufficient grounds for refusal of the proposal, it was considered unnecessary to request such additional information from the applicant. Again it is noted, that any future development application for sports field lighting at Morrison Bay Park should be accompanied by an acid sulphate soils management plan.

Having regard to the above, it is considered that should the subject development application be considered for approval despite this recommendation, it would be appropriate that the Ecological Assessment be upgraded to include the issues raised above, particularly those relating to any impacts on Migratory Wetland Birds. This is considered necessary to ensure the proposal has the ability to comply with this objective of the RE1 zone.

- *To provide adequate open space areas to meet the existing and future needs of the residents of Ryde.*

**Assessment Officer's Comment:** As outlined in the Statement of Environmental Effects (SEE) submitted as part of the DA package of information, the proposed development comes as a result of an audit of existing lighting at local sports fields completed in 2008. The audit identified that many of the existing floodlit sports fields in the City of Ryde currently do not comply with the requirements as set out in the Australian Standard AS2560.23 for the safety of participants and level of visual tasks anticipated.

Accordingly, there is an identified need for the proposed development to meet the existing and future needs of those persons using the sports field, particularly as demographic information provided on the City of Ryde website indicates that the City of Ryde population forecast for 2013 is 110,157, and is forecast to grow to 135,508 by 2031.

Given the above population forecast and available details of sports clubs currently utilising the playing fields, it is considered that the proposal will help meet the existing and future needs of not only the residents of Ryde, but the wider region that utilise the facilities at Morrison Bay Park.

- *To protect and enhance the natural bushland in a way that enhances the quality of the bushland and facilitates public enjoyment of the bushland in a way that is compatible with its conservation.*

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**Assessment Officer's Comment:** As previously mentioned in this section of the report, an independent Ecological Assessment was undertaken as part of the proposed development which notes that the vegetation surrounding the playing fields at Morrison Bay Park consists mainly of planted trees with scattered patches of remnant estuarine and coastal vegetation overstorey trees.

This can be evidenced on the aerial photograph contained in **Figure 1** of this Report, which shows the scattered patches of vegetation around the park boundaries as well as on the opposite side of Frances Road (partly Zoned E2 Environmental Conservation).

Given the small footprint of the proposed works that are confined to existing cleared areas, it is considered that the proposed development is unlikely to significantly impact on areas which constitute natural bushland.

Having regard to the above-listed objectives of the RE1 zone under the Ryde LEP 2010, and the Assessment Officer's Comments, it is considered that despite the proposed development being consistent with most of the objectives of the zone, the adverse impacts of the proposed development on adjacent residential properties means that it is also contrary to other objectives of the RE1 zone which required development to be a compatible land use.

Accordingly it is considered that the proposed development cannot achieve all the strategic land use directions for the zone, and is therefore is not supported in its current form.

**Mandatory Requirements**

The following mandatory provisions under Ryde LEP 2010 apply to the development:

Clause 5.9 – Preservation of trees or vegetation. The objective of clause 5.9 of the Ryde LEP 2010 is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

Specifically, this clause states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- a) development consent, or
- b) a permit granted by the Council.

The Part 9.6 Tree Preservation of the Ryde DCP 2010 would apply to trees that form part of Morrison Bay Park and its curtilage areas. Although it is acknowledged that the proposed development does not propose to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation, it is considered that there is a

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responsibility to consider the impact of the proposed development on such vegetation given the objectives of this clause.

In this regard, reference is again made to the independent Ecological Assessment submitted as part of the package of information for the subject DA. The Ecological Assessment concludes no significant impacts on (identified species) are considered likely to occur.

Given the above, it is considered that the proposed development is consistent with the objectives of clause 5.9 of the Ryde LEP 2010, and also in compliances with the provisions of this clause.

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.

As identified on the Acid Sulfate Soil map, Morrison Bay Park is identified as Class 2. This means that pursuant to Subclause (2)

- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

*Class 2 - Works below the natural ground surface. Works by which the watertable is likely to be lowered*

It is noted that Subclause (3) states

- (3) *Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.*

Despite the subject development application not including an acid sulphate soils management plan as required by Clause 6.1 above, given the preliminary assessment already identified sufficient grounds for refusal of the proposal, it was considered unnecessary to request such additional information from the applicant. It is noted, that any future development application for sports field lighting at Morrison Bay Park should be accompanied by an acid sulphate soils management plan.

### ITEM 3 (continued)

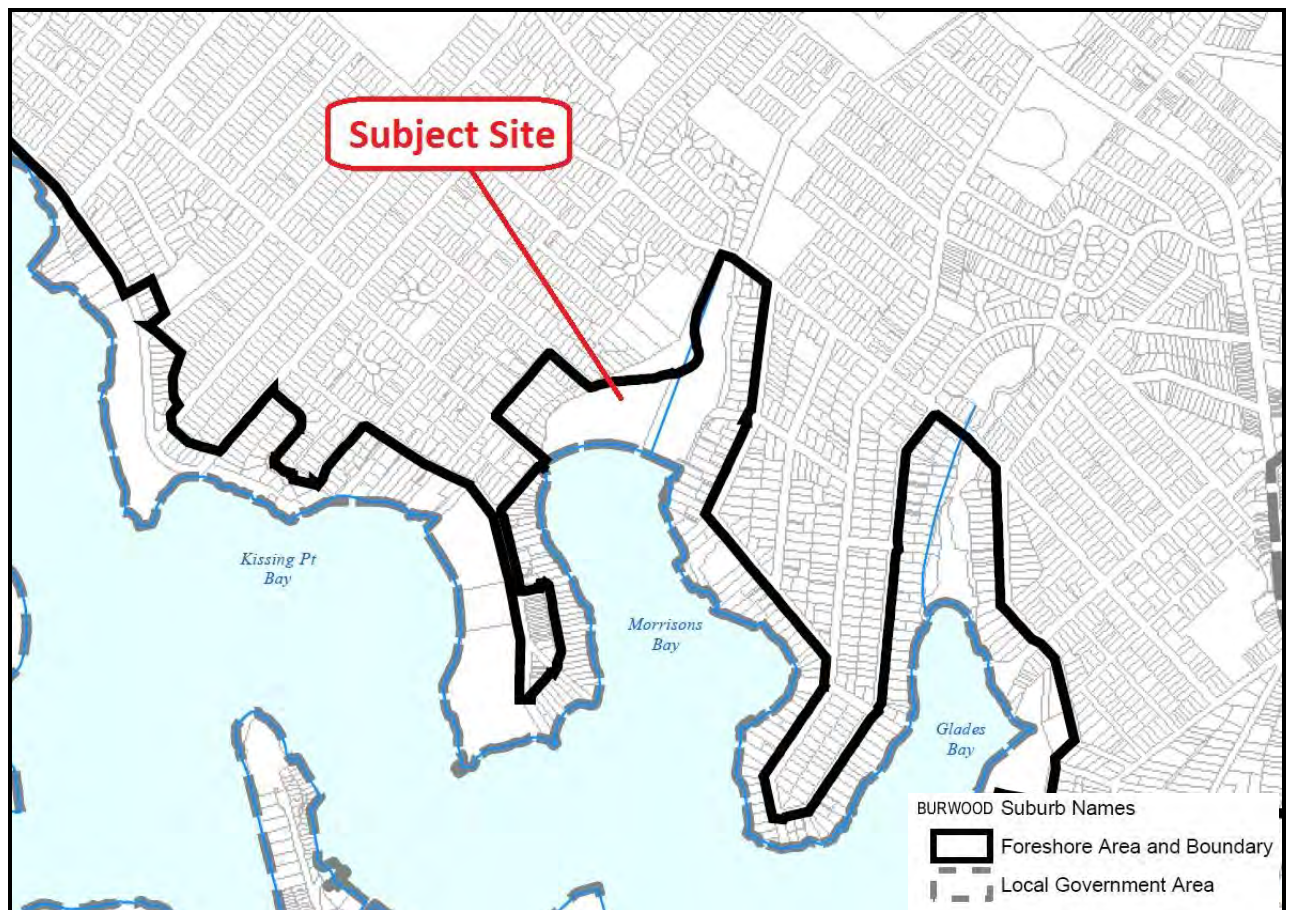
#### (b) Relevant State Environmental Planning Policies (SEPPs)

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

##### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005:

The SREP (Sydney Harbour Catchment) applies to the proposed development as it is located on land within the Sydney Harbour Catchment.

The subject site is located within a 'Foreshore and Waterways Area' (as demonstrated in **Figure 11**). The following planning principles (under Part 2 of the SREP) are relevant to the proposed development.



**Figure 11: 'Foreshore and Waterways Area' map extract from SREP (Sydney Harbour Catchment) 2005. Subject Site is located within the foreshore area**

**ITEM 3 (continued)****Planning principles – Foreshores and Waterways Area**

- *development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*

**Assessment Officer's Comment:** As covered in the assessment of the proposed development on the Natural Environment later in this report, an independent Ecological Assessment was undertaken as part of the proposed development.

As part of the notification of the proposal, a number of concerns were raised by objectors relating to the adequacy of the Ecological Assessment, particularly considering the protection status given to Migratory Wetland Birds under the Commonwealth Government's Environmental Protection and Biodiversity Conservation Act 1999 which were observed at Morrison Bay Park.

Ordinarily, additional information would be sought from the applicant in the form of a revised Ecological Assessment or addendum. However, given the preliminary assessment of the subject development application had already determined that the noise impact of the proposal on adjoining residential areas were sufficient grounds for refusal of the proposal in its own right, it was considered unnecessary to request such additional information from the applicant. It is noted however, that these concerns raised by objectors should be addressed in any future ecological assessment for sports field lighting at Morrison Bay Park.

Accordingly having regard to the above it is considered that the impacts associated with the proposed development on the natural environment are not a reason for refusal of the subject development application. However, should the subject development application be considered for approval despite this recommendation, it would be appropriate that the Ecological Assessment be upgraded to include the issues raised above, particularly those relating to any impacts on Migratory Wetland Birds.

- *public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*

**Assessment Officer's Comment:** The proposed development is not considered to impact on public access to and along the foreshore. Access to the foreshore is maintained via an existing shared pedestrian and cycle path which connects Morrison Road to Jetty Road. In addition it is noted that although the floodlights will mean access may be restricted at times through Fields 1 and 2, the foreshore will remain accessible from other points within Morrison Bay Park.

**ITEM 3 (continued)**

As no change in access is proposed to the foreshore it is not considered that the existing access arrangements will impact on the watercourse, wetlands, riparian land and remnant vegetation.

- *access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*

**Assessment Officer's Comment:** As noted above the proposed development is not considered to impact on public access to and along the foreshore.

- *development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,*

**Assessment Officer's Comment:** This assessment has taken into consideration the wider visual impacts associated with the change in the night time landscape as a result of the illuminated park when viewed from Morrison Bay, Parramatta River and the southern shore of Parramatta River at Breakfast Point and Cabarita. It has been concluded that while the proposed illumination of sports fields at Morrison Bay Park will be noticeable from these areas in the wider view catchment, the visual impact associated with these noticeable changes is not beyond that of other foreshore development in Sydney Harbour. This is because the light poles themselves are considered to be comparably modest structures in terms of their bulk and scale, and the illumination effects of the lighting will be restricted to 9pm in the summer season, and 9.30pm in the winter season. After these times, the visual landscape will largely return to pre lighting conditions at Morrison Bay Park.

- *adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses,*

**Assessment Officer's Comment:** Not considered applicable to the proposed development as the proposal is not anticipated to impact on working harbour uses.

- *public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes,*

**Assessment Officer's Comment:** Not considered applicable to the proposed development as the proposals is not considered to interfere with industrial or commercial uses.



**ITEM 3 (continued)**

- *the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes,*

**Assessment Officer's Comment:** Not considered applicable to the proposed development as the proposals is not considered to interfere with industrial or commercial uses.

- *water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront,*

**Assessment Officer's Comment:** Not considered applicable to the proposed development as the proposals is not considered to influence public transport.

- *the provision and use of public boating facilities along the waterfront should be encouraged.*

**Assessment Officer's Comment:** The proposed development is not likely to impact on the provision and use of existing moorings within Morrison Bay.

**(c) Any draft LEP**

The Ryde Local Environmental Plan 2014 (Ryde LEP 2014) commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing applications un-determined as of 12 September 2014, this instrument contains a Savings Provision (clause 1.8A), which states:

*If a DA has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

The DA was made (lodged) on 4 July 2014, before the commencement of the Ryde LEP 2014, and so it must be determined as if Ryde LEP 2014 had not commenced. What this means is that the now-gazetted Ryde LEP 2014 is treated as a draft instrument.

The details of the proposed development in relation to Ryde LEP 2014 are as follows:

- the subject site remains within the 'RE1 Public Recreation' land use zone;
- the proposed development remains as development which is permitted with consent under the RE1 Public Recreation land use zone;

**ITEM 3 (continued)**

- the proposed development is not considered to remain consistent with all of the objectives of the RE1 Public Recreation zone, particularly objective 2 relating to the land use compatibility of the development (it is noted that objectives 4 and 5 of the Ryde LEP 2010 are no longer included for the RE1 zone under Ryde LEP 2014 as gazetted);
- the provisions of clause 5.9 – Preservation of Trees or Vegetation of the Ryde LEP 2014 are considered to be consistent with the provisions of clause 5.9 – Preservation of Trees or Vegetation of the Ryde LEP 2010.

**(d) The provisions of any development control plan applying to the land**Ryde Development Control Plan (DCP) 2014.

Ryde DCP 2014 does not contain any specific development controls applicable to the proposed development.

Sydney Harbour Foreshores and Waterways Area DCP 2005:

This DCP was made by the State Government to support the provisions of Sydney Regional Environmental Plan (Sydney Harbour Foreshores) 2005, and therefore it applies to the subject proposal

The following provides an assessment of the proposal against the provisions of the Sydney harbour Foreshores and Waterways Area DCP 2005.

**Part 2 Ecological Assessment**

A review of the ecological communities and landscape character map at **Figure 12** below has revealed that the predominant terrestrial community within Morrison Bay Park to be grassland and the predominant aquatic community to be mudflats.

Grasslands are identified within this DCP as having low conservation value and mudflats are identified to have medium conservation value.

### ITEM 3 (continued)



**Figure 12: Site Located within Terrestrial Ecological Communities of Low Conservation Value**

Morrison Bay Park is identified on the above map to have a predominantly grassland terrestrial ecological community. The statement of intent and performance criteria from the DCP, along with an assessment officer comment is detailed below.

***Vegetation Protection -To conserve and enhance vegetation.***

- Mature trees containing hollows are preserved where feasible.
- Natural watercourses and any special natural features such as cliff faces and rock outcrops are protected.
- The incremental and cumulative effects of development are considered having regard to the above performance criteria.

***Assessment Officer Comment:*** Although no vegetation is planned to be removed to accommodate the proposed flood lights, an Ecological Assessment has been prepared and submitted with the DA which has determined that the impacts of the proposed development on vegetation is acceptable.

**ITEM 3 (continued)**

Recommendations for safeguards and management measures to minimise environmental damage during the proposed works have been included in the Ecological Assessment.

***Reduce Predation Pressure*** - *To minimise the risk of predation on native fauna species by domestic pets*

- *Fencing to contain domestic pets is provided*

**Assessment Officer Comment:** Morrison Bay Park is not identified as a specific 'Off Leash Area' on the Ryde Council Website. However, it is noted that the Ecological Assessment reported that during a site inspection that:

*"at one point, two domestic dogs were observed to run out onto the mudflat and chase away the foraging birds."*

Whilst this incident it noted, signage indicating dogs must be on leads is shown at the commencement of the shared footpath and it is not considered that the proposed development will significantly increase the risk of predation on native fauna species by domestic pets.

***Soil Conservation and Pollution Control*** - *To minimise impacts associated with soil erosion, water siltation and pollution.*

- *Measures to minimise soil erosion and siltation during construction and following completion of development are implemented.*
- *Controls are implemented to prevent pollutants from entering the waterway.*
- *Any pollutants and any increase in suspended solids is temporary and does not exceed the current pollution and range of turbidity.*

**Assessment Officer Comment:** It is noted that the proposed development is on land identified as Class 2 Acid Sulfate Soils. It is noted however the applicant has not submitted an Acid Sulfate Soil Management Plan pursuant to Clause 6.1 of Ryde LEP 2010.

Despite the subject development application not including an acid sulfate soils management plan as required, given the preliminary assessment already identified sufficient grounds for refusal of the proposal, it was considered unnecessary to request such additional information from the applicant. It is noted, that any future development application for sports field lighting at Morrison Bay Park should be accompanied by an acid sulphate soils management plan.

**ITEM 3 (continued)****Aquatic Ecological Communities of Medium Conservation Value**

The waterway adjacent to Morrison Bay Park is identified on the above map to have a predominantly mudflat aquatic ecological community which are identified to have a medium conservation value. The statement of intent and performance criteria along with an assessment officer comment are detailed below.

**Shading** - *To minimise impacts on communities from shading.*

- *Shading of communities is not increased to an extent that would harm flora and fauna.*
- *Food sources for grazing organisms are protected.*
- *Light penetration is not reduced so that algal growth in the intertidal zones is protected.*

**Assessment Officer Comment:** It is not considered that the proposed light poles will significantly overshadow the adjacent mudflat ecological community during daylight hours. As shown in the images of the proposed development contained earlier in this report, only two (2) of the eight (8) poles are located directly adjacent to the nearby mudflats. These proposed light poles are relatively narrow in structure and thus likely to result in minimal overshadowing.

**Reclamation** - *To minimise the effects from reclamation where it provides the optimum environmental outcome.*

- *Reclamation mitigation measures outlined in the NSW Fisheries Department's Estuarine Habitat Management Guidelines, Section 3.1—Reclamation and Dredging are to be followed and the applicant will need to demonstrate that the proposal will not adversely affect beach formation.*
- *Harmful contaminants will not be disturbed, or only when this will not adversely affect birds, fish and invertebrates.*

**Assessment Officer Comment:** No reclamation is proposed.

**Urban Run-off** - *To minimise the effects from urban run-off.*

- *Appropriate on-site control measures are to be implemented to ensure that:*
  - *pollutants are not transferred into the intertidal zone;*
  - *the proposal will not increase nutrient levels in the intertidal zone; and*
  - *any increase in suspended solids (turbidity) is temporary and does not exceed the current range of turbidity.*

**Assessment Officer Comment:** The increased use of the park as a result of the proposed development may lead to an increase in urban runoff and litter into

**ITEM 3 (continued)**

both Morrison Bay Canal and Morrison Bay. However this is considered to be satisfactorily addressed by Council's Plan of Management for Morrison Bay Park.

***Dredging - To minimise the effects from dredging.***

- *Mitigation measures outlined in the NSW Fisheries Department's Estuarine Habitat Management Guidelines, Section 3.1—Reclamation and Dredging are to be followed*

**Assessment Officer Comment:** No dredging is proposed.

**Landscape Area 14**

As shown on the Landscape Character Map at **Figure 12**, Morrison Bay is identified to be within Landscape Area 14. The performance criteria for Landscape Area 14 are identified below along with an Assessment Officer comment.

**iii. Performance Criteria**

*Any development within these areas is to satisfy the following criteria:*

- *consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features;*

**Assessment Officer Comment:** This assessment has taken into consideration the wider visual impacts associated with the change in the night time landscape as a result of the illuminated park when viewed from Morrison Bay, Parramatta River and the southern shore of Parramatta River at Breakfast Point and Cabarita (refer to view catchment diagram at **Figure 17**).

It has been concluded that while the proposed illumination of sports fields at Morrison Bay Park will be noticeable from these areas in the wider view catchment, the visual impact associated with these noticeable changes is not beyond that of other foreshore development in Sydney Harbour. This is because the light poles themselves are considered to be comparably modest structures in terms of their bulk and scale, and the illumination effects of the lighting will be restricted to 9pm in the summer season, and 9.30pm in the winter season. After these times, the visual landscape will largely return to pre lighting conditions at Morrison Bay Park.

Accordingly having regard to the above it is considered that light spill impacts associated with the proposed development are acceptable when having regard to this aspect of the performance criteria of the DCP.

**ITEM 3 (continued)**

- *development is to avoid substantial impact on the landscape qualities of the foreshore and minimise the removal of natural foreshore vegetation, radical alteration of natural ground levels, the dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces;*

**Assessment Officer Comment:** Refer above, whilst it is noted that no vegetation is proposed to be removed it is considered that the proposed sports field lighting will have an acceptable impact on the visual landscape qualities of the Morrison Bay foreshore, and adjacent waterways during the hours of operation.

- *landscaping is carried out between buildings to soften the built environment; and existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained.*

**Assessment Officer Comment:** The proposed sports field lighting will not impact on existing ridgeline vegetation, as noted above no vegetation is proposed to be removed.

**Morrison Bay Park Plan of Management 2009****4.4 Management Objectives****4.4.1 Recreation Objectives**

- Maintain the use of the Park as a District level sporting facility.
- To design and plan the future of the Park as a valued recreational asset for the local community.
- To ensure future sporting uses are compatible with existing uses, carrying capacity of facilities and settings and provides equitable access for both mens and womens sporting groups.
- To minimise intensification of use which has impacts on park users and the local community.
- Encourage and facilitate recreational pursuits for the local community as well as visitors to the area.
- Provide for passive recreation activities and for the casual playing of games for individuals and groups.
- Manage the recreational activities in the Park and ensure minimal impact on the local residential population.



**ITEM 3 (continued)**

**Assessment Officer Comment:** Whilst it is noted that the proposed sports field lighting maintains the use of the park as a district level sporting facility it is noted that the objectives require the future sporting uses to be compatible with existing uses and carrying capacity of facilities. In addition it is noted that the objectives specifically state to minimise intensification of use where this has impacts on park users and the local community and to manage the recreational activities to ensure minimal impact on the local residential population.

The proposed sports field lighting is considered to have a significant acoustic amenity impact on the adjoining residential areas, particularly those residences adjacent to Field 2. As indicated above, these impacts relate primarily to acoustic impacts, but to a lesser extent light spillage impacts. Accordingly it is considered that the proposed sports field lighting, in its current form is not consistent with all of the above recreational objectives contained in the Morrison Bay Park Plan of Management.

**4.4.2 Open Space and Landscape Objectives**

- Define parkland boundary with suitable landscape or paving treatments.
- Reinforce the visibility of the major Park entrances through landscape and signage.
- Protect and where possible enhance viewing opportunities within the Park and towards Parramatta River.
- Provide opportunities for socialising and picnicking.
- Improve park lighting to accommodate evening walking and informal use of the Park.
- Review placement and upgrade furniture and fixtures throughout the Park to coincide with the City of Ryde open space furniture palette.
- Review placement and upgrade furniture and fixtures throughout the Park to improve spectator and player amenity.
- Provide opportunities to experience peace and quiet in the Park.

**Assessment Officer Comment:** It is considered that the majority of the above objectives are not impacted upon by the proposed sports field lighting.

**4.4.3 Environmental Objectives**

- Increase awareness and understanding of natural area significance.
- Ensure the protection of natural areas through the use of fences and barriers.
- Ensure the maintenance of the sporting surfaces does not have any detrimental impact on the surrounding natural areas.

**ITEM 3 (continued)**

- Provide visual and physical access to the River.
- Develop areas to enjoy the River and parks settings.
- Conserve biodiversity and ecosystem functioning for the areas contributing to the biodiversity of the River environment.

**Assessment Officer Comment:** The proposed sports field lighting has been assessed as having an acceptable visual impact on the Sydney Harbour/Parramatta River foreshore.

This is because the light poles themselves are considered to be comparably modest structures in terms of their bulk and scale, and the illumination effects of the lighting will be restricted to 9pm in the summer season, and 9.30pm in the winter season. After these times, the visual landscape will largely return to pre lighting conditions at Morrison Bay Park.

**4.4.4 Cultural Objectives**

- Provide a range of opportunities for social and cultural activities for all age groups in a variety of settings.
- Indigenous and non-indigenous heritage to be identified, conserved and interpreted as appropriate.
- Provide for a range of sporting opportunities that respond to the social and cultural needs of a multicultural society.

**Assessment Officer Comment:** It is not considered that the proposed sports field lighting hinders the achievements of these objectives. This is because the proposed sports field lighting will enable the continuation of the existing sporting cultural activities and social gathering of people at Morrison Bay Park, and as such reinforce the importance of the park and associated sports fields as a regional asset to the community.

**4.4.5 Access and Linkage Objectives**

- Provide adequate parking for vehicles associated with organised sports while maintaining the amenity of the local area for residents.
- Ensure equitable and easy access to and within Morrison Bay Park for all ages and abilities through a review of all entrances and paths within the Park.
- Manage access to the Park by private vehicles through improvement to vehicle parking areas.
- Improved pedestrian safety.
- Enhance connection to public transport to the Park and reduce the dependency on private vehicles to access Morrison Bay Park.

**ITEM 3 (continued)**

- Establish links with other surrounding foreshore parks, recreation areas, residential areas and shopping areas.
- Upgrade paths and create a path hierarchy within the Park.
- Continue the implementation of the Ryde River Walk Masterplan.
- Improve facilities for bicycles.

**Assessment Officer Comment:** The prolonged use of the sports fields at Morrison Bay Park will result in additional vehicular activity in the surrounding streets and car parks. The Traffic Impact Assessment Report prepared by Bitzios Consulting submitted with the subject development application has concluded that the proposal will extend the operation hours of the car park but no additional parking bays are necessary, as the expected hourly peak parking demand remains the same. Similarly, the report also indicated that the estimated additional traffic is unlikely to have an adverse effect on the operation of the existing road network in peak traffic hours, as demonstrated by traffic monitoring.

As has been discussed within the response to the objector's acoustic concerns, additional vehicular movements associated with the proposed sports field lighting are acknowledged as creating prolonged noise in the area. The acoustic report indicates that the predicted road traffic noise level generated by the sporting activities at the nearest residences would however comply with the recommended assessment objective.

**10. Likely impacts of the Development****(a) Built Environment****Built Environment**

The proposed development will modify the intensity of the existing lighting arrangements at Morrison Bay Park by introducing new floodlighting to the existing sports field. In this regard it is acknowledged that the illumination will have a modified impact on the built environment over that of the current site arrangements.

Additionally, the proposed development will augment the hours of use of the sports field over that of the current arrangements, and as such must also be considered in terms of its modified impact on the built environment.

Having regard to the above, the potential impacts on the built environment as a result of the additional sports field lighting and usage that need to be assessed has been determined as follows:

**ITEM 3 (continued)**

Light Spillage;  
Visual Impacts  
Acoustic Impacts;  
Traffic and Parking; and  
Loss of Park Amenity.

In order to understand the level of impact associated with the proposed development, it is important to assess the amount of additional usage that will be obtained from the sports field as a result of the flood lighting.

In this regard, it is understood the current usage of the sports field is as follows:

- In summer (September to March)
  - Monday - Thursday 5.30pm to 8.00pm for social sport activities
  - Saturdays and some Sundays for senior and junior cricket competition between 8.00am to 6.00pm.
- In winter (April to August)
  - Saturdays between 8.00am and 6.00pm, by the Gladesville Hornsby Football Association (GHFA)
  - Sundays between 8.30am and 5.30pm by the North West Sydney Women's Football Association.
- The park is also used by casual park users for passive recreational purposes and pathway along the river line is popular. There are also cricket practice nets in the park and the park is utilised by personal trainers.

The proposed usage of the sports field at Morrison Bay Park once the lighting is installed is as follows:

- Monday to Thursday 4.00pm to 9.30pm during the winter season (April to August) for social sport and training.
- Monday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.

**ITEM 3 (continued)**

Therefore, operation of the floodlighting to illuminate the sports field at Morrison Bay Park in the summer season (i.e. from September to March) will result in the following additional usage of the sports field:

- Mondays – 30 minutes;
- Tuesdays – 30 minutes;
- Wednesday – 30 minutes;
- Thursday – 30 minutes;
- Friday – Nil;
- Saturday – Nil; and
- Sunday – Nil.

Operation of the floodlighting to illuminate the sports field at Morrison Bay Park in the winter season (i.e. from April to August) will result in the following additional usage of the sports field:

- Mondays – 5.5 hours;
- Tuesdays – 5.5 hours;
- Wednesday – 5.5 hours;
- Thursday – 5.5 hours;
- Friday – Nil;
- Saturday – Nil; and
- Sunday – Nil.

The resultant impact of the proposed floodlighting is that the sports field at Morrison Bay Park will be able to be utilised for an additional 2 hours per week during the summer season and an additional 22 hours per week during the winter season.

On this usage basis, each of the following potential impacts on the built environment are now assessed:

*Light Spillage*

Higher illuminating lights have the potential to impact on the built environment in terms of the obtrusive effects of outdoor lighting, particularly on other aspects of the built environment such as residential accommodation. As indicated in **Figure 13** below, nearby residential accommodation is approximately 15m from the edge of nearest the illuminated field.

**ITEM 3 (continued)**



**Figure 13: Distance to residential accommodation on the eastern side of Morrison Bay Park from the nearest illuminated field**

'Australian Standard AS4282-1997 – Control of the obtrusive effects of outdoor lighting' sets out guidelines for control of the obtrusive effects of outdoor lighting and gives recommended limits for the relevant lighting parameters to contain these effects within tolerable levels. The following is an extract from AS4282-1997 in relation to the effects on residents as a result of bright luminaries:

*Section 2.6.1 Effects on residents Effects on residents generally involve a perceived change in amenity arising from either of the following:*

- (a) The illumination from spill light being obtrusive, particularly where the light enters rooms of dwelling that are normally dark, e.g. bedrooms. The illuminance on surfaces, particularly vertical surfaces, is an indicator of this effect.*
- (b) The direct view of bright luminaries from normal viewing directions causing annoyance, distraction or even discomfort. The luminance of a luminaire, in a nominated direction, is an indicator of this effect. However, because of difficulties associated with the measurement of luminance,*

**ITEM 3 (continued)**

*recommendation in the Standard are expressed in terms on the luminous intensity in specified directions.*

*Tolerable levels of each of these light technical parameters will be influenced by the ambient lighting existing in that environment. This will be determined largely by the degree and type of the development of the area and by the road lighting in place.*

*Values of the light technical parameters that are acceptable during the earlier hours of the evening may become intolerable if they persist at later times when residents wish to sleep.*

Given the above, it is important to assess the illumination spill on adjoining residential development whilst taking into consideration existing conditions, and that of the proposed development which seeks to illuminate Morrison Bay Park with sports field floodlighting.

Table 2.1 within AS4282-1997 outlines the recommended maximum values of light for the control of obtrusive light both during curfew hours (i.e. after 11pm) and after curfew hours (before 11pm).

Table 2.1 provides that the recommended maximum Lux values at the boundaries of nearby residential properties is 10Lux for light or dark surrounds in pre-curfew hours, while at curfewed hours it is 2Lux in light surrounds and 1Lux in dark surrounds.

For the purposes of this assessment the more stringent dark surrounds criteria have been used. That is, a maximum 10Lux for pre-curfew hours and a maximum of 1Lux for curfewed hours.

Included as part of the package of information submitted with the subject DA is the *Assessment and Recommendations Report for New Flood Lighting at Morrison Bay Park* prepared by independent consultants Gary Roberts and Associates dated 6 June 2014. This report includes measurements of the Lux levels at the boundary of nearby residential accommodation and outlines that the proposed new floodlighting for Morrison Bay Park can provide the lighting levels recommended and also achieve spill light levels below the maximum of 10Lux at the property boundaries recommended by AS4282-1997.

It is noted that following an initial assessment of the proposal, additional information was sought from the applicant in relation to light spill as follows.

*Lighting Design Report*

- *The Lighting Design report recommends that 'glare shields' be installed to reduce spill light on residential boundaries to the minimum possible. We would like to know what the maximum Lux levels would be at the*



### ITEM 3 (continued)

*residential boundaries with the glare shields installed given that the report only appears to consider the Lux without the glare shields. This is an important consideration in understanding the real impact of the proposed field lighting on the residential boundaries.*

A response was received from the lighting consultant for the applicant as follows

1. *The vertical spill light levels on all residential boundaries are below the maximum of 10 lux recommended by AS 4282. The maximum spill was calculated to be 7.35 lux.*
2. *The report proposes that glare shields be provided to further reduce the spill light. Glare shields usually reduce the spill light by 2 – 3 lux. With glare shields this should reduce the worst case spill light to around 5 lux.*
3. *Photometrics with glare shields installed are not normally available from the light fitting manufacturer as shields can be custom made.*
4. *The extent of glare shields can be determined during night testing and aiming of the floodlights.*



Figure 14: Light level measurements as a result of the proposed development

**ITEM 3 (continued)**

As demonstrated in **Figure 14** above, with a maximum level of 7.56 Lux at the property boundary of the nearby residential development, the proposed development results in less than the maximum standard and therefore complies with the recommendations outlined in AS4282-1997 for the obtrusive effects of outdoor lighting as the lighting will be restricted to operate until 9:30pm Monday to Thursday during the winter season, and until 9pm during the summer season. In addition it is noted from the additional information that this maximum level of lux can be further reduced by the installation of glare shields that can further reduce Lux levels between 2-3 Lux.

While it has been indicated that the increased illumination generally has the potential to negatively impact on the amenity of residential areas by affect people's orderly use of living areas, private open space, and bedroom areas for sleeping, it is also acknowledged that there can be positive outcomes derived from additional illumination including enabling passive surveillance over parks and streetscapes, and acting as a deterrent for anti-social behaviour.

As such, the proposed light spillage as a result of the illuminated sports fields can be seen to have both positive and some negative outcomes, however on balance these impacts are considered to be neutral, particularly should the proposal be required to install glare shields to reduce the impact on adjoining residential areas.

It is noted that in the response to the request for additional information the Lighting Consultant indicates that the glare shields are an option for reducing light spill. Accordingly it is considered that should the development be approved, despite this Report to Committee recommending refusal, a condition requiring glare shields be affixed to all light poles so as to reduce Lux levels at neighbouring residential property boundaries be included.

**Glare Shields** – *Glare shields are to be installed on all proposed light poles to help minimise the light spill associated with the proposal at neighbouring residential property boundaries.*

Again, despite this Report to Committee recommending refusal of the subject DA, should the subject DA be approved by City of Ryde Council, it is recommended that the following condition be imposed to ensure the illumination of the sports fields does not continue past the proposed hours of use.

**Curfew switches** - *Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use as detailed in the condition below.*

**ITEM 3 (continued)**

Accordingly having regard to the above it is considered that light spill impacts associated with the proposed development are not a reason for refusal of the subject development application. This is primarily because the proposal in its current form has the ability to comply with the relevant Australian Standards for the obtrusive effects of outdoor lighting. Additionally, those light spillage impacts imposed on adjoining residents have the capability of being further reduced through imposition of the above recommended conditions on any future consent.

***Visual Impacts***

Notwithstanding the light spill being below the required Lux levels at nearby residential properties, it is considered that the proposed sports field lighting will have a visual impact that needs to be assessed when viewed from nearby residential properties, Sydney Harbour/Parramatta River and from Breakfast Point on the opposite shoreline within the Canada Bay Council local government area.

**Figure 15** illustrates the approximate expected visual catchment of the proposed sports field lighting, which has been established through extensive site inspections, aerial photographs and online mapping.

**ITEM 3 (continued)**

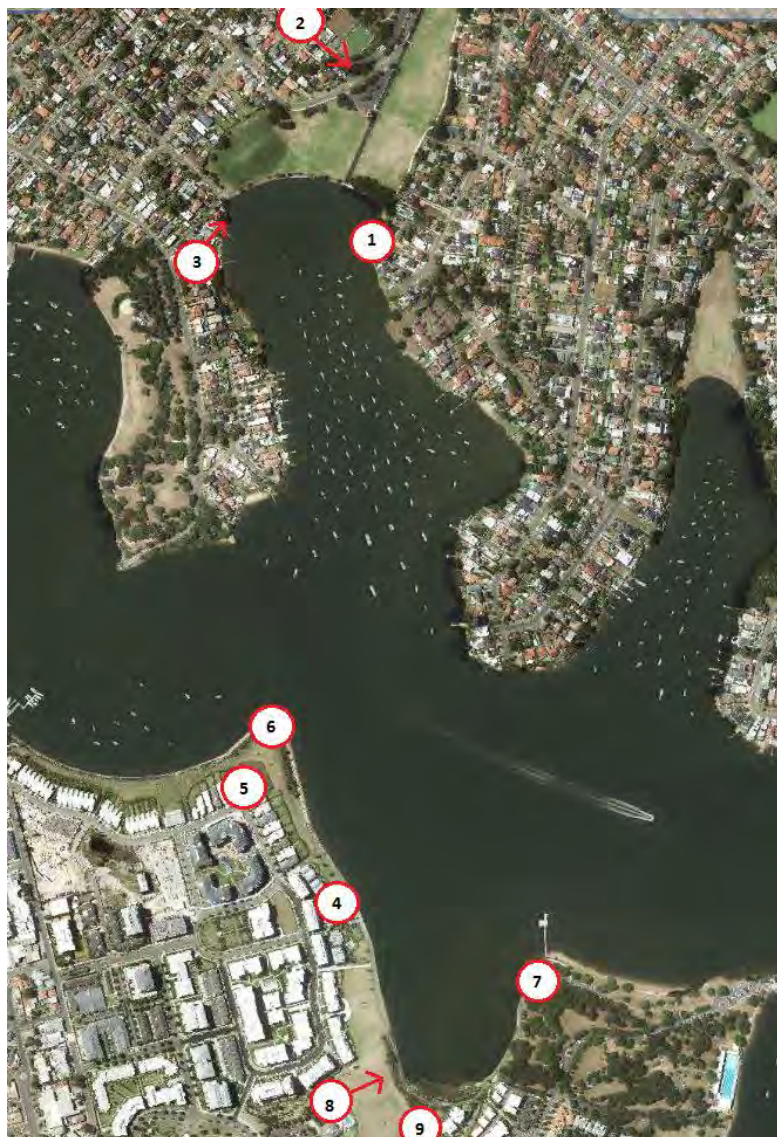


**Figure 15: Approximate visual catchment of Morrison Bay Park, and those areas that will likely view the illuminated sports field in the evening.**

As part of the assessment, the consultant assessing officer visited the site and surrounds on 2 January 2015 to ascertain the extent to which Morrison Bay Park is visible from surrounding streets, the shoreline of Morrison Bay and the opposite shoreline at Breakfast Point and Cabarita Point. The vantage points are illustrated on the visual catchment map at **Figure 17** and photographs at **Figures 28 to 38**.



**ITEM 3 (continued)**



**Figure 17 – Photograph locations from the site inspection.**

**ITEM 3 (continued)**



**Figure 18 Photograph vantage point 1 – Foreshore of Morrison Bay adjacent to 55 Bayview Street looking towards Morrison Bay Park**



**Figure 19 Photograph Vantage Point 2 looking over Morrison Bay Park from corner of Ida Street and Donnelly Street.**



**ITEM 3 (continued)**



**Figure 20 Photograph Vantage Point 3 - Looking towards Morrison Bay Park from corner of Jetty and Pellisier Road.**



**Figure 21 Photograph Vantage Point 4 – Looking towards Morrison Bay from The foreshore path within Breakfast Point.**



**ITEM 3 (continued)**



**Figure 22 Photograph Vantage Point 4 – Residential dwellings that have an outlook to Parramatta River and Morrison Bay within Breakfast Point.**

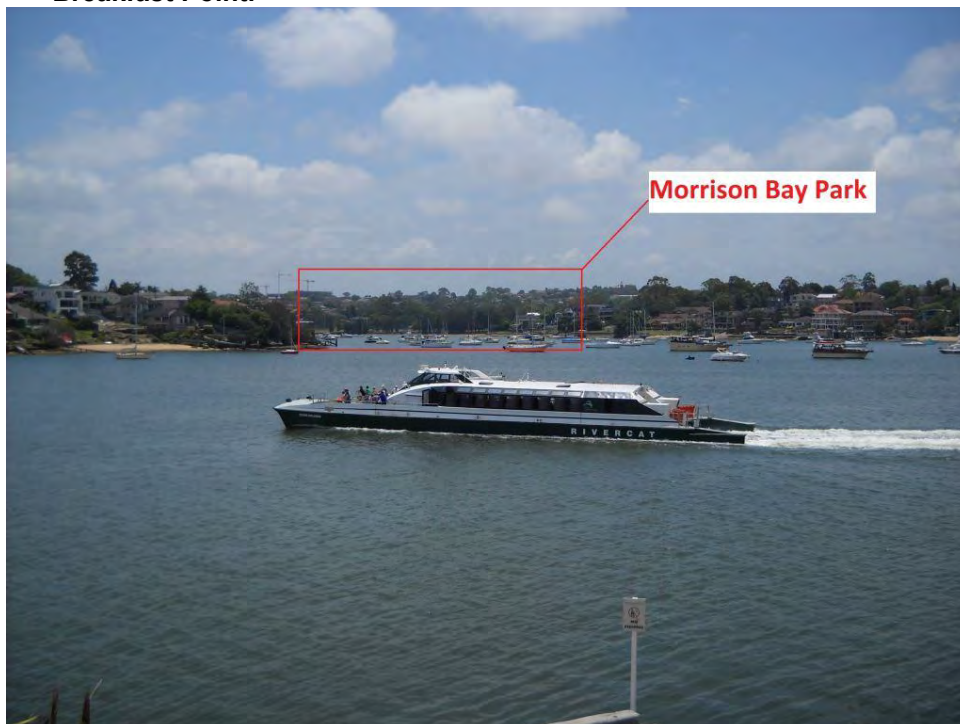


**Figure 23 Photograph Vantage Point 5 – Looking towards Morrison Bay from adjacent to new residential subdivisions and existing dwellings within Breakfast Point opposite the site on Parramatta River.**

**ITEM 3 (continued)**



**Figure 24 Photograph Vantage Point 5 – Residential dwellings that have the direct view as shown in the above photo to Parramatta River and Morrison Bay within Breakfast Point.**



**Figure 25 Photograph Vantage Point 6 – Looking towards Morrison Bay from an observation area within Breakfast Point opposite the site on Parramatta River. Also note the potential change in significant view of Morrison Bay Park from the Parramatta Ferry Service.**



**ITEM 3 (continued)**



**Figure 26 Photograph Vantage Point 7 – Looking towards Morrison Bay from Cabarita Ferry Wharf**



**Figure 27 Photograph Vantage Point 8 – Looking towards Morrison Bay from an elevated view point adjacent to the Breakfast Point Country Club**

**ITEM 3 (continued)**



**Figure 28 Photograph Vantage Point 9 – Looking towards Morrison Bay from dwellings along Admiralty Drive, Breakfast Point**

The consultant assessing officer returned to each of the above photograph vantage points in the late evening of 2 January 2015 to observe Morrison Bay Park at night from the different locations. An attempt to photograph the scene viewed from each of the vantage points was made, however due to the distinct darkness that cloaks Morrison Bay Park these photographs taken were poorly representative of the scene and marred by the lens flare from nearby lights in the foreground.

It has been concluded that while the proposed illumination of sports fields at Morrison Bay Park will be noticeable from these areas in the wider view catchment, the visual impact associated with these noticeable changes is not beyond that of other foreshore development in Sydney Harbour. This is because the light poles themselves are considered to be comparably modest structures in terms of their bulk and scale, and the illumination effects of the lighting will be restricted to 9pm in the summer season, and 9.30pm in the winter season. After these times, the visual landscape will largely return to pre lighting conditions at Morrison Bay Park.

Having regard to the above it is considered that in addition to protecting the existing visual outlook to park at night, the visual qualities of Sydney Harbour/Parramatta River are satisfactorily protected in accordance with the Sydney Harbour Foreshores SREP.

**ITEM 3 (continued)***Acoustic Impacts*

An acoustic impact report titled, *Noise Assessment – Proposed Floodlighting* (NA) prepared by Acoustic Consulting Engineers dated June 2014 was submitted as part of the package of information for the DA.

The NA covers the acoustic impact for the proposed extension of hours for sporting activities as a result of the installation of the floodlighting for Morrison Bay Park.

The NA outlines that the proposal will not introduce new noise sources, but rather prolonged hours of use of the sports field.

A preliminary assessment of the NA by the Consultant Assessment Officer raised a number of issues with the NA that were subject of an additional information request to the applicant. Council's consultant acoustic engineer provided a written response to the issues raised in a letter dated 9 September 2014. Below is a list of each of the issues raised in the additional information letter, followed by a summary of the applicant's acoustic engineer response, and subsequent comment from Council's assessment officer on how the issue is either resolved or remains unresolved.

- A. *The Acoustic Report has no assessment of how loud men's training is on Field 2 (referred to in the Acoustic Report as Field 1). This is because on each night the consultant acoustic engineer attended Morrison Bay Park there was no men's use of this field.*

**Applicant Acoustic Engineer Response:** Ryde City Council [acting as applicant] advised the acoustic engineer that activities on the dates of the noise measurements were typical.

In the event of men's soccer matches and training taking place on Field No. 1 (known as Field 2 in the proposal), the predicted  $L_{Aeq,15min}$  noise levels at the nearest residences would be in the order of 5dB high than those predicted.

**Assessment Officer Response:** The NA indicates that the predicted noise level from soccer activities to those residents adjacent to Field No. 1 (Field 2 in the proposal) are 52dB(A), 53dB(A), and 54dB(A) depending on the different measurement locations.

Based on the acoustic engineer's response to the additional information issue above, the predicted noise levels at these locations would be 57dB(A), 58dB(A), and 59dB(A).

The background noise level for the Teemer Street measurement locations adjacent to this field is stated within the NA as having a background noise level of 35dB(A).

**ITEM 3 (continued)**

Given the above, this would mean that the proposal would result in predicted noise levels at these locations between 22dB(A) and 24dB(A) over the existing background noise level, and between 12dB(A) and 14dB(A) over the noise assessment objective outlined within the NA.

- B. *The predictions in Table 3 indicate that the noise level at adjoining properties of Field 2 (or Field 1 in the report) is 52-54db, however this is the same as the measured girls training/match level. The Acoustic Engineer makes this observation in the report that men's use is louder than girl/women, so what will the predicted noise level be when men are using Field 2 (or Field 1 in the report).*

**Applicant Acoustic Engineer Response:** As outlined above, in the event of men's soccer matches and training taking place on Field No. 1 (known as Field 2 in the proposal), the predicted  $L_{Aeq,15min}$  noise levels at the nearest residences would be in the order of 5dB high than those predicted.

**Assessment Officer Response:** The comments above are reiterated, particularly that the proposal would result in predicted noise levels at these locations between 22dB(A) and 24dB(A) over the existing background noise level, and between 12dB(A) and 14dB(A) over the noise assessment objective outlined within the NA.

- C. *The Acoustic Engineer undertook the noise measurements in the summertime period when there were six (6) players in each team. They then say that teams consist of six (6) players for the summer season and eleven (11) player for the winter season. If two teams are plaything against each other in the winter season for training purposes there could be up to 22 players on the field plus coaching staff etc. There seems to be no measurement of such a scenario, and no prediction of what the noise level would be is this were to occur on the fields.*

**Applicant Acoustic Engineer Response:** The noise assessment report was undertaken early in the summer season when winter soccer matches and training did not take place and hence noise from 11 players per team could not be measured.

Observations from the site inspections and measurements revealed that the noise was mainly generated by referee whistling and a number of players (the player in possession of the ball (kicking the ball) and several players calling/shouting for the player to pass the ball). On this basis, noise from summer and winter soccer activities would be similar as the noise is still from the referee whistling and a number of players in possession of the ball/trying to possess the ball.

**ITEM 3 (continued)**

It was noted that experienced players generally did not call/shout for the player in possession of the ball to pass the ball.

In winter season the players will be spread over the full field and the noise will be distributed over a larger area. Albeit, there will be a number of residences being closer to the noise source compared to the half field uses. The noise predictions and assessment took account of residences being closer to the full field.

**Assessment Officer Response:** The above comments are noted, however there remains concern that with 22 players on the field there would be more players calling/shouting for the player to pass the ball or dispossess the player of the ball. Such calling and shouting is considered to have a noise impact on adjoining residences.

Additionally, it is noted that the proposal does not specify or propose any measures to limit or arrange the use of the field for more or less experienced players. As such this assessment has taken the proposed use of the field will include players of varying level of experience.

- D. *Also, it mentions that less experienced teams are louder than more experienced teams so this should be a consideration for Field 2 (Field 1 in the report). For example what will the noise level at the boundary of the sensitive receivers be if 22 less experienced men were training on the field?*

**Applicant Acoustic Engineer Response:** As outlined above, in the event of men's soccer matches and training taking place on Field No. 1 (known as Field 2 in the proposal), the predicted  $L_{Aeq,15min}$  noise levels at the nearest residences would be in the order of 5dB higher than those predicted. The higher noise level is due to more calling/shouting from less experienced players.

**Assessment Officer Response:** The comments above are again reiterated, particularly that the proposal would result in predicted noise levels at these locations between 22dB(A) and 24dB(A) over the existing background noise level, and between 12dB(A) and 14dB(A) over the noise assessment objective outlined within the NA.

It is also reiterated that concern remains the 22 players on the field would result in more players calling/shouting for the player to pass the ball or dispossess the player of the ball over that of a 6 players per side completion measured by the acoustic engineer for the NA. Such additional calling and shouting is considered to have a noise impact on adjoining residences.

- E. *It would seem logical that that the Acoustic Engineer would need to visit somewhere where such training was occurring, and then measure what the*



**ITEM 3 (continued)**

*noise level is at a distance equal to that of the nearest sensitive receivers at Morrison Bay Park and perhaps use this as the prediction?*

**Applicant Acoustic Engineer Response:** At the time of the preparation of the noise assessment report, winter soccer matches and training did not take place and hence noise from 11 players per team could not be measured.

The noise was mainly generated by referee whistling and a number of players (the player in possession of the ball (kicking the ball) and several players calling/shouting for the player to pass the ball). On this basis, noise from summer and winter soccer activities would be similar as the noise is still from the referee whistling and a number of players in possession of the ball/trying to possess the ball.

**Assessment Officer Response:** Concern remains that the noise assessment undertaken of a 6 person per side soccer match with 12 players on the field is not representative of what is being proposed with an 11 person per side soccer match with 22 players on the field.

Furthermore, without any such assessment to demonstrate otherwise, it is reasonably considered that the 22 players on the field would result in more players calling/shouting for the player to pass the ball or dispossess the player of the ball over that of a 6 players per side completion measured by the acoustic engineer for the NA. Such additional calling and shouting is considered to have a noise impact on adjoining residences.

- F. *Given the above, are the recommendations contained within the Acoustic Report still appropriate or will additional measures need to be included, particularly as the acoustic report and its recommendations will form part of the development consent.*

**Applicant Acoustic Engineer Response:** The recommended measurement measures in Acoustic Consulting Engineers' Report No. 130433-01R-DD Rev03 are appropriate to minimise noise from the proposal.

Due to site condition, acoustic barriers along the property boundaries would need to be at least 3m high to be effective. For elevated and double storey residences, the barriers would need to be at least 5m high to be effective.

It is noted that acoustic barriers would create secondary environmental impacts such as loss of views to the park.

**Assessment Officer Response:** The NA provided is labelled Rev02 on the title page, however it is noted that each subsequent page of the NA is labelled Rev03, including that of the recommendations on page 9 of the NA. In this

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regard it is considered that the NA utilised for this assessment is consistent with the version referenced by the acoustic engineer above, and the difference on the titling page is simply an updating error by the NA author.

The recommendations of the NA propose a range of measures that, if adopted, are claimed to reduce noise levels from social sporting activities in the order of 3-5dB.

Taking an average of 4dB, this would still mean that the proposal would result in predicted noise levels of between 18dB(A) and 20dB(A) over the existing background noise level, and between 8dB(A) and 10dB(A) over the noise assessment objective outlined within the NA for those residences adjoining Field No. 1 (Field 2 in the proposal). For all other residences surrounding Morrison Bay Park, it is noted that 84% of the NA measurement locations indicate that the proposal would fail to achieve the NA noise objective.

The majority of recommendations contained within the NA are considered to be either impracticable or unmanageable. For example, it is considered difficult to ensure players remain aware of the need to minimise noise levels.

Additionally, the acoustic engineer's suggestion of constructing acoustic barriers up to 5m in height is not considered feasible given these would significantly impact on the amenity of residences the parkland, and also lead to potential view loss of Morrison Bay and the park area.

Given the above, it is clear that the proposed development would fail to meet the NA objectives by a significant margin, even with the incorporation of the impracticable recommendations within the NA.

- G. *The Acoustic Report was prepared by a firm called Acoustic Consulting Engineers Pty Limited which appear to be based in Putney. Given the proposed development is to be undertaken in Putney, it is recommended that the Acoustic Report be updated to comment that there is no conflict of interest with the proposed development given the widespread notification that undertaken as part of the proposal.*

**Applicant Acoustic Engineer Response:** All reports prepared by Acoustic Consulting Engineers Pty Ltd do not have conflict of interest.

**Assessment Officer Response:** Noted.

- H. *Additionally, it is requested that the author of the Acoustic Report be nominated in the report, as has been done with all other specialist consultant reports for this project. This should indicate the authors appropriate qualifications as an acoustic engineer to complete this report.*

**ITEM 3 (continued)**

**Applicant Acoustic Engineer Response:** The noise assessment report was prepared by Dan Dang who is a member of the Australian Acoustics Society and has been practising as an acoustic engineer for more than 20 years.

**Assessment Officer Response:** Noted.

**Additional Issues with the Acoustic Assessment**

The following additional issues are raised with the NA and additional information response from the consultant acoustic engineer.

*Existing Noise Environment*

The NA indicates that background noise measurements conducted during the monitoring period of 22 October 2013 to 1 November 2013 was prior to the start of the summer soccer season and not influenced by noise from soccer games.

As the background noise measurements were conducted during late October 2013, daylight savings time had commenced. The sunset times in late October were approximately 7:22pm in the evening, with civil twilight ending at approximately 7:48pm – ‘Civil twilight’ is the limit at which twilight illumination is sufficient, under good weather conditions, for terrestrial objects to be clearly distinguished.

The NA acknowledges that the present use of Morrison Bay Park (aside from soccer training and games), includes cricket training, social football, occasional school sports events and carnivals, personal fitness training and the general public undertaking exercising/playing. During site visits to Morrison Bay Park, the Consultant Assessment Officers have witnessed and can confirm such activities taking place, aside from that of school sports events and carnival which were not observed at the times visiting the park.

Given the above it is reasonable to assume that such activities referred to above would continue at Morrison Bay Park in late October until civil light end – approx. 7:48pm.

During the winter season when daylight savings time has ended, the sunset can be as early as 4:53pm at mid-winter, with civil daylight ending at 5:20pm. This is approximately 2 hours earlier than that when the NA undertook the background noise assessment in late October.

Accordingly, in mid-winter, it is also reasonable to assume that such activities referred to above would cease at civil light end – approx. 5:20pm.

On this basis, it considered that the background noise levels from ordinary use of Morrison Bay Park were likely greater during the background noise assessment

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period than that during the winter season times for which the proposed lights will enable evening use of the sports field lights until 9:30pm.

Also contributing to greater noise levels at the time the background noise measurements were taken is that of touch football competitions taking place at Morrison Bay Park. Evidence from the neighbour and community submissions received highlight that touch football completion also takes place at Morrison Bay Park. A review of available online information reveals that the Ryde Eastwood Touch Football Association holds regular men's, women's, mixed and junior competitions at the park.

Of note for the subject proposal and acoustic assessment is that touch completions were held at Morrison Bay Park (according to online completion draws), between 14 October 2013 to the 9 December 2013. The NA indicates on page 4 that background noise measurements conducted during the monitoring period was prior to the start of the summer soccer season and not influenced by noise from soccer games. However, it is evident from the above that touch football completion was taking place

at Morrison Bay Park, and as such would likely have influenced that background noise measurements.

As such, the noise from sporting activities utilising the fields is considered to potentially exceed the stated background noise levels by a higher amount than that stated in the NA (and as modified higher again (5dB) by the acoustic engineer's additional information response), by virtue of the background noise measurements being undertaken in day light savings time, and also during sports competition at Morrison Bay Park.

**Recommendations**

The following is a list of the recommendations contained within the NA:

1. Plant trees/shrubs (lower than the fences) in front of the brick boundary fence of 22 Teemer Street to prevent youths kicking and bouncing on the wall, as observed on Tuesday 5 November 2013;
2. Schedule the youth teams to play early (many players and their companions/families would leave the park after the games) to minimise loud conversations/cheering from companions/family members gathering at areas near the shared pedestrian/bike path on the eastern site boundary;
3. Arrange the youth teams to play at the fields nearer to the stormwater canal so that companions/family members gather at areas near the canal (further away from residences along Bayview Street and Teemer Street);

**ITEM 3 (continued)**

4. Schedule less experienced teams to play at earlier times. It was observed that the more experienced teams/players shouted less frequent and should be scheduled to play later in the evening to minimise the noise impact;
5. Ensure players/trainers are aware of the need to minimise noise from conversation, shouting and whistling.

As has been outlined earlier, the NA states that with the implementation of the above management measures, reductions in noise levels from social sporting activities in the order of 3-5dB would be expected.

In relation to recommendation No.1, it is acknowledged that such a measure would help reduce noise associated with balls being kicked against this wall, and congregation of youths adjacent to the property boundary.

Recommendations No.2 and No.4 are simply considered to shift noise impacts to earlier in the evening rather than actually reduce the noise impacts from this activity.

Similarly, recommendation No.3 is considered move noise impacts away from those residences on the eastern side of Morrison Bay Park closer toward those residences on the western side of Morrison Bay Park. Given the residences on the western side of Morrison Bay Park are located further away from Field 1, it is considered that this

is potentially a reasonable noise mitigation option for a balanced acoustic impact on adjoining residential areas.

Recommendation 5 is considered to be a possible effective measure in helping to minimise noise, however in practice is it anticipated that this would be difficult apply.

As has been indicated earlier in this report, concern has been raised by objectors over the impact of vehicular traffic and parking noise on the surrounding area derived from the prolonged vehicular activity in the surrounding streets and car parks. While additional vehicular movements associated with the proposed sports field lighting are acknowledged as creating prolonged noise in the area, the acoustic report indicates that the predicted road traffic noise level generated by the sporting activities at the nearest residences would however comply with the recommended assessment objective.

**Summary on Acoustic Impact**

It is considered that the acoustic impacts associated with the proposed development will directly impact on the amenity of those residential areas surrounding Morrison Bay Park. This consideration is based on the following:

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- The Noise Assessment (NA) submitted in support of the subject DA and subsequent additional information provided by the consultant acoustic engineer indicates that the predicted noise levels at 84% of the measurement locations will exceed the noise assessment objective of background noise level plus 10dB. In particular, the predicted noise levels at the residences on the north-eastern side of Morrison Bay Park are between 22dB(A) and 24dB(A) over the existing background noise level. The noise has been indicated within the NA as being derived from kicking of soccer balls, player shouting, referee whistling, shouting/cheering from families, spectators and companions.
- The majority of recommendations contained within the NA are considered to be either impracticable or unmanageable. For example, it is considered difficult to ensure players remain aware of the need to minimise noise levels, or unrealistic to construct noise walls up to 5m high at property boundaries.
- The background noise levels established within the NA are questioned on the basis of the measurements being somewhat unreflective of the proposed winter season park usage. This is because the background noise measurements were undertaken during daylight savings time when Morrison Bay Park is more highly utilised, compared to that during mid-winter when daylight savings time has ended and there is less usage of the park. Additionally, it has been identified that touch football completion was taking place at Morrison Bay Park during the background noise measurement period, thus further contributing to a somewhat unrepresentative background noise level.
- Concern has been raised by objectors over the impact of vehicular traffic and parking noise on the surrounding area derived from the prolonged vehicular activity in the surrounding streets and car parks. While additional vehicular movements associated with the proposed sports field lighting are acknowledged as creating prolonged noise in the area, the acoustic report indicates that the predicted road traffic noise level generated by the sporting activities at the nearest residences would however comply with the recommended assessment objective.
- The significant increase in noise levels from additional sporting activities is expected to negatively impact on the quality of life experienced by adjoining residences. This is because the proposal will include the illumination and use of the sports fields up to 9:30pm during the winter season (April to August) and up to 1.5 hours later

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into the evening to 9.00pm during the summer season (September to March). These times of the evening are considered to be when dwellings will be occupied, and used for quiet evening respite and sleeping times, particularly for children and some adults, including shift workers and elderly people.

- As such, the envisaged loss of amenity to these surrounding residential areas as a result of the abovementioned noise impacts is considered to negatively affect people's orderly use of living areas and private open space, as well as bedroom areas for sleeping.

Accordingly having regard to the above it is considered that the acoustic impacts associated with the proposed development, in its current form, are significant enough to warrant refusal of the subject development application.

*Traffic and Parking*

It is acknowledged that in some circumstances the illumination of a sports field, such as that at Morrison Bay Park, may have the potential to impact on the built environment in terms of traffic and parking associated with the park.

In this regard, a traffic and parking report has been prepared by an independent consultant. Traffic Impact Assessment (TIA) by Bitzios Consulting dated 2 May 2013.

A number of questions are raised with the submitted TIA that supports the subject DA. Firstly, the report is considered not to appropriately address the impact of additional traffic generated within the summer season, and secondly it is considered that the report has possibly underestimated the number of additional vehicle

movements by undertaking their site inspection for assessment purposes on a day when the sports fields were operating under capacity. These are discussed separately below:

*Failure to Undertake Assessment of Additional Summer Season Traffic and Parking*

The traffic report comments the following on page 7:

*"The fields are only to be used for soccer training during winter competition and not to extend the twilight completions in summer. Therefore the only impacts will be during the winter competition. There is adequate parking in the off-street car parks and minimal impact on traffic operations as demonstrated by the traffic modelling."*

However, on page 1 of the traffic report, the following is noted:



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*“The proposed lighting would allow the park to extend its operating hours to 9:30pm in winter and 9:00pm in summer”*

And;

*“The impact of the proposed lighting would therefore be minimal in summer with just one hour’s extension to play.”*

Having regard to the above, there is an apparent contradiction within the traffic report as to the nature of the proposed development.

**Underestimation of Peak Vehicle Movements**

The traffic report indicates that an on-site observation was undertaken on Tuesday 5th November 2013 for the purposes of the traffic and parking assessment for the proposal. A review of the Gladesville Sharks Summer Soccer Draw 2013/14 indicates that on this day (5 November 2013), three 6-players per side soccer matches were held on three fields each at 6pm, 6:30pm and then 7pm. On this basis, the traffic report calculated a prediction of 72 vehicle movements per hour for the proposed Reduced Lighting Option 2.

It is noted however, that on Thursday evenings during the same summer soccer season, up to five 6-players per side soccer matches are held concurrently at the park when observing the above-mentioned soccer draws. Given the proposed development includes the illumination of two and a half fields until 9pm, this would mean that up to five concurrent 6-player per side soccer matches could continue until 9pm in the summer months.

In this regard it is considered that the traffic report may not have accurately calculated the peak car parking demand or traffic movements associated with the proposed development as the traffic engineering consultant’s site observations were taken on a night when Morrison Bay Park was operating a level below that expected once the proposal becomes operational.

**Assessment**

The prolonged use of the sports fields at Morrison Bay Park will result in additional vehicular activity in the surrounding streets and car parks. The TIA submitted with the subject development application has concluded that the proposal will extend the operation hours of the car park but no additional parking bays are necessary, as the expected hourly peak parking demand remains the same. Similarly, the report also indicated that the estimated additional traffic is unlikely to have an adverse effect on the operation of the existing road network in peak traffic hours, as demonstrated by traffic monitoring.

**ITEM 3 (continued)**

It is acknowledged however, that despite whether the traffic movements as a result of the proposal are greater or less than that covered by the traffic report, it is important to note that the proposal will not necessarily increase the demand for parking in the area, but rather extend the operation hours of the existing car park and vehicular movements associated with the use of the park in the surrounding streets.

In this regard, the questions raised in this development assessment with the traffic report do not result in a concern that the existing road network and parking facilities will be able cater to the proposal, but rather it is acknowledged that residents within the surrounding residential areas may potentially experience existing traffic volumes from sporting activities at the park for a prolonged period of time if the proposal proceeds.

As has been discussed within the acoustic assessment, additional vehicular movements associated with the proposed sports field lighting are acknowledged as creating prolonged noise in the area. The acoustic report indicates that the predicted road traffic noise level generated by the sporting activities at the nearest residences would however comply with the recommended assessment objective.

Accordingly having regard to the above it is considered that traffic and parking impacts associated with the proposed development are not a reason for refusal of the subject development application.

*Park Amenity*

As outlined on the City of Ryde website, and as observed during multiple site visits undertaken both during the day and in the early evening, Morrison Bay Park provides for a range of recreational settings and activities both in a passive and active environment including:

- Picnic areas
- BBQ
- Playground
- Sports field
- Cycle path
- Walking track/path
- Fitness circuit

This is confirmed by the City of Ryde's Plan of Management (POM) for Morrison Bay Park which states Morrison Bay Park is a district level sporting facility and a highly valued area of foreshore open space. The POM states that existing uses of the park include

- Informal recreation including walking and cycling, fitness training, picnic and BBQ, playground, informal active sports.
- Organised activities including cricket, soccer, touch football

**ITEM 3 (continued)**

An assessment against the management objectives of the POM (earlier in this assessment report. The POM lists the vision for Morrison Bay Park as follows

*Morrison Bay Park will provide passive and active recreation opportunities for the Ryde Community through the integration of sports fields, parklands and associated facilities, open spaces and walking trails. The Park will cater for diverse recreation and leisure needs of the community while preserving the interrelationship between the Parramatta River foreshore and the parklands.*

Given the proposed development will extended the use of the sports field within Morrison Bay Park into the mid-evening period, and given the outcome of the proposal will enable the sports field to comply with Australian Standards for ball physical training and local football competition purposes (AS 2560.2.3 – 2007), it is considered that the proposal will significantly enhance the active use of the park in the weekday evenings.

However there is some concern that this intensive activation of the park within the evenings will potentially displace those more passive users of the park. For example, the POM identifies that picnicking, cycling, walking, playground, fitness and BBQ activities also take place in the park alongside sports uses. It is these passive uses which are considered to be impacted upon by the activation of the park, however it is acknowledged that the proposal only will relate to a portion of the park in the night-time period when this part of the park may not have been utilised otherwise.

In this regard, the potential park amenity impacts are considered balanced between those active and passive users of the park.

**(b) Natural Environment**

As part of the notification of the proposal, a number of concerns were raised by objectors relating to the adequacy of the Ecological Assessment, particularly considering the protection status given to Migratory Wetland Birds under the Commonwealth Government's Environmental Protection and Biodiversity Conservation Act 1999 which were observed at Morrison Bay Park.

Ordinarily, additional information would be sought from the applicant in the form of a revised Ecological Assessment or addendum. However, given the preliminary assessment of the subject development application had already determined that the noise impact of the proposal on adjoining residential areas were sufficient grounds for refusal of the proposal in its own right, it was considered unnecessary to request such additional information from the applicant. It is noted however, that these concerns raised by objectors should be addressed in any future ecological assessment for sports field lighting at Morrison Bay Park.

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Accordingly having regard to the above it is considered that the impacts associated with the proposed development on the natural environment are not a reason for refusal of the subject development application. However, should the subject development application be considered for approval despite this recommendation, it would be appropriate that the Ecological Assessment be upgraded to include the issues raised above, particularly those relating to any impacts on Migratory Wetland Birds.

**11. Suitability of the site for the development**

The proposed development is for the illumination of an existing sports field within Morrison Bay Park to enable the continued and expanded use of this existing facility primarily for sports training purposes.

The assessment of the proposed development, in its current form, within this Report demonstrates that the proposal does not comply with the relevant environmental planning instruments applying to the land, as well that of the objectives of site's RE1 zoning under both the Ryde LEP 2010, and now Ryde LEP 2014.

Furthermore, the impacts of the proposed development have been thoroughly assessed in terms of their influence on both aspects of the built and natural environment. It has been established that the current proposal will have a significant and unacceptable noise impact on adjoining residential areas, particularly those dwellings adjacent to Field 2.

Having regard to the above, it is considered that the subject site is therefore not suitable for the proposed development in its current form.

**12. The Public Interest**

As has been demonstrated within this Report, the currently proposed development is not considered to be in the public interest as demonstrated by the significant resident opposition to the proposal and the assessed unsatisfactory noise impacts of the development. Given this impact, the benefits to the community of the proposed development are not considered strong enough to outweigh the negative impacts.

It is also noted that it has been demonstrated that proposed development does not comply with Council's current objectives of the relevant environmental planning instruments, and as such cannot be considered to be in the public interest.

**ITEM 3 (continued)****13. Consultation – Internal and External****Internal Referrals**Environmental Health Officers

The subject DA was referred to Council's Environmental Health Officer (EHO) as part of the assessment of the proposal. The response from Council's EHO has generally accepted the measurements and assessment undertaken within the submitted acoustic report prepared by Acoustic Consulting Engineers (dated June 2014) submitted with the DA, however Council's EHO has not necessarily agreed that the recommendations of the acoustic report are suitable, and as such has recommended the conditions of consent.

It is noted that the environmental assessment that is the subject of this Report to Committee has found the submitted acoustic report to be inadequate and unrepresentative of the true nature of the proposed development. Additionally, this Report to Committee has found that the proposed development is unsupportable, and as such has recommended refusal. Nevertheless, the following lists each of the suggested conditions from Council's EHO along with comments by the assessing officer on why these conditions are either accepted or rejected for the purposes of a draft consent should the City of Ryde Council decide to approve the subject DA.

***Hours of Operation*** - *The hours of operation are to be from 4.00 p.m. till 9.30 p.m. Monday to Thursday during the winter season (April to August) and the operating hours for the summer season (September to March) are to be 6.00 p.m. – 9.30 p.m. Monday to Thursday for social sport and training purposes only.*

Assessing Officer Comment: This recommended condition by Council's EHO has been included within the draft consent should the City of Ryde Council approve the subject DA.

***No competition games*** – *No competition games to be held at Morrison Bay Park from 4.00 p.m. to 9.30 p.m. Monday to Thursday during the winter season (April to August) and from 6.00 p.m. to 9.30 p.m. Monday to Thursday for the summer season (September to March) without prior formal approval from Council.*

Assessing Officer Comment: This recommended condition by Council's EHO has not been included within the draft consent. This is because Morrison Bay Park is currently being utilised for evening 6-per-side competition games and also touch football completion games within the summer season. Such a condition would then unfairly limit all existing completion games held during the summer season evenings which is considered to be an unacceptable outcome of the subject DA.

**ITEM 3 (continued)**

If Council decides to approve this DA, it is considered that this should not come at the expense of existing completion games held during the evenings at Morrison Bay Park.

***Automatic light switches*** – *The light switches to be controlled by a timing device which commences a dimming/switch-off at the prescribed times.*

Assessing Officer Comment: This recommended condition for automatic light switches by Council's EHO has been included within the draft consent in a slightly reworded format (see below) to be consistent with previous conditions for sports field lighting, and may be imposed if Council decides to approve the DA.

Curfew switches: Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use as detailed in the condition below.

***Light Spill*** – *The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – Control of the obtrusive effects of outdoor lighting.*

Assessing Officer Comment: This recommended condition by Council's EHO for compliance with the necessary Australian Standards has been included within the draft consent should the City of Ryde Council approve the subject DA.

***Light Spill*** – *An appropriately qualified and experienced lighting consultant to certify the installation of the proposed lighting design complies with the appropriate Australian Standards.*

Assessing Officer Comment: This additional light spillage condition for certification of the installation by Council's EHO has been included within the draft consent should the City of Ryde Council approve the subject DA.

***No public address system*** - *No amplification equipment (e.g. PA systems) to be used after 6.00 p.m. any night of the week.*

Assessing Officer Comment: This recommended condition by Council's EHO in relation to public address systems has been included within the draft consent should the City of Ryde Council approve the subject DA.

***Offensive noise*** - *The use of the premises must not cause the emission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.*

Assessing Officer Comment: This recommended condition in relation to offensive noise by Council's EHO has been included within the draft consent should the City of Ryde Council approve the subject DA. It is noted however

**ITEM 3 (continued)**

that the broad and subjective nature of the term 'offensive noise' within the Protection of the Environment Operations Act 1997 may give rise to submissions from neighbouring residents claiming the proposed development, when operational, breaches this condition.

This is because this environmental assessment has found that the proposed development would fail to achieve the minimum noise objectives of the acoustic report by a significantly greater amount than that stated within the acoustic report.

**Noise from users** – *Adequate signage is erected in the vehicles car parking area to encourage spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.*

Assessing Officer Comment: This recommended condition by Council's EHO for signage encouraging spectators and participants to leave the premises quickly and quietly after training/games has been included within the draft consent should the City of Ryde Council approve the subject DA.

**External Referrals**

There have been no comments received from any external bodies.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

Adoption of the recommendations outlined in this report will have no financial impact.

**16. Other Options**

The proposal is recommended for refusal, for the reasons discussed at length throughout this report.

What has been demonstrated within this assessment report is that the principal reason for refusal of the subject development application is the acoustic/noise impact resulting from the prolonged usage of Field 2 on the adjoining residential areas on the eastern side of Morrison Bay Park. As such, Council may consider a recommendation to reduce the scope of the proposal to limit sports field lighting to Field 1 only. Should this option be pursued, it is recommended that this be the subject of a new development application, whereby additional information be provided for assessment, including that relating to an updated Ecological Assessment, new Acoustic Report to reflect the usage



**ITEM 3 (continued)**

arrangements of Field 1, Acid Sulfate Soils Management Plan, and re-notification/advertisement of the revised proposal.

The only other realistic alternative to this refusal recommendation would be a recommendation of approval, with conditions of consent to be imposed in an attempt to address the various issues of concern discussed throughout this report. However this is not considered to be an appropriate recommendation given the fundamental issues of concern as discussed at length throughout this report.

Notwithstanding the recommendation, should Council be of a different opinion, Draft Conditions have been provided at **ATTACHED (Attachment 2)**.

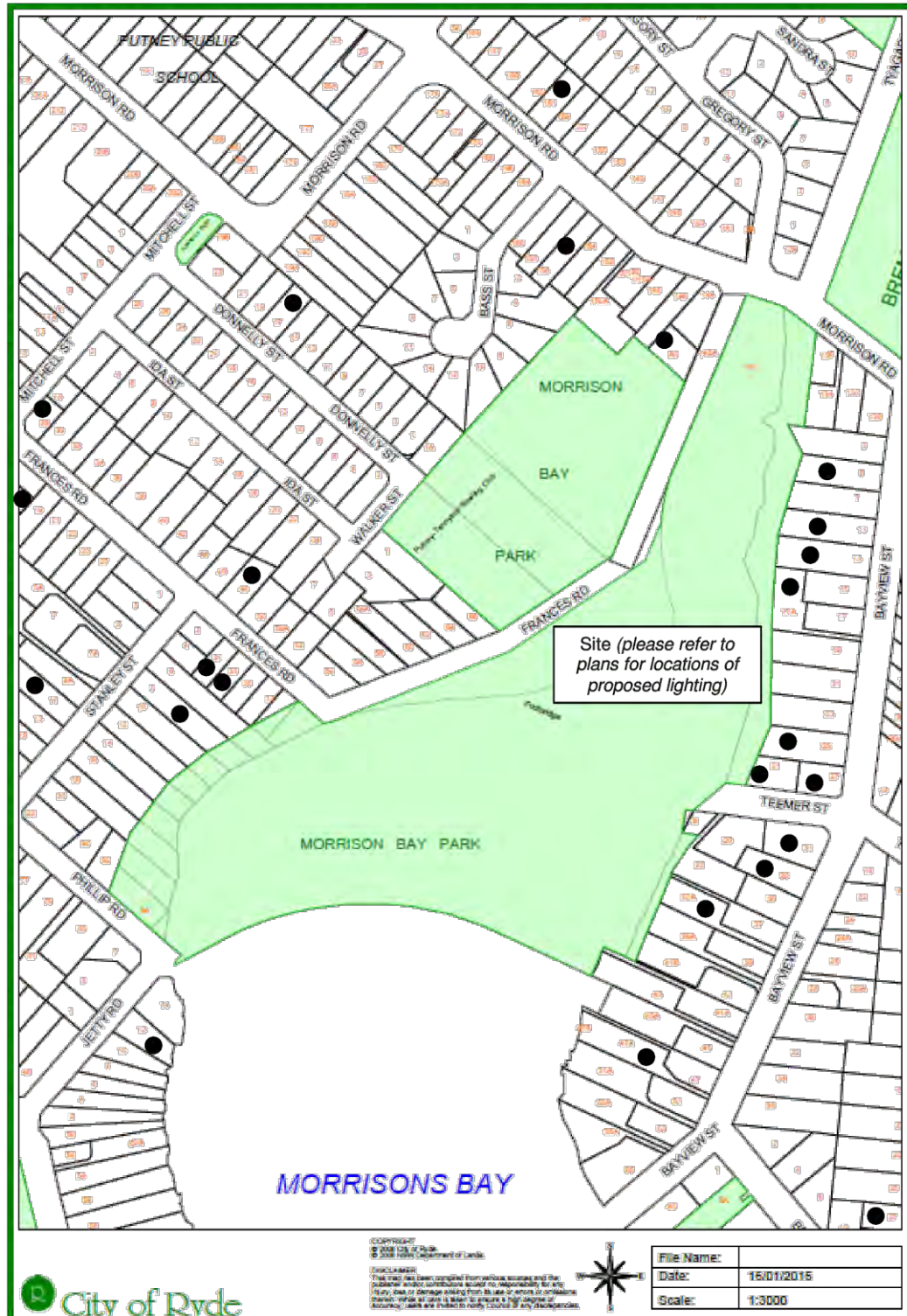
**17. Conclusion**

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be unacceptable for the reasons discussed at length throughout this report.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- Indicates submissions received (other submissions outside map area)



**ITEM 3 (continued)**

**ATTACHMENT 2**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT.**

**142 MORRISON ROAD, PUTNEY (MORRISON BAY PARK)**

**LDA2014/289**

**General**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Lighting Plan - Plan Showing Location of Proposed Light Poles	Undated	City of Ryde – Morrison Bay Park – Proposed Sports Field Lighting
Elevations – Light Pole A&C and Light Pole B&D.	Undated	City of Ryde – Morrison Bay Park – Proposed Sports Field Lighting
Ecological Assessment prepared by NGH Environmental	10 June 2014	Final Version 2, Project No. 5700
Morrison Bay Park Lighting Traffic Impact Assessment prepared by Bitzos Consulting	5 May 2014	Version 1, Project No. P1649
Noise Assessment, Morrison Bay Park, Putney Proposed Floodlighting, prepared by Acoustic Consulting Engineers, as modified by additional information letter response.	Report date: June 2014  Letter date: 9 September 2014	Report: 130433-1R-DD Rev02  Letter: 130433-02L-DD

2. **Hours of operation.** The hours of operation for the Sports Field Lighting at Morrison Bay Park is to be restricted to:
  - Monday to Thursday 4.00pm to 9.30pm during the winter season (April to August) or social sport and training.
  - Monday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.

**ITEM 3 (continued)**

**ATTACHMENT 2**

3. **Curfew switches** - Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field light use does not extend beyond the approved times of use as detailed in the condition 2 above.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **Glare Shields** – Glare shields are to be installed on all proposed light poles to help minimise the light spill associated with the proposal at neighbouring residential property boundaries.
6. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

This includes Certification by a Structural Engineer that the proposed method of anchorage of the light poles is structurally adequate having regard to their size, type and location.

**Protection of Adjoining and Public Land**

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **Illumination of public place.** 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.
10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

### ITEM 3 (continued)

### ATTACHMENT 2

11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

#### Works on Public Road

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

#### Prior To Construction Certificate

14. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
15. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
16. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
17. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
18. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.

### ITEM 3 (continued)

### ATTACHMENT 2

19. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

#### **Prior To Commencement Of Construction**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

#### **20. Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
    - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
    - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
    - (iii) stating that unauthorised entry to the work site is prohibited.
  - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
21. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

#### **During Construction**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

22. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
23. **Construction materials.** All materials associated with construction must be retained within the site.

## ITEM 3 (continued)

## ATTACHMENT 2

### 24. Site Facilities

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

### 25. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

26. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

### Prior To Occupation Certificate

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

27. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
28. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.



**ITEM 3 (continued)**

**ATTACHMENT 2**

**Operational Conditions**

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

29. **Light Spill** – The light spill at the adjoining residential boundaries to comply with the requirements of AS 4282 – *Control of the obtrusive effects of outdoor lighting*.
30. **Light Spill** – An appropriately qualified and experienced lighting consultant to certify the installation of the proposed lighting design complies with the appropriate Australian Standards.
31. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
32. **Noise from users** – Adequate signage is erected in the vehicles car parking area to encouraged spectators and participants to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
33. **Noise Management Policy.** A noise management policy is to be prepared for all sporting organisations utilising the illuminated sports field at Morrison Bay Park to adopt. The objective of this noise management policy is to minimise sounds emitted from the illuminated sports field at Morrison Bay Park and minimise any adverse impacts on surrounding residents.

The completed Noise Management Policy is to be submitted to Council's Group Manager Environment & Planning for approval prior to the illuminated use of the sports field, and shall incorporate the following matters.

- (a) Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and
  - (b) Methods to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.
34. **Prohibition on public address systems.** Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes.

**ITEM 3 (continued)**

**ATTACHMENT 2**

35. **Light Spill.** The light spill at the adjoining residential boundaries to comply with the requirements of *AS 4282 – Control of the obtrusive effects of outdoor lighting*. A report from an appropriately qualified and experienced lighting consultant to confirm that the proposed lighting design complies with the appropriate Australian Standards shall be submitted prior to the issuing of any **Occupation Certificate**.

If required to ensure compliance with AS4282, after initial testing but before the issuing of any **Occupation Certificate**, the approved lighting shall incorporate suitably designed light shields. Any such light shields that may be required shall be installed prior to the issuing of any **Occupation Certificate**.

36. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
37. **Noise from users.** All spectators and participants to be encouraged to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
38. **Provision of contact details to neighbours.** Residents within a 100m radius of the site are to be provided with contact details in writing (eg via a "letterbox drop") of a designated contact person for each participant sporting club (including a current mobile telephone number), and Council's Customer Service Centre, who can be contacted in the event of any noise disturbances arising from weeknight use of the Morrison Bay Park sports fields.

**ITEM 3 (continued)**

**ATTACHMENT 2**



**ITEM 3 (continued)**

**ATTACHMENT 2**

