

Meeting Date: Tuesday 16 June 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

Item		Page
1	CONFIRMATION OF MINUTES - Meeting held on 2 June 2015	1
2	17-21 RYEDALE ROAD, WEST RYDE. LOT 1 DP 701627 & LOT 3 DP 12089. Local Development Application for demolition of existing structures except for heritage façade and erection of part 6/part 7 storey mixed use building containing one commercial tenancy and a 43 room boarding house. Ground level parking will be provided for 13 cars and 10 motorcycles. LDA2014/0541.	4
3	21 WINBOURNE STREET, WEST RYDE. LOT 4 DP 39266. Application under Section 82A of the EP&A Act 1979, to review Council's determination of LDA2013/0420 for alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. (APL2015/0002.)	89
4	12 RESERVE STREET, WEST RYDE. LOT 1 DP 785091. Local Development Application for a new dual occupancy (attached) and front fence with strata subdivision. LDA2015/0062.....	306

1 CONFIRMATION OF MINUTES - Meeting held on 2 June 2015

Report prepared by: Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/759

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 8/15, held on 2 June 2015, be confirmed.

ATTACHMENTS

1 MINUTES - Planning and Environment Committee Meeting - 2 June 2015

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 8/15**

Meeting Date: Tuesday 2 June 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.06pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Chung (Chairperson), Laxale and Yedelian OAM.

Apologies: Councillor Simon.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Acting Service Unit Manager – Assessment, Senior Development Engineer, Assessment Officer – Town Planner, Business Support Coordinator – Environment and Planning and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 19 May 2015

RESOLUTION: (Moved by Councillors Laxale and Chung)

That the Minutes of the Planning and Environment Committee 7/15, held on 19 May 2015, 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.

2 16 CAMERON CRESCENT RYDE. LOT 26 DP 13732. Local Development Application for Demolition, subdivision into two (2) lots, new two storey dwelling and pool on proposed Lot 1. LDA2014/0547

Note: A letter from Daniel Ionita dated 31 December 2014 was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Local Development Application No. LDA2014/547 at 16 Cameron Crescent being LOT 26 in DP 13732 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (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 5.10pm.

CONFIRMED THIS 16TH DAY OF JUNE 2015.

Chairperson

-
- 2 17-21 RYEDALE ROAD, WEST RYDE. LOT 1 DP 701627 & LOT 3 DP 12089. Local Development Application for demolition of existing structures except for heritage façade and erection of part 6/part 7 storey mixed use building containing one commercial tenancy and a 43 room boarding house. Ground level parking will be provided for 13 cars and 10 motorcycles. LDA2014/0541.**
-

Report prepared by: Senior Town Planner

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

Report dated: 21/05/2015

File Number: GRP/09/5/6/2 - BP15/708

1. Report Summary

Applicant: MMD Construction Consultants

Owner: MMD Construction Consultants and KPMP Investors Pty Ltd

Date lodged: 1 December 2014 (amended plans and additional information received 27 March 2015)

This report considers an amended development application (DA) for the following works:

- Demolition of all existing structures except for the Ryedale Road façade.
- Construction of a new part 6/part 7 storey mixed use building containing 13 car parking spaces at ground level, one commercial tenancy (118m²) and a 43 room boarding house (plus manager's accommodation) allowing a maximum number of 77 lodgers.

The original DA included two commercial tenancies (89m² total combined floorspace) and a 50 room boarding house. The DA was notified to neighbours in accordance with Ryde DCP 2014 (RDCP2014) and a total of 40 submissions plus one petition containing 13 signatures were received objecting to the development.

Following correspondence from Council, additional information and amended plans were subsequently received by Council on 27 March 2015. Additional information received included a revised Statement of Environmental Effects, revised Statement of Heritage Impact, revised Plan of Management, revised SEPP65 Design Statement, supplementary Traffic Assessment, revised Waste Management Plan, a Local Area Character Statement, Acoustic Report and revised shadow diagrams. The key amendments were as follows:

- Revised building design to create two towers with central void provided between the towers above ground floor level.
- Additional part level provided to Ryedale Road frontage containing manager's accommodation and indoor communal living area with external terrace.

ITEM 2 (continued)

- Internal alterations including reduction in number of boarding rooms from 50 to 43 (maximum number of lodgers to be 77).
- Two commercial tenancies combined to form one single tenancy and commercial area increased from 89m² to 118m².
- Reduction in floor space ratio (FSR) from 3:1 to 2.59:1. Note: Council contends that the proposed FSR is actually approximately 2.82:1 as the applicant has excluded corridors (totalling 143m²) on each level from floorspace calculations.
- Revisions to Ryedale Road shop front façade.

The amended plans significantly changed the design of the originally proposed building and were accordingly re-notified from 24 April 2015 to 11 May 2015. 16 submissions were subsequently received and raised the following key issues:

- Overshadowing (specifically of residential units at 947-949 Victoria Road).
- Loss of privacy.
- Insufficient parking.
- Increased noise.
- Inappropriate height.
- Safety.
- Lack of information regarding future occupants.
- How much money will be paid to Ryde Council to approve the development?
- Issue of laneway ownership/ parking restrictions and access difficulties in laneway/ laneway should be widened by 3m.

The proposal has been assessed against the provisions of Ryde LEP 2014 (RLEP2014) and RDCP 2014. The areas of non-compliance with these planning documents that remain despite the submission of amended plans from the applicant can be summarised as follows:

- The application proposes an FSR of 2.82:1 and does not comply with the 1.5:1 FSR control contained in clause 4.4 of RLEP2014. A clause 4.6 variation has been submitted accordingly. Notwithstanding the bonus of 0.5:1 afforded to the site under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP), the proposed variation is not supported on the basis of unacceptable bulk and scale that is incompatible with the streetscape and character of the area and resultant overshadowing impacts to neighbouring residential properties.

The proposal has been assessed against the controls relating to boarding houses in Part 3.5 of RDCP 2014 with the following areas of non-compliance:

- Incompatible with character of local area.
- Size and scale.

ITEM 2 (continued)

- Impact on traffic flows in rear laneway (due to existing parking on eastern side restricting manoeuvring room into site).
- Inadequate indoor communal living area.
- Inadequate safety for residents (with regard to car parking spaces directly on rear boundary).
- Inadequate drying facilities.

The proposal has also been assessed against the controls relating to the West Ryde Town Centre in Part 4.3 of RDCP 2014 with the following areas of non-compliance:

- FSR non-compliant with RLEP 2014.
- Built form.
- Lack of balconies to all rooms (note: non-compliance acceptable).
- Inadequate safety for residents (with regard to car parking spaces directly on rear boundary).
- Overshadowing.
- Lack of landscape details.

Whilst the amended plans have addressed some concerns raised by Council Officers and the Urban Design Review Panel (UDRP) in relation to the original proposal, a number of significant issues and non-compliances remain as detailed above. Notably, Council's Heritage Advisor continues to object to the proposal predominantly on the grounds of height and bulk whilst the UDRP also continue to object, predominantly on the grounds of FSR/density, scale and design, parking, residential amenity and overshadowing.

In conclusion, the proposal remains fundamentally unacceptable in its current form and will require significant further redesign to enable approval to be considered. The applicant was provided the opportunity to address these concerns but the amended scheme fails to do so.

Accordingly, the proposed development is considered unacceptable and the DA is recommended for refusal.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Maggio and Councillor Pendleton plus number of submissions received.

Public Submissions: A total of 40 submissions plus one petition containing 13 signatures were received objecting to the original development. Following notification of the amended plans, a total of 16 submissions were received objecting to the revised development.

Clause 4.6 RLEP 2014 variation required? Yes (Clause 4.4: Floor Space Ratio)

Value of works? \$4.7 million

ITEM 2 (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 Local Development Application No. 2014/541 at 17-21 Ryedale Road, West Ryde, being LOT 1 DP 701627 & LOT 3 DP 12089 be refused for the following reasons:
1. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is significantly larger than envisaged by Council's planning controls and is not compatible with the surrounding streetscape and heritage conservation area environment and will adversely impact the amenity of neighbouring residents.
 2. The proposal is contrary to requirements prescribed under the Ryde Local Environmental Plan 2014 (RLEP 2014) as:
 - a. It fails to satisfy the objectives of the B4 mixed use zone as the bulk and scale and unsympathetic design of the proposal together with the resultant adverse impact on the character of the conservation area is not considered to constitute a suitable form of development within the zone.
 - b. It fails to comply with the maximum FSR permitted on the site pursuant to Clause 4.4 of the RLEP 2014 (as varied by the State Environmental Planning Policy (Affordable Rental Housing) 2009).
 - c. It fails to meet the objectives of Clause 4.4 as the additional non-compliant floorspace is significant and will result in a much larger, bulkier building than should reasonably exist on the site with resultant adverse impact on the surrounding streetscape and heritage conservation area.
 - d. The Clause 4.6 submission has not satisfactorily demonstrated that the variation in FSR (Clause 4.4) would be in the public interest and that the objectives of the standards will be met despite the non-compliance as it fails to adequately consider the resultant impact of the proposed bulk and scale of the building on the character of the area or neighbouring residential properties.
 - e. It fails to comply with the objectives of Clause 5.10 of the RLEP 2014 in relation to conserving the environmental heritage of Ryde, and conserving the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views.

ITEM 2 (continued)

3. The proposal fails to satisfy the requirements of the Ryde Development Control Plan 2014 (RDCP 2014) and has not provided a good design outcome, for the following reasons:
 1. The proposal is contrary to the objectives and controls of Part 3.5 (Boarding Houses) of the DCP2014 as:
 - i. The proposal will impact adversely on the character of the local area and streetscape;
 - ii. The scale and form of the development will not be compatible with the character and quality of the streetscape;
 - iii. The proposal will not be sympathetic to the character of the surrounding Heritage Conservation Area.
 - iv. Inadequate boarding room design resulting in an adverse living environment for future residents;
 - v. Inadequate indoor communal living space will be provided for future residents;
 - vi. Inadequate clothes drying facilities will be provided for future residents; and
 - vii. The design does not optimise safety and security due to parking spaces being located directly adjacent to Ryedale Lane and not within the secure car park area.
 2. The proposal is contrary to the objectives and controls of Part 4.3 (West Ryde Town Centre) of the RDCP 2014 as:
 - i. The proposal does not comply with the RLEP 2014 FSR control resulting in a development of inappropriate bulk and scale;
 - ii. The proposed development does not maximise solar access to neighbouring residential properties;
 - iii. Appropriate landscaping has not been demonstrated as a landscape plan has not been provided; and
 - iv. The proposal is not sympathetic to, and will adversely impact, the Ryedale Road Heritage Conservation Area.
 3. The proposal does not comply with the numerical requirements for commercial car parking under Part 9.3 (Car Parking) of RDCP 2014.
4. Consent is required from the owner(s) of the RoW forming Ryedale Lane to the rear of the site in order for the applicant to demonstrate they have legal access to use the RoW. In addition, without owner's consent to prohibit parking on the eastern side of the RoW, it will not be possible for construction vehicles to access the site and will impair ongoing access to the site for larger vehicles. This will impact traffic flow in Ryedale Lane and potentially public safety.

ITEM 2 (continued)

5. The proposal is contrary to the design quality principles of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development for the following reasons:
 - a) The development adversely responds and contributes to its context.
 - b) The scale of the development will adversely impact on the scale of the street and surrounding buildings.
 - c) The built form is unacceptable due to its excessive bulk and scale.
 - d) The density of the development is inconsistent with the future character of the area.
 - e) The development results in poor amenity to the future occupants of the building.

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

ATTACHMENTS

- 1 Compliance Table (Part 3.6 of RDCP 2014) Boarding House
- 2 Compliance Table (Part 4.3 of RDCP 2014) West Ryde Town Centre
- 3 Map
- 4 A4 Plan
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Andy Nixey
Senior Town Planner

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment and Planning

ITEM 2 (continued)**2. Site** (*Refer to attached map*)

Address	: 17-21 Ryedale Road, West Ryde (LOT 1 DP 701627 & LOT 3 DP12089)
Site Area	: 605.5m ² Frontage to Ryedale Road: 16.6m Frontage to rear Right of Way: 17.6m Northern Side Boundary: 40.1m Southern Side Boundary: 33.1m
Topography and Vegetation	: Approx. 2.8m fall from front to rear close to northern side boundary. No trees are located on the site.
Existing Buildings	: No.17: 2 storey commercial/residential building ('Ryde Dental Clinic') No.19: 2 storey commercial/residential building ('Indian Delight Restaurant') No.21: 2 storey commercial/residential building ('Advance Financial Group')
Planning Controls	: Ryde LEP 2014
Zoning	: B4 Mixed Use
Other	: State Environmental Planning Policy (Affordable Rental Housing) 2009 (referred to as "ARHSEPP" throughout this report) Ryde DCP 2014

ITEM 2 (continued)



Aerial photo of subject site and surrounds (site highlighted in red).



Photograph above: View of subject site from Ryedale Road looking north-east

ITEM 2 (continued)



Photograph above: View of subject site from Ryedale Road looking south-east

3. Councillor Representations

1) Name of Councillor: Councillor Maggio

Nature of the representation: Call-up to Planning & Environment Committee
Date: 21 January 2015

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

On behalf of applicant or objectors? Objector

Any other persons (e.g. consultants) involved in or part of the representation: None

2) Name of Councillor: Councillor Pendleton

Nature of the representation: Call-up to Planning & Environment Committee
Date: 21 January 2015

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

ITEM 2 (continued)

On behalf of applicant or objectors? Objector

Any other persons (e.g. consultants) involved in or part of the representation: None

4. Political Donations or Gifts

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

5. Proposal

As amended, the proposal seeks approval for the following:

- Demolition of all existing structures except for the Ryedale Road façade.
- Construction of a new part 6/part 7 storey mixed use building containing one commercial tenancy (118m²) and a 43 room boarding house (plus manager's accommodation allowing a maximum number of 77 lodgers).
- 13 car parking spaces are proposed at ground level. 7 spaces are allocated to the boarding house, one for the boarding house manager and 2 for the commercial tenancy. Access to the car park is proposed from the Right of Way (RoW) to the rear of the site.
- The revised building design contains 2 towers with a central void above ground floor level. The tower fronting Ryedale Road predominantly extends to 7 storeys in height with a 6 storey element proposed on the northern side (with communal terrace above). The original proposal was entirely 6 storeys on the Ryedale Road frontage. The tower fronting the RoW will extend to 7 storeys in height.

ITEM 2 (continued)

A photomontage of the proposed development viewed from Ryedale Road is provided below.



6. Background

No pre-lodgement meeting was sought by the applicant. The DA was lodged on 1 December 2014. It was then advertised in the local press and placed on public notification for in excess of 28 days from 8 December 2014 to 21 January 2015.

A meeting with the UDRP was held on 16 December 2014. The Panel concluded that the proposal represented an overdevelopment of the site and should be amended to comply with the permissible floorspace and to address specific design concerns.

On 23 December 2014, Council issued a letter requesting the following:

- A clause 4.6 variation request in regard to the proposed floor space ratio (FSR) non-compliance.
- Clarification of floor space calculations and site area.
- A response to Council's Heritage Advisors comments that the proposal cannot be supported in its current form.

ITEM 2 (continued)

- Elevational shadow diagrams to illustrate the impact of the proposal on 947-949 Victoria Road).
- Side elevations of the building.
- An Area Character Statement (as required by clause 2.3(b) of section 3.5 of RDCP 2014).
- A revised Plan of Management.

In addition to requesting additional information, the letter also raised significant concern with the proposed FSR of 3:1 given a maximum of 2:1 is permitted on the site (on the basis of 1.5:1 as per RLEP 2014 and a bonus 0.5:1 under the ARHSEPP). The letter stated that the non-compliance was highly unlikely to be supported by Council Officers. Given this concern and the issues raised by the UDRP, it was recommended that the applicant withdraw the application to allow for issues to be resolved prior to lodgement of a new DA.

The applicant advised Council formally on 9 February 2015 that the application would not be withdrawn and would instead be amended. On 27 March 2015, amended plans and additional information were received by Council. Key amendments to the proposal were as follows:

- Revised building design to create two towers with central void provided between the towers above ground floor level.
- Additional part level provided to Ryedale Road frontage containing manager's accommodation and indoor communal living area with external terrace.
- Internal alterations including reduction in number of boarding rooms from 50 to 43 (maximum number of lodgers to be 77).
- Two commercial tenancies combined to form one single tenancy and commercial area increased from 89m² to 118m².
- Reduction in floor space ratio (FSR) from 3:1 to 2.59:1 (or 2.82:1 as calculated by Council).
- Revisions to Ryedale Road shop front façade.

The amended proposal was notified to neighbouring properties and all objectors during a re-notification period of 14 days from 24 April 2015 to 11 May 2015.

7. Submissions

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1 with a notification period from 8 December 2014 to 21 January 2015 (a minimum of 28 days in accordance with Council policy for DA's received from the first week of December until 24 December). The application was advertised on 10 December 2014.

ITEM 2 (continued)

In response, a total of 40 submissions plus one petition containing 13 signatures from residents of 947-949 Victoria Road were received objecting to the original development.

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

- Nature of future boarding house residents/fear for public safety/ boarding house will be for males only etc.
- Inappropriate development for the area/why should such accommodation be proposed in the area?
- Proposal will lower property prices.
- Unacceptable height and impact on the streetscape.
- Inadequate parking/impact on parking in the surrounding area.
- Increased traffic generation/impact on traffic flows in the laneway.
- Overdevelopment/too many units for the footprint of the site.
- Overshadowing.
- Lack of consultation/no duty of care if Council approves development/Why should Council allow such a DA to be submitted?
- Inappropriate height and form of development in heritage conservation area.
- Noise and disturbance to residential amenity of the area including from garbage trucks and motorbikes.
- Proposal will result in increased garbage and littering in the street/increased abandoned vehicles.
- Lack of transparency about what the boarding house will be used for/ what controls will be imposed on the management of the boarding house?
- Boarding house is located an inconvenient distance from Macquarie University.
- What additional infrastructure is proposed to support new residents?
- Increased safety measures are required for the safety of the area.
- Design will impact on parking and loading area of adjacent property.
- Proposal does not comply with Council's DCP
- Proposal represents a serious misuse of the ARHSEPP.
- Has a Social Impact Assessment been carried out?
- Potential for sub-letting of rooms for illicit activities
- Loss of privacy
- Disruption to business during construction/how will building be constructed?
- Have the Local Police Command been consulted?

Following notification of the amended plans, 16 submissions were received and raised the following key issues:

- Overshadowing (specifically of residential units at 947-949 Victoria Road).
- Loss of privacy.

ITEM 2 (continued)

- Insufficient parking.
- Increased noise.
- Inappropriate height.
- Safety/ lack of information regarding future occupants.
- How much money will be paid to Ryde Council to approve the development?
- Issue of laneway ownership/ parking restrictions and access difficulties in laneway/ laneway should be widened by 3m.

The key issues raised over both submission periods are considered below.

- A. Nature of future boarding house residents/fear for public safety/ potential for needlestick injuries in Anzac Park and impact on overall safety for users of the park/ the boarding house will be occupied by males only/ boarders will loiter around the station and park/ boarding house will be occupied by drug and alcoholic users and offenders, people on parole, people with mental illnesses/ risk of harm to children, women and elderly people/ increased crime and burglaries/ increased begging and vagrancy in the area/ adverse impact on local businesses due to safety issues/ lack of information regarding future occupants.**

Assessment Officer's Comment

The above issues have been grouped together as they all generally relate to issues of safety for the local community in relation to future occupants of the boarding house. These concerns however appear to relate more to a 'traditional'/historical type of boarding house and appear to be based on fear and perception rather than fact.

The proposed boarding house is a form of affordable rental accommodation. Section 4(1) of the Environmental Planning and Assessment Act 1979 defines 'affordable housing' as:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

The ARHSEPP provides the following additional definition of income thresholds:

*For the purposes of the definition of **affordable housing** in section 4 (1) of the Act, very low income households, low income households and moderate income households are those whose gross incomes fall within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:*

ITEM 2 (continued)

<i>Very low income household</i>	<i>less than 50%</i>
<i>Low income household</i>	<i>50 or more but less than 80%</i>
<i>Moderate income household</i>	<i>80–120%</i>

Objecting to a proposed affordable housing development on the grounds it will house people on very low, low or moderate incomes and that such people represent a danger to the community is not valid planning issue. Notably, many submissions received by Council raising these concerns followed the distribution of an anonymous flyer which included numerous unfounded statements such as the building being designed for men and Anzac Park being ‘taken over’ by boarding house residents with resultant needles and bottles left in the park.

These concerns essentially relate to broader social issues related to income that are beyond the scope of the development assessment process. These concerns do not constitute reasonable grounds for refusal.

It should however be noted that the applicant has advised that it is anticipated that the proposed boarding house will be targeted at the student market as there is demand for such accommodation in the area. It is not possible however to ensure the rooms are only let to students and Council cannot provide information on who future residents will be.

The proposed boarding house includes an on-site manager and any approval would also include approval of a Plan of Management and other conditions with regard to preventing any antisocial activities. These would pertain to such matters as loud music, parties, visitors, use of outdoor areas, smoking, alcohol and boarder behaviour. The application has notably been reviewed by the Ryde Local Area Command and no objection has been received to the proposal subject to recommendations (see Part 13 of this report).

There is no evidence or any reason to believe that the boarding rooms would only be available to men or that any of the above issues would arise from the proposed development.

With regard to any possible criminal offences, this is a matter for the rule of law and is outside of the scope of the assessment process as there can be no planning control over what future residents may do. This applies similarly to the future residents of any new residential building and again, consent cannot be withheld for a permissible use on the basis of fear that a boarding house may attract undesirable occupants.

ITEM 2 (continued)**B. Inappropriate development for the area/ will change existing family character of the area/ why should such accommodation be proposed in the area?**Assessment Officer's Comment

Boarding houses are permissible in the B4 Mixed Use zone (and indeed in all residential areas under the ARHSEPP). The site is well located in close proximity to public transport and is suitable for the proposed use. The proposed boarding house use is considered unlikely to alter the overall character of West Ryde. However, on the basis of excessive and unsympathetic bulk and scale, the proposed built form would constitute an inappropriate form of development in the area.

C. Proposal will lower property prices.Assessment Officer's Comment

Applicants have a right, under the Environmental Planning & Assessment Act 1979, to the orderly and economic use and development of land, and that possible decreases in surrounding property values do not constitute a reasonable ground for refusal.

D. Unacceptable height and impact on the streetscape.Assessment Officer's Comment

Clause 30A of the ARHSEPP requires the consent authority (Council) to consider whether the design of the development is compatible with the character of the local area. Part 9(b) of this report includes consideration of the development in terms of Character of the Area. Overall, it is considered that the proposal will result in an unacceptable impact on the streetscape and surrounding heritage conservation area due to the height, bulk, scale and design of the proposal.

E. Inadequate parking/ impact on parking in the surrounding area.Assessment Officer's Comment

In terms of compliance with the ARHSEPP, the development fully complies with the on-site car parking requirements and accordingly parking is not a ground on which Council could refuse consent.

This development is located within an "accessible area" (as defined within the ARHSEPP) because of its proximity to public transport services which operate at the required frequency both on weekdays and weekends. As such, residents of the boarding house would have various public transport options available.

ITEM 2 (continued)

It appears one of the assumptions for the parking requirements of the ARHSEPP is that, given the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, car ownership and usage is relatively low.

With regard to the commercial element of the proposal, this is between 1 and 3 spaces below the minimum required (depending on whether the floorspace is used for commercial or retail purposes). This issue has been included in the reasons for refusal.

F. Increased traffic generation/impact on traffic flows in the laneway.Assessment Officer's Comment

Council's Traffic Engineer has raised no objection to issues of proposed traffic generation which would be minor given only 13 parking spaces are proposed.

In terms of impact on traffic flows in the RoW and ease of access to the site, there would be potential issues in this regard. Had the application otherwise been acceptable, further discussion would have taken place in regard to the need for the applicant to demonstrate that they have legal access to use the RoW. The applicant would also be required to obtain owners consent to alter parking restrictions in the rear RoW in order to maintain traffic flow and unimpaired access to the site. This issue has been included in the reasons for refusal.

G. Overdevelopment/ too many units for the footprint of the site.Assessment Officer's Comment

It is agreed that the proposal, on the basis of floorspace significantly in excess of Council's controls (and the additional 0.5:1 of floorspace allowed by the ARHSEPP for the site), does represent an overdevelopment of the site. A development that complies with the 2:1 maximum FSR permitted under the ARHSEPP would result in a smaller building that is more appropriate for the area. This would also result in a reduction in the number of boarding rooms. See consideration of FSR in Part 9(a) of this report.

ITEM 2 (continued)**H. Overshadowing/ loss of afternoon sunlight/ installation of photovoltaic cells will be useless**Assessment Officer's Comment

The proposed development, although compliant with the maximum building height control, is significantly non-compliant with the maximum FSR control resulting a larger, bulkier building than would otherwise be proposed for a complying form of development. The increased floorspace and bulk ostensibly result in increased and unreasonable overshadowing impacts to the residential apartment building to the south-east of the site, 947-949 Victoria Road. See consideration of overshadowing in Part 10 of this report.

With regard to other properties in Ryedale Road to the south of the site, these will be impacted by any reasonable redevelopment of the site in accordance with Council's controls. With regard to installing photovoltaic cells in a location where the height control for properties immediately to the north is 23m (previously 15.5m), there is always a potential likelihood for these cells to be overshadowed by redevelopment of a neighbouring site. This is not considered to be a reason for refusal.

I. Lack of consultation/ no duty of care if Council approves development/ why should Council allow such a DA to be submitted?Assessment Officer's Comment

The application was notified and advertised in accordance with Part 2.1 of RDCP 2014. The amended plans were also notified including to all those who originally made submissions from outside of the notification area. Council has a legal role to assess a properly made development application and cannot refuse to assess such an application.

J. Inappropriate height and form of development in heritage conservation area.Assessment Officer's Comment

Agreed. Council's Heritage Advisor objects to the proposed height and form of development due to the resultant adverse impact on the Ryedale Road Heritage Conservation Area. See consideration of heritage conservation in Part 9(a) of this report.

ITEM 2 (continued)**K. Noise and disturbance to residential amenity of the area.**Assessment Officer's Comment

If the application were recommended for approval, conditions would be imposed with regard to compliance with the Plan of Management and waste management/garbage collection. The Plan of Management includes rules pertaining to such matters as loud music, parties, visitors, use of outdoor areas, smoking, alcohol and boarder behaviour.

The application also proposes the provision of an on-site manager, whose responsibilities would ensure that any noise disturbances are managed and resolved at the time on a day-to-day basis.

L. Proposal will result in increased garbage and littering in the street/increased abandoned vehicles.Assessment Officer's Comment

There is no evidence to suggest approval of the proposed development would result in increased littering or abandoned vehicles in the area.

M. Lack of transparency about what the boarding house will be used for. What controls will be imposed on the management of the boarding house?Assessment Officer's Comment

The ARHSEPP defines a 'boarding room' as follows:

'boarding room means a room or suite of rooms within a boarding house occupied or so constructed or adapted as to be capable of being occupied by one or more lodgers.'

The proposed development proposes 43 boarding rooms within a boarding house. The applicant has advised that it is anticipated that the rooms will be targeted at the student market as there is a shortage of student accommodation in the local and surrounding communities. Whilst use by students cannot be guaranteed, the proposed use of the boarding house as affordable housing is considered clear and transparent.

In terms of controls on the management, if the application were recommended for approval, conditions would be imposed with regard to compliance with the Plan of Management which includes rules pertaining to such matters as loud music, parties, visitors, use of outdoor areas, smoking, alcohol and boarder behaviour.

ITEM 2 (continued)**N. Boarding house is located an inconvenient distance from Macquarie University.**Assessment Officer's Comment

Macquarie University is accessible via public transport from the site. In addition, students residing in the boarding house may study elsewhere as the site is well located in terms of access to bus and train services. The appropriateness of the site in terms of distance to their place of study will be for future residents to decide.

O. What additional infrastructure is proposed to support new residents?Assessment Officer's Comment

The development itself is relatively minor in terms of the West Ryde Town Centre and no additional infrastructure would be required to be provided in the event of approval with the exception of public domain works. Section 94 contributions would also be applicable to the development.

P. Increased safety measures are required for the safety of the area.Assessment Officer's Comment

It is not considered that any increased 'safety measures' are required to allow an affordable housing development to occur on the site. Notably, the application has been reviewed by the Ryde Local Area Command and no objection has been raised although a number of recommendations have been made (see Part 13 of this report). Whilst it has been suggested that lighting could be improved in the local area including ANZAC Park, this would need to be undertaken by Council as a separate matter to determining this development proposal.

Q. Design will impact on parking and loading area of adjacent property.Assessment Officer's Comment

The amended plans seek to address this concern by providing a 2m by 2m mesh opening in the northern elevation of the car park adjacent to the rear boundary. Whilst this will improve visibility when exiting the car park of the proposed development, it does not resolve potential access issues to the rear parking/loading area of 23 Ryedale Road. The proposed design together with the current parking restrictions in Ryedale Lane will likely result in access difficulties for vehicles and trucks to No.23. Given the proposed development is not required to provide setbacks to the rear or side boundaries, this issue has not been included in the reasons for refusal. However, although it is considered this issue would have been capable of resolution through a revised design and/or restrictions on parking on the eastern side of the RoW, given the overall unacceptable nature of the proposal, this issue has not been further pursued. Such resolution would however be sought in the event of any new DA being lodged.

ITEM 2 (continued)**R. Proposal does not comply with Council's DCP.**Assessment Officer's Comment

The proposed development does include numerous non-compliances with various controls contained in RDCP 2014. See consideration in Part 9(e) and Appendix 1 and 2 of this report.

S. Proposal represents a serious misuse of the ARHSEPP.Assessment Officer's Comment

Whilst Council does not support the proposed FSR and other elements of the proposal, the proposed development is permissible and the provision of additional affordable housing in the area is supported in principle. It is therefore not agreed that the proposal represents a misuse of the ARHSEPP.

T. Has a Social Impact Assessment been carried out?Assessment Officer's Comment

There is no requirement for a Social Impact Assessment to be carried out for a development that incorporates affordable housing.

U. Potential for sub-letting of rooms for illicit activities.Assessment Officer's Comment

The Plan of Management for the boarding house would negate the potential for sub-letting of rooms.

V. Loss of privacy.Assessment Officer's Comment

Nil setbacks are required for the proposed development. The distance from the balconies on the rear laneway to north-east facing residential units at 947-949 Victoria Road ranges from approximately 10m to 18m. The rear balconies and windows of the proposed development will be at an oblique angle to the north-east elevation of 947-949 Victoria Road and operable privacy louvres are also proposed to these balconies.

Given the site is located within a mixed use zone and forms part of the West Ryde Town Centre, privacy for surrounding properties cannot be expected to be maintained to the same extent as for lower density residential zones. As such, the proposal is considered reasonable in terms of potential privacy impacts. It is however noted that a development that complies with the FSR control would contain a lower density which may potentially reduce the number of rooms fronting the RoW and therefore further reduce any potential privacy impact.

ITEM 2 (continued)**W. Disruption to business during construction/how will building be constructed?**Assessment Officer's Comment

In the event of consent being granted, conditions would be imposed to manage construction impacts. This would include a Construction Traffic Management Plan to be approved by Council prior to issue of a construction certificate.

X. Have the Local Police Command been consulted?Assessment Officer's Comment

The Ryde Local Area Command has been consulted on the proposal. No objection has been raised although a number of recommendations have been made (see Part 13 of this report).

Y. How much money will be paid to Ryde Council to approve the development?Assessment Officer's Comment

Council would receive no money from approval of affordable housing in this location other than standard Section 94 contributions.

Z. Issue of laneway ownership/ parking restrictions and access difficulties in laneway/ laneway should be widened by 3m.Assessment Officer's Comment

Ryedale Lane to the rear of the site is a private RoW rather than a Council laneway. Although no works are proposed within the RoW, it is necessary for the applicant to demonstrate that they have legal access to use the RoW. In addition, Council's Traffic Engineer has advised that consent may need to be obtained to remove parking along the eastern side of the RoW to allow truck movements during construction plus 'no parking' restrictions will need to be located opposite the site to allow unimpaired driveway access to the site. Widening of the RoW by 3m is however not considered necessary or reasonable. Given the application is unacceptable for a number of other reasons, resolution of the issue of owner's consent in relation to the RoW has not been sought and is therefore included in the recommended reasons for refusal.

8. Clause 4.6 RLEP 2014 variation required?

A clause 4.6 variation has been submitted due to non-compliance with the FSR control contained in clause 4.4 of RLEP 2014. The variation is considered in the following assessment of the proposal against the relevant provisions of RLEP 2014.

ITEM 2 (continued)**9. Policy Implications****Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde LEP 2014****Zoning**

Under the RLEP 2014, the zoning of the subject site is 'B4 Mixed Use'. The proposed development comprising a commercial tenancy and a boarding house are permissible with consent under this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development is not considered to satisfy the second objective as the bulk and scale and unsympathetic design of the proposal together with the resultant adverse impact on the character of the conservation area is not considered to constitute a suitable form of development within the mixed use zone.

Mandatory Requirements

The following mandatory provisions under RLEP 2014 apply to the development:

Clause 4.3 (2) – Height of buildings

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 23m for the subject site.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposed building has a varying height due to varying ground levels and number of storeys. The maximum height proposed is 23m and occurs at the top of the lift overrun on the western tower. The proposal therefore complies with the LEP height control.

ITEM 2 (continued)

Whilst concerns are raised regarding the impact of the proposed height and design on the character of the surrounding Ryedale Road Heritage Conservation Area and with regard to overshadowing of neighbouring residential properties as a result of the height of the proposed development, it is pertinent to note that clause 29 (2)(a) of the ARHSEPP states that Council cannot refuse consent on the grounds of building height, *'if the height of all proposed building is not more than the maximum building height permitted under another environmental planning instrument for any building on the land'*.

As such, given the proposal complies with the maximum height in the LEP, the application cannot be refused on grounds of numeric building height and the objectives of clause 4.3. The issue of heritage impact is considered under clause 5.10 of RLEP 2014 below and Part 13 of this report, whilst overshadowing impacts are assessed in Part 10 of this report.

Clause 4.4 (2) – Floor space ratio

This clause prescribes a maximum floor space ratio (FSR) of 1.5:1. On the basis of a site area of 605.5m², this allows a maximum gross floor area (GFA) of 908m². However, the ARHSEPP provides a bonus 0.5:1 (302.8m²) for the proposed redevelopment of the site for a boarding house. This equates to a maximum GFA of 1211m².

Notwithstanding the additional 308.2m² of GFA permitted by the SEPP beyond Council's FSR control, the proposal seeks a further additional 501m² beyond the uplifted 2:1 FSR for the site resulting in an FSR of 2.82:1. Whilst the FSR for the proposed development has been calculated to be 2.82:1, this differs from the applicant's calculation of 2.59:1.

The above information is listed in the following table:

	GFA	Excess GFA above 1.5:1	Excess GFA above 2:1
Site area	(605.5m ²)	-	-
1.5:1 (permitted by RLEP 2014)	908m ²	-	-
2:1 (permitted by AHSEPP)	1211m ²	303m ²	-
Applicant FSR calculation of 2.59:1	1569m ²	661m ²	358m ²
Council FSR calculation of 2.82:1	1712m ²	804m ²	501m ²

This difference between the applicant's and Council's FSR calculations is due to the applicant excluding the area of the corridors on each level from the GFA calculations. This has been argued on the basis of the corridors constituting open 'breezeways' with fixed open louvres.

ITEM 2 (continued)

The definition of gross floor area in Council's LEP states the following:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

The corridors are essentially enclosed by floor to ceiling walls and are fully roofed. Although windows and walls in some areas have been replaced with fixed louvres, these areas do not satisfy the description of areas in the above definition that are to be excluded from GFA calculations. The floorplan extract below of levels 2 to 5 illustrates the nature of the areas noted as 'corridor' (shown circled) that have been excluded from the applicant's GFA calculations. These corridors are not considered to constitute external space and are fully required for common horizontal circulation within the building. These will appear as internal elements of the building when viewed externally and will contribute to the overall built form, bulk and scale of the building. It is noted that the applicant has not provided the eastern elevation of the western tower or the western elevation of the eastern tower.

ITEM 2 (continued)



The proposed FSR of 2.82:1 fails to comply with the provisions of clause 4.4(2) of RLEP 2014. Given an FSR of 2.59:1 also fails to comply, the applicant has submitted a clause 4.6 variation.

Clause 4.6 of RLEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a written request seeking to justify the variation to the development standard as part of the revised Statement of Environmental Effects.

ITEM 2 (continued)**2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.**

The applicant has provided the following justification for the proposed variation:

Objective (a): to provide effective control over the bulk of future development.

The proposed design effectively reads as two individual towers given the large central void and courtyard. This design effectively minimises the bulk of the development and remains compliant with all other built form controls including height, separation and setbacks. From the Ryedale Road streetscape, the proposed development would read as a compliant tower fronting Ryedale Road, and therefore strict numerical compliance is unnecessary in managing the bulk of future development on the Site.

The future development envisaged in the Ryedale Road precinct is established within the Ryedale Road Precinct Character Statement within Ryde DCP 2014.

It is noted that increased heights have been permitted in the precinct to 'capitalise on the proximity to rail however, this capacity can only be realised if a corresponding density control (i.e, floor space ratio) is also provided. Otherwise, only the same amount of density is provided and does not encourage the envisaged patronage.

As is the case with the proposal, the development remains under the permissible building height, compliant with setbacks but non-compliant with the FSR. Given the amenity outcomes afforded the development, in this instance the FSR standard does not effectively control the bulk of future development as it hinders Council's desired future character.

Objective (b): to allow appropriate levels of development for specific areas,

The proposed development is appropriate for the site given the following:

- The proposal retains the street frontage identified as having heritage value;*
- It complies with all built form controls with the exception of FSR;*
- The design reads as two separate towers which minimises bulk;*
- A great density is appropriate given the proximity to rail and bus services.*
- The proposal is in keeping with the desired future character as expressed in the Ryedale Road precinct character statement as outlined in Ryde DCP 2014.*

ITEM 2 (continued)

Objective (c): in relation to land identified as a Centre on the Centres Map to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

As previously mentioned, there appears to be a significant disconnect between the height and FSR controls applicable to the Site, particularly if one of the key objectives is to encourage sustainable development patterns around key transport infrastructure. An increase in height does not provide a corresponding increase in density around the train station. The proposal complies with all built form controls except for FSR meaning that the proposal provides an acceptable built form outcome while encouraging sustainable transport patterns through appropriate density in close proximity to public transport options.

Essentially the 4.6 variation argues that as the proposal complies with height and setback controls, the FSR control should not be required to be complied with as to do so will prevent the redevelopment of the site to a capacity consistent with the height control and thus the desired future character of the precinct.

Whilst an assessment of the proposal against the specific objectives of clause 4.4 is provided under 4) below, the above justification is not accepted and it is considered that the applicant has not suitably demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

In particular, it is considered that there is no justification for the proposed extensive non-compliance with the FSR control particularly given the AHSEPP provides a 0.5:1 uplift above the FSR maximum that would otherwise apply to the site. The FSR and height controls work in tandem to control the form of development on a site; compliance with the height control does not mean the FSR control can essentially be ignored. In this regard, the following planning principle (Building Envelope) is relevant:

PDE Investments No 8 Pty Ltd v Manly Council [2004] NSWLEC 355

The question of whether a building envelope can be filled when the FSR control would produce a smaller building is one that arises from time to time in Court proceedings. The following planning principles are therefore of assistance:

i. FSR and building envelope controls should work together and both controls and/or their objectives should be met.

ITEM 2 (continued)

ii. A building envelope is determined by compliance with controls such as setback, landscaped area and height. Its purpose is to provide an envelope within which development may occur but not one which the development should necessarily fill.

iii. Where maximum FSR results in a building that is smaller than the building envelope, it produces a building of lesser bulk and allows for articulation of the building through setbacks of the envelope and variation in building heights.

iv. The fact that the building envelope is larger than the FSR is not a reason to exceed the FSR. If it were, the FSR control would be unnecessary.

If it is the applicants contention that the site is undevelopable with the current FSR control, a change to the control should instead be sought through the Planning Proposal process rather than through an ad hoc development application that requires significant non-compliance with a statutory planning control to proceed. This does not represent good planning and would be an unacceptable approach given the community would expect developments to largely comply with the controls contained in an LEP gazetted in September 2014 following full public exhibition.

3. Environmental grounds to justifying contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance. As detailed in the above section, the justification is not supported. The development will result in unacceptable impacts on the surrounding environment due to its excessive quantum of floorspace and resultant size and scale.

4. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the proposed development does not comply with the objectives of the zone. The objectives of the FSR clause in RLEP 2014 are as follows:

ITEM 2 (continued)

(a) to provide effective control over the bulk of future development.

Comment: The proposed development involves an additional 501m² of floorspace above the 2:1 allowed by the ARHSEPP. In context, the combined floorspace of the fourth, fifth and sixth floors (including corridors) is 520.6m². The proposed additional floorspace above the 2:1 maximum will therefore result in a fundamental and significant increase in the bulk and scale of the building.

Council's Urban Design Review Panel (UDRP) has raised concerns with the proposed FSR noting in their comments to the original scheme that whilst the building is within the permissible height control, the FSR of 2.9:1 is a substantial increase above the permissible FSR of 2:1 inclusive of the ARHSEPP bonus and well above the expected FSR for the site area and proposed use and height.

Comments on the amended scheme state that at 2.59:1 (understood at the time by the UDRP to be the proposed FSR), this remains significantly greater than the permissible FSR and that a number of issues remain with the design which suggests the density is still too high for the site. The Panel reiterated that it does not support the additional FSR.

Objections have also been raised by Council's Heritage Advisor with regard to bulk and scale of the proposal.

Accordingly, it is considered that the proposed development, as a result of the additional floorspace provided by the non-compliance with the 2:1 FSR control, will result in an unacceptably large and bulky building on the site and the proposal does not satisfy the objective of the control.

(b) to allow appropriate levels of development for specific areas.

Comment: The site is located within the West Ryde Town Centre and the Ryedale Road Heritage Conservation area. The appropriate FSR for the site in this context has been set at 1.5:1. Whilst Council accepts the 0.5:1 increase to 2:1 for the proposed development allowed by the ARHSEPP, it is considered that the provision of even further additional floorspace above this level and particularly to the extensive level of non-compliance proposed in this instance, represents an inappropriate level of development for the site. This will result in an adverse and unacceptable impact on the area including the surrounding conservation area. Compliance with the height and setback controls does not negate the fact the proposal is unacceptable in this regard. This objective of the control is therefore not satisfied.

ITEM 2 (continued)

(c) In relation to land identified as a Centre on the Centres Map – to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

Comment: No issue is raised in this regard. The site is well located around key public transport infrastructure and is considered to constitute a sustainable form of development.

The above objectives with regard to bulk of future development and appropriate levels of development for specific areas have not been satisfied. As such, the proposed development does not comply with the RLEP 2014 objectives for FSR.

5. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

Conclusion

The ARHSEPP provides a bonus 0.5:1 (302.8m²) GFA for the proposed redevelopment of the site. Notwithstanding the additional GFA permitted by the SEPP, the proposal seeks a further additional 501m² beyond the uplifted 2:1 FSR for the site resulting in an FSR of 2.82:1.

The proposed variation to the FSR control of RLEP 2014 is considered significant and will result in a larger, bulkier building than should reasonably exist on the site even with the ARHSEPP floorspace bonus. This will result in unacceptable adverse impacts on the streetscape and neighbouring properties and does not satisfy the objectives of the control. The development does not satisfy the criteria outlined in clause 4.6 and the variation is unacceptable and cannot be supported.

Clause 5.10 Heritage conservation

The site is not listed as a heritage item in Schedule 5 of the LEP, however it is located within the Ryedale Road Heritage Conservation Area. The provisions of clause 5.10 therefore apply to the proposed development. Although the site is also located within 100m of two heritage items (at 948 and 958 Victoria Road), these are both located on the southern side of Victoria Road and will not be impacted by the proposed development.

The objectives of clause 5.10 are as follows:

- (a) To conserve the environmental heritage of Ryde,*
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,*
- (c) To conserve archaeological sites,*
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

ITEM 2 (continued)

Given the location of the site within a heritage conservation area, part 5 of the clause requires a heritage assessment to be undertaken by the applicant and assessed by Council prior to any consent being granted. Although the required assessment has been undertaken, Council's Heritage Advisor has raised significant concerns with the assessment and the likely adverse impact of the proposal on the character of the conservation area. Part 13 of this report contains the Heritage Advisors comments. These conclude as follows with regard to the amended plans:

'In summary, the amended Heritage Impact Statement still does not provide sufficient justification for the proposed development, nor a robust heritage impact assessment. The amended plans do not demonstrate any substantial attempt at addressing the previous heritage issues raised, in particular reducing the height and bulk of the building when viewed from Ryedale Road. The plans in fact increase the height of the front tower structure.'

The proposed development is not supported on heritage grounds.'

Accordingly, the proposed development is not considered to satisfy the objectives of clause 5.10 and the application is unacceptable due to adverse impact on the character of the Ryedale Road Heritage Conservation Area.

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes
Clause 5.9 Preservation of trees and vegetation	No trees exist on the site.
Clause 6.1 Acid sulfate soils	The site is not impacted by acid sulfate soils.
Clause 6.2 Earthworks	Relevant matters nominated in this clause have been considered and no concerns have been identified.

ITEM 2 (continued)
(b) Relevant SEPPs
State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

Council's Environmental Health Officer has advised that SEPP 55 does not realistically apply as the proposed use as commercial/residential use remains the same. Given the existing use of the site and the unlikelihood of any potential land contaminating uses or activities having taken place on the site or on adjoining sites, it is considered that site is unlikely to be contaminated and the site is suitable for the proposed use.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development includes a "Boarding house" and accordingly the provisions of the ARHSEPP apply. The ARHSEPP contains development standards that the proposed boarding house is required to satisfy. The ARHSEPP requires Council to consider whether the design of the proposal is compatible with the character of the local area, and the ARHSEPP also requires a lesser car parking requirement for sites within "accessible areas" (i.e. within specified distances of regular public transport).

Division 3 of the ARHSEPP relates to boarding house development.

Affordable Rental Housing SEPP Compliance Table

Control	Proposed	Complies
Clause 26 – Land to which Division applies This Division (3) applies to land within any of following zones or within zone that is equivalent: Zone R1, R2 R3, R4, B1, B2 and B4.	The site is zoned B4 Mixed Use under <i>Ryde Local Environmental Plan 2014</i> . Division 3 of the ARHSEPP is applicable in this case.	Yes
Clause 27 - Development to which Division applies (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.	The proposed development is for the purpose of a ' <i>boarding house</i> '.	Yes

ITEM 2 (continued)

Clause 29 – Standards that cannot be used to refuse consent

<p>Clause 29. Standards that cannot be used to refuse consent</p> <p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which no residential accommodation is permitted – the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register – the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p> <p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	<p>Maximum FSR allowed under RLEP 2014: 1.5:1.</p> <p>Part 1(c)(i) however allows an additional 0.5:1 floorspace where the existing maximum FSR for a site is 2.5:1 or less. As such, an FSR of 2:1 is permitted on the site for the proposed development.</p> <p>Proposed: The subject site has an area of 605.5m² which equates to 1211m² of gross floor area. The proposed development will have a gross floor area of approximately 1712m² resulting in an FSR of 2.82:1. This is 501m² more than the maximum permissible gross floor area for the site (or 804m² over if based on the RLEP 2014 control of 1.5:1).</p>	<p>No – variation unacceptable. See full discussion further in report under FSR.</p>
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ITEM 2 (continued)

<p>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>Maximum building height allowed is 23m. Proposed: Maximum of 23m.</p>	<p>Yes</p>
<p>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The site does not currently contain any landscaping with the buildings constructed to the Ryedale Road street front. The existing facades are to be retained and no landscaping is able to be provided, or is required, within the front setback.</p>	<p>Yes</p>
<p>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>The communal room (and associated terrace) on level 6 of the western tower will receive the required minimum 3 hours of direct sunlight.</p>	<p>Yes</p>
<p>(d) private open space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20m² with a minimum dimension of 3m is provided for the use of the lodgers,</p>	<p>The communal room on level 6 of the western tower exceeds 20m² in area with a minimum dimension of 3m. In addition, private open space is provided for all but 4 of the proposed rooms.</p>	<p>Yes</p>
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8m² with a minimum dimension of 2.5m is provided adjacent to that accommodation,</p>	<p>Accommodation is provided for an on-site manager. Private open space for this unit exceeds 8m² with a minimum width of between 1.7m and 2m. Given the 14m² size of the proposed manager's accommodation, the proposed balcony is considered to be of a suitable size and amenity value for the future occupant notwithstanding the dimension not being a minimum of 2.5m.</p>	<p>No - acceptable</p>

ITEM 2 (continued)

<p>(e) parking if:(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, (ii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12m² in the case of a boarding room intended to be used by a single lodger, or (ii) 16m² in any other case.</p> <p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>43 boarding rooms are proposed as such 9 parking spaces are required to be provided plus 1 for the manager. 11 parking spaces are proposed.</p> <p>As amended, all single rooms will have a minimum gross floor area of 12m² and twin rooms will have a minimum gross floor area of 16m².</p> <p>Each room will have private bathroom facilities, laundry facilities and kitchenette.</p> <p>Although this clause allows a non-compliance to be approved by Council, the proposed non-compliance with the FSR control is significant and the additional floorspace is manifested in a larger building of unacceptable bulk and scale. As such, the non-compliance is not supported.</p>	<p>Yes</p> <p>Yes</p> <p>Noted</p> <p>Noted</p>
<p>Clause 30 – Standards for boarding houses</p> <p>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p>		
<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: (a) if a boarding house has 5 or more boarding rooms, at least</p>	<p>The development provides for a communal living room on level 6 of the</p>	

ITEM 2 (continued)

<p>one communal living room will be provided,</p>	<p>western tower.</p>	<p>Yes</p>
<p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m²</p>	<p>No rooms are larger than 25m² excluding bathrooms and kitchen facilities.</p>	<p>Yes</p>
<p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p>	<p>Complies – As per the draft Plan of Management, no boarding room will be occupied by more than 2 adult lodgers. In the event of approval, a condition would be imposed to ensure this.</p>	<p>Yes</p>
<p>(a) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p>	<p>All rooms will have their own bathroom and kitchen facilities.</p>	<p>Yes</p>
<p>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p>	<p>A suitable room has been provided for an on-site manager.</p>	<p>Yes</p>
<p>(f) (Repealed)</p>		
<p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p>	<p>The site is zoned B4 mixed use – no part of the ground floor level fronting Ryedale Road is proposed for residential accommodation.</p>	<p>Yes</p>
<p>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>9 motorcycle spaces and 9 bicycle storage spaces are required. 10 motorcycle spaces and 11 bicycle storage spaces are proposed.</p>	<p>Yes</p>

ITEM 2 (continued)

<p>Clause 30A – Character of local area.</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>Refer to the discussion below the table.</p>	<p>Noted</p>
<p>Clause 52 – No subdivision of boarding houses</p> <p>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house</p>	<p>No strata or community title subdivision is proposed.</p>	<p>Yes</p>

Character of the Area (Clause 30A of the ARHSEPP)

Clause 30A of the ARHSEPP requires Council to consider whether the design of the development is compatible with the character of the local area.

The site is located within the Ryedale Road Heritage Conservation Area. The Character Statement in the DCP (Part 4.3 West Ryde Town Centre) for this precinct states:

'The Ryedale Road precinct is envisaged to be a future mixed use precinct benefiting from a variety of residential, commercial and retail development, and its close proximity to the rail corridor, the retail core of West Ryde, and Anzac Park.

Development on the east side of the railway will consist of a mix of ground level commercial and retail combined with residential units above. Increased heights are permitted in this precinct to capitalise on the proximity to rail. The open space of Anzac Park will balance the scale of the development, and makes the location an appropriate precinct for this type of built form.

The West Ryde Railway Station will activate surrounding businesses and create opportunities for new linkages, connecting Ryedale Road Precinct with the Retail Core. Active uses are to be promoted at the ground and lower levels of development to promote vibrancy and passive and active surveillance of the public domain.

New development adjacent to Anzac Park should enhance the interface with this open space location, ensuring opportunity for views to Anzac Park from the surrounding area, whilst minimising any adverse impacts on the open space. The precinct will also need to recognise the interface between the higher density residential development and the adjacent retail development.

ITEM 2 (continued)

Much of the Ryedale Road Precinct is a Heritage Conservation Area. Future development will also ensure an enhanced recognition and interpretation of the Heritage Conservation Area, as any future development should recognise the significance of the area and incorporate it into the design.'

As detailed previously in this report, Council's Heritage Advisor advised that the original proposal was unsatisfactory and fundamentally at odds with the character of the conservation area. It was strongly recommended that the proposed building needed to be significantly reduced in scale and massing and to introduce a much greater setback to the podium fronting Ryedale Road. With regard to the amended plans, it was further advised that whilst the redesign does to some degree reduce the bulk and scale of the development, '*...the increased height to the front further exacerbates the actual and perceived incompatibility with the building height and bulk, particularly when viewed from a pedestrian scale within Ryedale Road*'.

In addition, Council's UDRP have commented that that the scale of the building is a concern given the site is located within a heritage conservation area (see SEPP65 consideration below).

Although the maximum height control is 23m (increased from 15.5m under the provisions of RLEP 2010), the FSR control is 1.5:1 limits the bulk and scale of future development whilst the character statement for the precinct requires any future redevelopment to recognise the heritage significance of the area and to incorporate that into the design.

As such, whilst the area may undergo a transition in the future as established buildings are redeveloped, the design of new developments must still be sensitive to the heritage character of the area and mere compliance with the 23m height control, as in this instance, is likely to be insufficient in this regard.

In view of comments received from Council's Heritage Advisor and UDRP, it is considered that the proposed development is not consistent with the vision and desired future character of this area and will adversely impact on the character of the Ryedale Road Heritage Conservation Area. The building will be out of scale in relation to current buildings and likely future development. Furthermore, approval of a building with the proposed level of non-compliant floorspace, would likely result in other neighbouring redevelopments seeking similar variations (minus the 0.5:1 allowed for boarding houses under the ARHSEPP) resulting in even greater adverse impacts on the conservation area.

It is therefore concluded that the proposed development is not consistent with the existing or desired future character of the area.

ITEM 2 (continued)

SEPP BASIX:

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 584370M dated 25 March 2015) which provides the development with a satisfactory target rating.

Appropriate conditions can be imposed requiring compliance with the BASIX commitments detailed within the Certificate.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development. This policy is applicable to the development as the building is defined as a Class 3 building under the Building Code of Australia. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 10 SEPP 65 Design Quality Principles;
- The NSW Residential Flat Design Code guidelines;
- Urban Design Review Panel

Design Quality Principles

Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the Environmental Planning and Assessment Regulation, this application is accompanied by a response to the design principles, as prepared by the project architect.

The following table provides an assessment of the proposal against the 10 design principles of the SEPP:

Design Quality Principle	Comment
<p>Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements</p>	<p>The redevelopment of this site will not be consistent with the desired future character for the Ryedale Road Heritage Conservation Area as identified in Ryedale Road Character Statement contained in Part 4.3 of RDCP 2014. The character statement requires future development to recognise the heritage significance of the area and incorporate it</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>into the design. Council's Heritage Advisor objects to the proposed design as it is considered it will have an adverse impact on the character of the precinct (see Part 9(a) and 13 of this report). The proposal is therefore not considered acceptable with regard to context.</p>
<p>Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale in terms of height is consistent with the height control identified in RLEP 2014. Under the ARHSEPP, any boarding house development that complies with the maximum height control for a site cannot be refused on the grounds of building height.</p> <p>However, the scale of a development is also set by the amount of floorspace provided and the overall design. In this regard, the proposed development significantly breaches the maximum FSR for the site thus resulting in a larger, bulkier scale building than should otherwise reasonably exist on the site. This will be in contrast to existing development on neighbouring sites and the desired future character which will reasonably be expected to comply with the planning controls including FSR. In that respect, approval of this development could however set an undesirable precedent which would adversely alter the desired future character of the area.</p> <p>As detailed below, Council's UDRP also raise concern with regard to the scale of the development with regard to its location within a heritage conservation area as does Council's Heritage Advisor.</p> <p>As such, the bulk and scale of the proposal is considered unacceptable and will impact on the existing character and the desired future character of the precinct.</p>
<p>Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p>	<p>The built form of the proposed building is considered unacceptable due to excessive bulk and scale. The building will impact negatively on the existing and emerging character of the surrounding streetscape.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	
<p>Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The proposal does not comply with the revised maximum FSR for the site of 2:1 as allowed by the ARHSEPP 0.5:1 uplift. As such, the proposed building is substantially larger than a complying form of development and does not conform to the desired density and scale of development for this location.</p> <p>Whilst the site is located in close proximity to public transport, this does not justify the proposed excessive density in terms of floor space.</p>
<p>Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved.</p> <p>A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's Environmental Health Officer.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>Landscape Landscape design enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>The site contains no existing landscaping and none is proposed at ground level as part of the proposed development. Some planter boxes are proposed within the communal open space on level 1 and level 6. A landscape plan is required to ensure suitable landscaping occurs above ground level.</p>
<p>Amenity Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The design and orientation of the 43 boarding house rooms does not allow a sufficient level of amenity for all future occupants of the building.</p> <p>Although the development complies with the controls contained in the ARHSEPP, it does not comply with all relevant controls contained within Council's DCP2014 in relation to boarding houses. In particular, concern is raised regarding the lack of indoor communal space, the location of indoor communal open space, and inadequate drying facilities. This is in addition to FSR and size and scale issues.</p> <p>In addition, the UDRP have raised specific concerns regarding the amenity of a number of rooms which need to be addressed prior to Council considering approval (see UDRP comments below).</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>Safety and Security Good design optimises safety and security, both internal to the development and for the public domain.</p>	<p>The application has been reviewed by NSW Police. Appropriate outcomes can be achieved through conditions in the event of approval being granted.</p> <p>The development is generally consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> ➤ Clearly located entries to the boarding house and commercial uses. ➤ Constant passive surveillance of Ryedale Road and Ryedale Lane. ➤ Clear definition between public and private spaces, with residents only able to access the residential domain. <p>However, the UDRP have expressed concern with regard to 4 parking spaces which directly adjoin Ryedale Lane rather than being contained within the secure area of the car park i.e. within the roller door. In addition to cars in these spaces potentially being subject to crime given their sheltered location, there is no clear path of travel provided for uses of these spaces to the lobby and lift. This is considered to be a poor outcome and is included in the reasons for refusal.</p> <p>Despite community concerns, there is no justification for the future occupants of the proposed boarding house to be considered a threat to the safety of the local community.</p>
<p>Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p>	<p>The proposal, as amended, comprises 43 boarding house rooms plus one managers apartment as follows:</p> <ul style="list-style-type: none"> • 10 x single bedrooms; and • 33 x double bedrooms. <p>2 rooms (1 & 2) are proposed to be adaptable and 3 are proposed to be accessible (16, 23 and 30).</p> <p>The development will provide much needed additional affordable housing within the Ryde LGA. The site is highly accessible to public transport and local shopping and is considered a suitable location for affordable housing.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	
Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The proposed building aesthetics are not supported at this stage as the UDRP and Council's Heritage Advisor have raised various concerns in relation to works to the existing Ryedale Road façade, projecting blade walls on balconies, proposed materials, and appearance of the party walls which may remain visible for some time until adjoining sites redevelop.

Residential Flat Design Code

The SEPP requires consideration of the "Residential Flat Design Code" (RFDC) which supports the 10 design quality principles by giving greater detail as to how those principles might be achieved. However, given the residential element of the proposed development is a boarding house, the proposal is more relevantly and appropriately assessed under the provisions of the ARHSEPP and Part 3.5 (Boarding Houses) of Council's DCP 2014.

Urban Design Review Panel

A pre-lodgement meeting for the redevelopment of the site was not sought by the applicant. Following lodgement of the development application, a meeting was held with Council's UDRP on 16 December 2014. The Panel provided the following comments on the proposal:

Context

The design approach does not adequately consider the existing and future context in the proposal. Greater consideration of streetscape and impacts on adjacent properties is needed.

ITEM 2 (continued)**FSR**

The proposed floor space is stated as 2.9:1. There is some discrepancy between the site area on the survey and the FSR table. While the building is within the permissible height control, the FSR is a substantial increase above the permissible 2.0:1 inclusive of the Affordable Housing bonus and well above the expected FSR for the site area and proposed use and height. The Panel does not support the additional increase in FSR and notes that the poor internal amenity of units is a direct outcome of the excessive floor space.

The breezeway is really an internal corridor and should be counted as floor space.

Floorplate

The proposal includes two light wells up to 6 storeys in height in the centre of the plan. The Panel does not support this configuration as it results in very poor amenity for the single aspect units facing the light wells. (Refer to Residential Amenity)

As an alternative design, the plan could be refined into an “H” shaped plan with a western building and eastern building, a consolidated central courtyard and a corridor bridging the two buildings. The achievement of an adequate central courtyard space requires deleting Units 11, 12 and 13 and reorienting units in the rear wing to face the laneway.

Room Size and Layout

A number of units are below the minimum floor area required in the AHSEPP, for example unit 12 and 13 and similar units on above levels.

In many units the kitchen is collocated with the entry hallway. This configuration limits the functionality of the hallway, particularly where two people are likely to share a room.

Some units, for example Unit 15, have convoluted entries and hallways which waste valuable floor space in compact boarding house units. A more consolidated unit plan such as in Unit 7 is preferred as the regular room shapes and layout provides more flexibility in furniture layout and better use within a constrained area.

Residential Amenity

The residential amenity of the proposed units and common spaces is significantly impacted by the density of units as follows:

- Overly deep light wells (6-7 storeys) provide insufficient daylight and natural ventilation to common areas and to single aspect units adjacent.*
- Visual and aural privacy between units and communal areas is poor. The balcony to communal rooms on all floors overlook units along the shared light well.*

ITEM 2 (continued)

- *Overlooking between units across light wells. For example between Units 12, 13 and 14 and from Unit 11 and above to private open space for Unit 1.*
- *Poor outlook to units located in the centre of the floor plan. Outlook is limited to blank walls across narrow depth, for example Unit 11, 12 and 13.*
- *Communal open space at the base of light wells is poorly configured and limited in use. The plan suggest the communal open space is shared with the commercial tenancy. This create conflicts between uses and public verse private access. The configuration and dimensions of the space constrain its usefulness as open space. Part of the communal open space at ground level is overhung by the building over further limiting the use of the space.*
- *Private open spaces at the base of light wells have little access to daylight and natural ventilation. Overlooking from above further limits the usefulness of these spaces.*

Overshadowing

While the drawings submitted to the panel include a shadow analysis, the surrounding context is not included. The proposal is likely to overshadow the residential apartment building and its communal courtyard to the east across the laneway. A more detailed overshadowing analysis should be provided and the built form amended in response to the likely impacts.

Architectural Expression

The façade along Rydale Road appears to retain the existing façade and add a more contemporary façade at upper levels. The existing façade in the drawings does not match the retained façade, for example the piers are amended to have a consistent width and window openings are relocated.

The Panel questions the value of retaining and adapting the existing façade. The proponents did not provide heritage advice in response to the conservation area location. Contextually, the two storey datum, street awning and rhythm of 3 buildings expressed by the existing piers reflect the existing fine grain scale and use along the street. This pattern could be equally adapted in a new building.

The design approach to the western façade includes a more solid, masonry two storey base and upper levels with expressed balconies and blade walls. This approach could be appropriate to the site. However the proposed detail, which accentuates the middle bay at upper levels with an orange accent is contrary to the retained façade with the accent (taller wall with more detail) on the southernmost bay. The vertical proportions extruded from the existing façade with deep shadows between them will dominate the street scale and overly accentuate the vertical dimension.

ITEM 2 (continued)

The Panel recommends the façade design be refined to better integrate the lower masonry levels with the upper levels. The proponent should also analyse the street character, including the built form along the street, and develop a suitable built form and façade design strategy for the proposal.

Recommendations

The proposal is an overdevelopment of the site and should be amended to comply with the permissible floor space and to address the above comments. The revised proposal should be submitted to the Panel for review.

Following a review of the Panel's comments, the applicant submitted amended plans on 27 March 2015, details of which are detailed previously in this report. The amended proposal was reviewed by the Panel on 29 April 2015 and the following comments were subsequently received:

FSR

The proposed FSR has been reduced from 2.9:1 to 2.59:1 however the FSR remains significantly greater than the permissible floor space of 2:1 inclusive of the affordable housing bonus. As outlined below in this report, a number of issues remain with the design, which suggests that the density is still too high for the site. The Panel reiterates the previous report and does not support the additional FSR.

Commercial Tenancy

Commercial tenancy has been increase in area to be more useful. The tenancy does not have access to the car park and it is not clear how servicing of this use is to be accommodated.

Car Park

Car park spaces are split between the internal car park and external spaces adjacent to the laneway. The spaces in the laneway are allocated to residential use. It is not clear how residents access the lift core from these spaces. The Panel is concerned with the safety and security of this arrangement. Ideally all car parking spaces should be contained within the car park and have a clear path of travel to the lobby and lift.

Communal Spaces

The communal open space on Level 01 is not designed. A landscape architect should be engaged to design all open spaces. The design of the spaces should address their use for respite, seating and outlook and at Level 01 the circulation between the two building parts. Plants would assist in creating a more pleasant space and should be selected to suit the shady condition. Adequate soil depths and irrigation is needed to ensure their viability.

The communal room and external open space on Level 7 offers greater amenity for residents. The Panel questions the size of communal living room (26sqm) for the number of residents. Council's DCP requires 15sqm per every 12 residents. This would equate to 96sqm for the proposed 77 lodgers.

ITEM 2 (continued)**Residential Amenity**

As a result of the revised building form, the layout and amenity of many of the rooms has been improved and room sizes increased to meet the Affordable Housing SEPP. A number of amenity issues remain as follows:

- Rooms 1 – This room on the ground floor has limited outlook to a small courtyard and blank wall and is overlooked by the Level 1 communal open space and main pedestrian path between the two building parts. The Panel recommends deleting this room.*
- Rooms 2 and 3 - These rooms are located on the ground floor with no outlook and with compromised privacy and daylight access. Room 2 is particularly poor with the private open space enclosed by the Level 1 balcony and a high privacy fence, leaving only a small gap for daylight. Room 3 is also poor with half of its private open space overhung by Level 1 balcony. The Panel recommends deleting these rooms.*
- Rooms 7 and 12 – There is insufficient separation between balconies. Balconies overlook and overhang private open space below at ground level, which significantly limits the amenity and usefulness of these spaces*
- Room 11 – Much of the floor space within this room is allocated to corridor space, which significantly limits how the room can be used and furnished.*
- Room 10 – The kitchen is co-located with the entry to the unit and is constrained in circulation and use. Swapping the kitchen and laundry would improve the functionality of the kitchen.*
- Rooms 12, 33 and 40 – At the junction of the kitchen and the laundry is a niche that cannot be utilised. In small rooms, where space is at a premium, wasted areas of floor space should be avoided.*

Overshadowing

Overshadowing diagrams do not distinguish between existing overshadowing and that which results from the proposed development.

Along the laneway, blade walls at the side boundaries extend into the laneway setback. These blades contribute to overshadowing of the apartment building to the east and the Panel recommends the blades be removed.

Architectural Expression

The Ryedale Road façade has been amended to retain and restore the existing 2 storey building façade.

The new façade above the existing façade, is articulated in 3 bays with the central bay accentuated in colour and height. The emphasis on the central bay does not relate to the existing façade, which has 2 matching bays on the north side and a slightly higher and more detailed bay on the south side. The projection of the blade walls and balconies into the 3m upper level setback zone overwhelms the scale of the existing façade and increases the visual bulk of the upper levels, particularly

ITEM 2 (continued)

when viewed obliquely along the street. The Panel notes that the site is within a heritage conservation area, and that the scale of the building is a concern.

The Panel recommends grouping the bays together, reducing the number of blade walls and changing the materials to reduce their solidity. The extension of the central bay up to the communal room at Level 7 should be reduced to create a clear datum at the top of Level 6. This will assist in reducing the perceived height of the building.

The blank party walls are likely to be visible for some time until adjacent sites redevelop. Further consideration of the appearance of these walls is needed, for example a change in material or texture to create visual relief.

Recommendation

The Panel does not support the design and recommends that the proposal be revised to address the comments above and be resubmitted to Panel for review.

The amended proposal is therefore considered unacceptable by the UDRP with significant concerns remaining regarding FSR, the proposed parking arrangement, communal space, residential amenity, overshadowing and architectural expression including the scale of the building within the heritage conservation area. These concerns combined with the planning issues identified in this report mean the application cannot be supported and should be refused.

(c) Relevant REPsSydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

(d) Any draft LEPs

There are no draft LEPs applicable to the proposed development.

ITEM 2 (continued)**(e) Any DCP**Ryde Development Control Plan (DCP) 2014

The proposed has been assessed using the development controls contained in the Ryde DCP 2014.

Part 3.5 Boarding Houses

The DCP Compliance Table pertaining to the proposed boarding house is held at **Attachment 1** to this report. Non-compliances of significance identified in this table are:

- Section 2.3(a): Incompatible with character of the local area;
- Section 2.3(c): Not designed sympathetically with regard to the character of the Heritage Conservation Area;
- Section 2.3(f): Unacceptable size and scale;
- Section 3.6(c)(ii): Inadequate indoor communal living space for future residents;
- Section 3.6(d): The design does not optimise safety and security due to parking spaces being located directly adjacent to Ryedale Lane and not within the secure car park area;
- Section 3.6(e)(i): Inadequate boarding room design;
- Section 3.6(e)(ii): Inadequate indoor communal living space for future residents; and
- Section 3.6(e)(v): Inadequate clothes drying facilities will be provided for future residents.

The above non-compliances are considered unacceptable. As such, they have been included in the reasons for refusal.

Part 4.3 West Ryde Town Centre

The DCP Compliance Table pertaining to the proposed development is held at **Attachment 2** to this report. Non-compliances of significance identified in this table are:

- Section 3.1.1(b): The proposal does not comply with the RLEP 2014 FSR control resulting in a development of inappropriate bulk and scale;
- Section 3.3.1: The proposal does not maximise solar access to neighbouring residential properties;
- Section 3.4.2: Appropriate landscaping has not been demonstrated as a landscape plan has not been provided; and
- Section 4.3.1: The proposal is not sympathetic to, and will adversely impact, the Ryedale Road Heritage Conservation Area.

ITEM 2 (continued)

With the exception of a balcony not being provided to 4 of the proposed rooms, the above non-compliances are considered unacceptable. As such, they have been included in the reasons for refusal.

Part 7.1 Energy Smart, Water Wise

This DCP provides a strategic framework for achieving sustainable development and new developments are required to comply with the minimum energy performance standard.

Due to the introduction of the BASIX legislation, any provisions of the Council's DCP that intends to reduce the consumption of mains supplied water, or reduce emissions of greenhouse gases or improve the thermal performance of a building have no effect. This is only applicable to the residential component of the building. For this reason, there is no additional requirements that impact on the residential component.

The following table demonstrates the requirements for the commercial uses.

Control	Comment	Compliance
New Shops, Industrial and Commercial Premises		
The total anticipated energy consumption for the base building is no greater than 450MJ/am ² for commercial uses and 900MJ/am ² for retail uses.	No information was submitted with the development application to demonstrate compliance. A condition of consent could be imposed.	Yes
Hot water systems must consider the most efficient option available to minimise greenhouse gas emissions.	A condition of consent could be imposed.	Yes
Water efficient fixtures are to be installed to all showerheads and toilet cisterns. These are to achieve AAA rating.	A condition of consent could be imposed.	Yes
The use of electrical appliances such as dishwashers, refrigerators, freezers and washing machines are to have a minimum Energy Star Rating of 4.5 Stars.	A condition of consent could be imposed.	Yes
The installation of energy efficient lighting, motion detectors and dimmers is encouraged.	A condition of consent could be imposed.	Yes

ITEM 2 (continued)

Part 7.2 Waste Minimisation and Management

As the development involves the demolition and construction of buildings, the applicant submitted a Waste Management Plan (WMP) with the application. A revised WMP was subsequently submitted with the amended plans. This has been reviewed by Council's Environment Health Officer and Waste Officer and is considered satisfactory. In the event of approval being granted, appropriate conditions of consent would be recommended to ensure appropriate ongoing waste management.

Part 9.2 Access for People with Disabilities

This DCP requires that for mixed use development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. The commercial component of the development is required to comply with all of the applicable provisions of the DCP.

The application suitably demonstrates that the proposed development will comply with the DCP access requirements.

Part 9.3 Parking Controls

Council's Senior Development Engineer has reviewed the proposed parking provision against Council's DCP requirements as follows:

'The proposed development is noted to provide;

- *10 motorbike parking spaces*
- *11 bicycle storage racks*
- *10 carspaces for boarding house occupants.*
- *1 carspace for a boarding house manager.*
- *2 carspaces dedicated to the proposed commercial floor use.*

Council's DCP Part 9.3 (Parking) stipulates a parking demand rate dependant on the number of bedrooms proposed for each boarding house unit. As per the DCP, Boarding Houses in accessible areas (such as this application) require 0.2 parking spaces per 1 bedroom units which correlate with the provisions of the SEPP (Affordable Rental Housing – 2009) which are held in regard for this application. Under Part 2, Division 3, Clause 29 of the SEPP ("Standards which cannot be used to refuse consent."), the development must provide a level of parking no less than 0.2 spaces per boarding house unit, regardless of the number of bedrooms. As the applicant has satisfied this, it does not warrant further consideration.

ITEM 2 (continued)

It is noted that the applicant has nominated that the ground floor commercial space is to be for office use, labelled "OFFICE/ BUSINESS COMMERCIAL". Councils DCP differentiates parking demands between office use (1 carspace per 40m²) and retail (1 carspace per 25m²). It is pertinent to note that any retail use of this floor space would have a parking demand exceeding the level provided on site.'

As noted above, the ARHSEPP stipulates minimum parking rates for boarding houses (0.2 spaces per room in an accessible area). On this basis, 9 spaces are required for the boarding house whereas 10 spaces are proposed. In such instance, the SEPP states that a consent authority must not refuse consent on grounds of parking. Given the site is located within an accessible area and the proposal satisfies the ARHSEPP requirements, the RDCP 2014 parking requirements for boarding houses are mute.

As amended, 118m² of commercial/retail floorspace is proposed. As noted in the comments above, the parking requirement for this area varies according to its potential future use which is currently unknown. Should commercial use occur, 3 parking spaces are required at a rate of 1 space per 40m². Should retail use occur, 5 spaces are required at a rate of 1 space per 25m².

The proposal therefore involves a non-compliance of between 1 and 3 spaces with Council's DCP control and this issue is included in the reasons for refusal.

City of Ryde Section 94 Development Contribution Plan 2007

The development will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan. In view of the recommendation for refusal, Section 94 contributions have not been calculated.

10. Likely impacts of the Development

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2014 and Submissions sections). However the following issues require further specific comment:

(a) Built Environment***Overshadowing***

The proposal complies with the maximum height control of 23m whilst the Part 4.5 of the RDCP 2014 (West Ryde Town Centre) requires the following with regard to solar access:

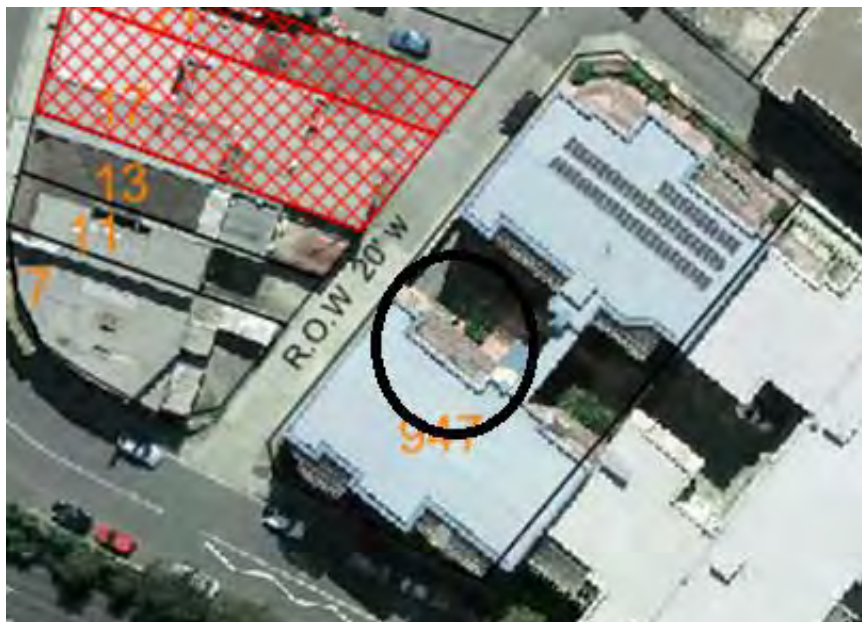
ITEM 2 (continued)

Demonstrate access to sunlight is to be substantially maintained so that existing private and public open spaces, footpaths and existing windows to habitable rooms in adjoining buildings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June (winter solstice).

Given the interrelated nature of this issue to height, FSR and building design and the reasonableness of any loss of sunlight to neighbouring properties notwithstanding the minimum 3 hours referred to in the DCP, the issue of overshadowing is more appropriately addressed in this section of the report.

The proposed development will impact solar access to residential units located at 947-949 Victoria Road to the south-east of the site during the afternoon in midwinter. A petition of objection containing 13 signatures was received from residents of 947-949 Victoria Road in response to notification of the original plans. Issues raised included loss of afternoon sunlight. In addition, 5 of the 16 submissions in relation to the amended plans are from residents of 947-949 Victoria Road with specific concerns raised regarding overshadowing.

947-949 Victoria Road is a residential apartment building divided into two blocks. The shadow impact arising from the proposed development concerns north-eastern facing units in the southern block (see area circled in image below).



ITEM 2 (continued)

A photograph of this area of the building taken from Ryedale Lane is also provided below:



Whilst the shadow diagrams provided with regard to the impact are not particularly clear, the diagrams do sufficiently demonstrate that the level of overshadowing to windows and balconies will increase to the 3 north-eastern facing units in the southern block (on the right hand side of the photograph above) from approximately 11am to approximately 2.30pm in midwinter.

Whilst the Statement of Environmental Effects provides no specific consideration of this issue, it is understood from discussions at the UDRP meeting that the applicant considers the level of shadow impact acceptable given the proposed development complies with the 23m maximum height control and the subject units will still receive sunlight during the morning in midwinter.

With regard to these arguments, the planning principle (access to sunlight) contains the following relevant points:

The Benevolent Society v Waverley Council [2010] NSWLEC 1082

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

ITEM 2 (continued)

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

With regard to the first point above, the unit on the top floor currently receives solar access in midwinter from 9am until approx. 1.30pm to its windows and until approx. 2pm to the majority of its balcony. This would be reduced to approx. 1pm to its windows and balcony. As such, 4 hours would be retained and approx. 30 mins would be lost to the windows and approx. 1 hour would be lost to the balcony.

The unit on the middle floor currently receives solar access in midwinter from shortly after 10am until approx. 1.30pm to its windows and until approx. 2.30pm to its balcony. This would be reduced to approx. 12.30pm to its windows and balcony. As such, approx. 2.5 hours would be retained and approx. 1 hour would be lost to the windows and approx. 2 hours would be lost to the balcony.

The unit on the lower floor currently receives solar access in midwinter from shortly after 11am until approx. 1.30pm to its windows and until approx. 2.30pm to its balcony. This would be reduced to approx. 12pm to its windows and balcony. As such, less than an hour would be retained and approx. 1.5 hours would be lost to its windows and approx. 2.5 hours would be lost to the balcony. Whilst it is noted that the current resident of this unit has erected a screen on the edge of the balcony, it is temporary in nature does not mean the issue of solar access to this unit should be discounted.

On the basis of the above, the amount of sunlight lost to these units is not insignificant and requires consideration of the proposed development to establish whether the impact could be reduced through an improved design as per the second point of the planning principle above.

In this regard, it is important to reiterate that the proposal does not satisfy numerical controls. As detailed previously in this report, the proposed development involves a significant non-compliance with Council's FSR control of 1.5:1 (increased to 2:1 due to the ARHSEPP). This equates to an approx. additional 501m² of GFA resulting in an FSR of 2.82:1. It is clear that such a quantum of additional floorspace inevitably results in a larger building than should otherwise exist on the site. Whilst compliance with the height control is noted, it is emphasised that both the height and FSR controls must be considered in tandem, and that compliance with one does not mean the other becomes irrelevant.

ITEM 2 (continued)

In terms of design, the UDRP have provided the following comments with regard to overshadowing:

16/12/14: While the drawings submitted to the panel include a shadow analysis, the surrounding context is not included. The proposal is likely to overshadow the residential apartment building and its communal courtyard to the east across the laneway. A more detailed overshadowing analysis should be provided and the built form amended in response to the likely impacts.

29/4/15: Overshadowing diagrams do not distinguish between existing overshadowing and that which results from the proposed development. Along the laneway, blade walls at the side boundaries extend into the laneway setback. These blades contribute to overshadowing of the apartment building to the east and the Panel recommends the blades be removed.

Recommendation

The proposal is an overdevelopment of the site and should be amended to comply with the permissible floor space and to address the above comments.

Conclusion

The development is significantly larger than the FSR control for the site allows for. The additional size, bulk and scale of the development casts additional shadow to neighbouring residential units. The loss of solar access to these units is not minor and is considered unreasonable in the context of Council's controls and the degree of impact residents of these units could reasonably anticipate from redevelopment of the site.

The application is therefore considered unacceptable in its current form with regard to overshadowing. A development that complies with the FSR control and accordingly is reduced in size and bulk and which fully considers the design in terms of minimising any shadow impacts to 947-949 Victoria Road is required.

(b) Natural Environment

No adverse impacts will occur with regard to the natural environment.

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 affected by the following constraint:

Heritage Conservation Area: The site is located within the Ryedale Road Conservation Area. (see LEP consideration of heritage in part 9 previously in this report and Council's Heritage Advisors comments in part 13 of this report below).

ITEM 2 (continued)

12. The Public Interest

The proposed building will not be compatible with the scale and form of development in the surrounding area and envisaged by the current controls. The proposal will have adverse impacts on the surrounding streetscape and character of the conservation area, and will detrimentally and unreasonably impact on neighbouring residential properties in terms of overshadowing.

Overall and having regard to the assessment contained in this report, it is considered that approval of the development would not be in the public interest.

13. Consultation – Internal and External

Internal Referrals

Heritage Advisor: Council's Heritage Advisor provided the following comments with regard to the original proposal:

'The subject site is located towards the southern end of the Ryedale Road Heritage Conservation Area, and whilst the subject site (Nos.17-21) is not individually listed as a heritage item, the buildings read as forming an integral part of the cohesive and intact retail/commercial built forms from the Inter-war period. The buildings evidence a construction period of (c1920s-1930s).

The existing Statement of Significance for the conservation area suggests that the buildings are not of individual aesthetic significance, although contributing to, and reinforcing, the continuum of the predominant two storey character, presenting to the streetscape with the traditional ground floor retail / commercial premises with residential accommodation to the upper storey.

It is acknowledged that Council have established planning controls for the Ryedale Road precinct which envisage a higher built form than presently established, recognising particularly, the opportunity to capitalise on the close proximity to the rail corridor.

The Ryde DCP 2014 provides a Character Statement for the Ryedale Road precinct of the West Ryde Town Centre, which permits increased heights to capitalise on the proximity to the rail corridor. However, future development is required to ensure an enhanced recognition and interpretation of the heritage conservation area, by recognising the significance of the area and incorporating the significance into the design, as well as continuing active uses on the ground floor levels.'

ITEM 2 (continued)

Following a review of the submitted Heritage Impact Statement (HIS) which is concluded to be inadequate, Council's Heritage Advisor raised a number of specific concerns with the proposal as follows:

- a) *The subject site is located within a heritage conservation area. Subsequently, development must respond to the inherent characteristics of the built form and the significance of the conservation area. New development must ultimately, contribute to and enhance, the cultural significance of the conservation area.*

The significance of the conservation area is derived from the intact and prominent positioning of the shops with the predominant two-storey building height.

In this regard, the proposed part 6 storey and part 7 storey development will be fundamentally at odds with the cohesive character of two-storey buildings within the heritage conservation area.

- b) *While it is acknowledged that the proposed building is below the maximum permissible building height plane, the resulting built form significantly exceeds the permissible FSR control and results in an unacceptable and imposing height and scale, particularly exacerbated due to the absence of any similar built forms within the heritage conservation area.*
- c) *The proposed built form does not provide for any transition in the building heights or form by virtue of increasing setbacks to the side elevations proportionate to the building height.*
- d) *The proposed building has been designed to retain the façade to the ground and first floor, presenting as a podium level. The setback between the podium level and the residential tower however, will not sufficiently delineate between the two building components and will not allow for the silhouette of the original two storey building to be clearly expressed and appreciated, particularly as oblique viewing angles are integral to the way in which the long commercial streetscape is viewed and appreciated.*

The building will essentially present to Ryedale Road as a 6 storey building and a 7 storey building to the rear laneway.

It is recommended that a deeper front setback to the residential tower be incorporated. An increased front setback will also reduce the sense of imposing scale and height at a pedestrian scale.

- e) *The proposed materiality of the building is generally acceptable and incorporates materials and finishes that are compatible with the built forms and their materiality which comprise the heritage conservation area.*

ITEM 2 (continued)

- f) *The architectural treatment to the Ryedale Road elevation incorporates vertically fluted rescissions which assist in the modulation of the front façade and are considered an interpretation of the masonry nib walls to the existing two storey building.*

This architectural feature assists in the visual integration of the tower development, however may be considered to exacerbate the verticality of the building, increasing the perception of inappropriate height. Consideration should be given to the appropriateness of this element in its full extent.

- g) *The subject site essentially comprises two separate buildings (No.17 and Nos.19-21). Nos.19-21 display differing architectural treatment to the front façade of No.17. The proposal seeks to incorporate Nos.17 & 19-21 into the overall building to read as a single built form, conjoined through the proposed residential tower atop which incorporates a high degree of symmetry.*

However, because No.17 reads as a separate building through its differing architectural detailing, incorporation into the building to read as an overall single building is not considered appropriate.

- h) *While the proposal has been designed around the retention and incorporation of the front façade of the existing buildings, the proposal still involves the modifications, including the removal and replacement of the existing ground floor openings, most significantly, the increased opening to No.19 to create a central and prominent entry to the residential tower.*

At the first floor, it is proposed to remove all existing windows and construct a pair of double-hung sash windows to each building façade. This is considered an inappropriate response to the façade treatment.

Conclusion

Based on the fundamental concerns raised above, the proposal cannot be supported in its current form.

Further heritage assessment is required, in particular, detailed consideration of the significance of the subject site and its contribution to the conservation area, in order to inform the development proposal.

The above comments with respect to the design and impact on the significance of the conservation area must also be addressed.'

ITEM 2 (continued)

Following the receipt of amended plans and additional information including a revised HIS, the following comments have been received:

'Amended plans have been received in response to the previous issues raised, including numerous concerns regarding the impact on the heritage significance of the heritage conservation area.

A revised Heritage Impact Statement has been submitted. In considering the revised HIS, the following comments are provided:

- i) The HIS still does not provide any assessment on the building's contribution to the significance and heritage values of the heritage conservation area.*
- ii) The heritage impact assessment is not considered sufficient in providing a robust justification for the proposed development. Specifically, the HIS fails to consider in detail inter-alia: material impacts, visual context, continuum of the cohesive built form within the heritage conservation area, or compatibility with the scale, bulk, height and form of the proposed building.*

A meeting was held between Michael Edwards, Heritage Advisor, Lexie Macdonald, Team Leader Urban Planning and the Applicant's Architect and Heritage Consultant on 17 February 2015. This meeting was specifically convened by the Architect to work through the heritage issues that had been raised in the initial assessment of the Development Application.

During the meeting, it was reiterated that the proposal was unsatisfactory and fundamentally at odds with the character of the Heritage Conservation Area. It was strongly recommended by Council that at a minimum, the proposed building needed to be significantly reduced in scale and massing and to introduce a greater setback to the podium fronting Ryedale Road.

Upon reviewing the plans, it is clear that the building has been substantially redesigned, most notably changing from a single tower structure to what appears essentially as two separate tower structures.

However, the tower structure fronting Ryedale Road (and having the greater visual impact on and relationship to, the Ryedale Road Heritage Conservation Area) has increased in height through the incorporation of an additional storey.

While it is appreciated that the separation of the building mass into two separate towers does to some degree, reduce the visual bulk and scale of the development, the increased building height to the front tower further exacerbates the actual and perceived incompatibility with the building height and bulk, particularly when viewed from a pedestrian scale within Ryedale Road.

ITEM 2 (continued)

There does not appear to be any meaningful alteration in the setback to the podium level fronting Ryedale Road. Subsequently, the proposed tower structure remains unsatisfactory in that there is insufficient setback to retain a clear delineation of the original shopfront form and thus retaining visual emphasis on the original built form.

Subsequently, for these reasons alone, the proposed development cannot be supported on heritage grounds.

The amended plans show design changes to the proposal in relation to how the new development marries into the front elevation of the existing built form. It appears that a higher degree of original fabric and detailing is retained which in principle is supported.

Detailed elevation plans are required highlighting:

- i) The extent of original fabric being retained (by shading existing fabric)*
- ii) Clearly notating the proposed changes to the front elevation, including new openings, removal of fabric etc.*
- iii) A colour and material sample board is required, detailing the proposed materials and colour finishes to the front elevation of the existing built form.*

In summary, the amended Heritage Impact Statement still does not provide sufficient justification for the proposed development, nor a robust heritage impact assessment. The amended plans do not demonstrate any substantial attempt at addressing the previous heritage issues raised, in particular reducing the height and bulk of the building when viewed from Ryedale Road. The plans in fact increase the height of the front tower structure.

The proposed development is not supported on heritage grounds.'

Accordingly, the proposed development is unacceptable in terms of its impact on the character of the surrounding heritage conservation area and the concerns raised by Council's Heritage Advisor have been included as reasons for refusal of the application.

Traffic Engineer: No objection subject to conditions. It is however noted that as Council does not own the RoW, consent may need to be obtained to remove parking along the eastern side to allow for in/out truck movements in the construction phase. Furthermore, the applicant may need to consult with properties on the opposite side of Ryedale Lane in respect to placing 'No Parking' restrictions opposite the driveway access to maintain unimpaired access to the site for waste vehicles etc.

ITEM 2 (continued)

As the laneway is privately owned, Council cannot erect signage. This will require permission from the owner to allow Council (or preferably the developer) to erect signage. This does mean that if the owner does not grant permission, construction traffic will not be able to access the rear laneway.

Given the recommendation for refusal, the above matters and the issue of owners consent have not been further discussed with the applicant. However, they are matters that should be considered by the applicant prior to any new DA being lodged and accordingly have been included a reason for refusal.

Waste Officer: No objection subject to conditions.

Senior Development Engineer: Comments from Council's Senior Development Engineer in regard to car parking have been provided previously in section 9 of this report under consideration of Part 9.3 (Parking controls) of RDCP 2014. No other issues or concerns have been raised that could not be addressed by conditions of consent in the event of approval being granted.

Environmental Health Officer: No objection subject to conditions.

Public Domain: No objection subject to conditions.

External Referrals

NSW Police: The following specific comments in relation to the boarding house aspect of the proposal were received:

'The Plan of Management prepared by the applicant is quite basic and there are a number of recommendations that Police believe should be included prior to approval by Council. Within the Plan of Management, a set of house rules should be established and it should be displayed in a prominent position within the boarding house. The plan of management should require the lodgers to sign an agreement upon commencement of their stay, which would include the consequences of breaking the house rules. The lodgers should also be required to provide the management with personal details including their next of kin details for emergency purposes. These details should be kept in the management office for the duration of their stay. Police suggest that the management should include a house rule about hosting parties on the premises. Police recommend management to advise that no parties are to be held on site at anytime.'

ITEM 2 (continued)

A complaints register is to be prepared by the manager. Police would recommend that the neighbouring residents be informed on how they can make complaints if they wish to and who to contact to do this. Council and Police should be made aware of any complaints and Police should be made aware of any criminal activity. A sign containing the caretakers phone number should be displayed at the front of the premises for emergency services and others to be able to contact the caretaker if needed in case of an emergency. Police request that the management should provide police and council with contact details of the managers and caretakers of the premises. These numbers should also be placed in the common areas and in the office areas. A contact number for external complaints by surrounding neighbours should be provided to nearby residents. This number could be placed on all entry points to the site.

All visitors to the boarding house should be required to sign in and out of the boarding house. A register should be maintained by the boarding house manager and this should be included in the 'Plan of Management'.

Police request that if the DA is approved by Council that a condition be imposed. The condition will be as follows: 'Under no circumstances is the consumption, sale or supply of alcohol to be permitted in common or public areas on the premises.'

Following the receipt of amended plans and a revised Plan of Management, a further referral was sent to NSW Police. No further comments have however been received. In the event of approval being granted, relevant conditions to address the above comments could be imposed.

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.

ITEM 2 (continued)

Whilst the proposed redevelopment of the site to include a boarding house is acceptable in principle, the proposed building significantly exceeds the RLEP 2014 FSR control for site. This occurs despite the ARHSEPP providing a 0.5:1 bonus area of GFA. The result is a building that is much larger in scale and bulk than anticipated by the controls. Whilst the proposal does comply with the RLEP 2014 height control, this does not mean the FSR control can essentially be ignored as both controls work together to allow for a form of development consistent with the desired future character of the area.

The significant increase in bulk and scale has unacceptable adverse impacts on the character of the streetscape and surrounding heritage conservation area and is not supported by the UDRP or Council's Heritage Advisor. The amenity of neighbouring residential properties in terms of overshadowing will also be impacted by the larger building to an unreasonable and unacceptable degree.

Elements of the design are poor resulting in non-compliances with Council's DCP 2014 in relation to Boarding Houses and the West Ryde Town Centre and an unacceptable outcome with regard to unsecure parking spaces located directly adjacent to the rear laneway. The proposal also does not comply with Council's DCP 2014 in relation to car parking for the proposed commercial tenancy.

Owner's consent is also required from the owner(s) of the RoW forming Ryedale Lane to the rear of the site in order for the applicant to demonstrate they have legal access to use the RoW. In addition, owner's consent is also required as changes to parking restrictions on the eastern side of the laneway will be necessary to enable suitable access to the site for construction vehicles and to allow ongoing unimpeded access to the site for larger vehicles.

The proposal has been notified and advertised in accordance with RDCP 2014. A total of 40 submissions and 1 petition were received with regard to the original plans and a further 16 submissions in regard to the amended plans have been received objecting to the development. Several valid issues of concern have been raised in the submissions relating to overdevelopment, streetscape, heritage impact and overshadowing. Approval of the application is not considered to be in the public interest.

Accordingly, the proposal is not considered to be acceptable in its current form and it is recommended that the application be refused.

ITEM 2 (continued)

ATTACHMENT 1

Ryde DCP 2014 - Part 3.6 Boarding House

DCP 3.6 – Boarding House		
<p>Location & Character 2.3 Development subject to provision of Part 2 of ARHSEPP:</p> <ul style="list-style-type: none"> • All boarding house developments are to be designed to be compatible with the character of the local area. • Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application. This must demonstrate compatibility of the design of the development with the character of the local area. The statement is to include descriptions of: <ul style="list-style-type: none"> - the existing character of the local area (comprising streetscape and visual catchment area) in terms of character elements, and • the design responses for the following character elements, as a minimum: <ul style="list-style-type: none"> - predominant building type, - predominant height of buildings, - predominant front setback and landscape treatment, - permissible floor space ratio (FSR) and site coverage, - predominant pattern of subdivision and spacing of buildings, - predominant parking arrangements on sites within the area (location, structures), - predominant side setbacks, and - predominant rear alignment of buildings and rear landscaping. • Boarding house development located in the vicinity of a Heritage Item or within a Heritage Conservation Area must be designed sympathetically to the 	<p>As detailed in this report and with regard to comments received from Council's Heritage Advisor and the UDRP, it is considered the proposed development will not be consistent with the existing or desired future character of the area.</p> <p>The applicant has provided a Local Area Character Assessment with the amended plans. The Statement essentially states that the proposed development is compatible with the existing shopping strip along Ryedale Road with the existing two story façade maintained with a setback to the new levels above, which comply with the RLEP 2014 height control and reflect the desired higher density sought in proximity to the rail line. Whilst the FSR is exceeded, it is argued that the proposed FSR also reflects the desired higher density sought in proximity to the rail line and the desired vision for the Ryedale Road Precinct.</p> <p>Given the proposed significant non-compliance with the FSR control for the site, it is considered that the size of the proposed building cannot be considered to reflect the desired future character of the area. Both the UDRP and Council's Heritage Advisor object to the proposed size and scale of the proposed development. As such, it is concluded that the proposal will impact adversely on the character of the local area and is unacceptable. See also consideration of Clause 30A of ARHSEPP, SEPP65, FSR and heritage conservation in Parts 9(a), 9(b) and 13 previously in this report.</p> <p>Council's Heritage Advisor objects to the proposal due to unsympathetic design and adverse impact on the</p>	<p>No</p>

ITEM 2 (continued)

ATTACHMENT 1

<p>significance of the Heritage Conservation Area/Item.</p>	<p>heritage conservation area. See consideration of heritage conservation in Part 9(a) and Part 13 of this report.</p>	
<p>Size and Scale Notwithstanding compliance with numerical standards under the AHSEPP and LEP, applicants must demonstrate that the bulk and mass of development is acceptable for the street and adjoining dwellings in terms of:</p> <ul style="list-style-type: none"> i. overshadowing and privacy ii. Streetscape (bulk and scale) iii. Building setbacks iv. Parking and traffic generation v. Landscape requirements vi. Visual impact and impact on existing views vii. Any significant trees on the site, and viii. Lot size, shape and topography. 	<p>As detailed previously in this report, the bulk and mass of the proposed development is unacceptable, predominantly due to the extensive level of floorspace proposed. The resultant size of the building will overshadow residential units at 947-949 Victoria Road to an unreasonable degree.</p>	<p>No</p>
<p>Parking and Traffic Parking spaces and access are not to be located within communal open space areas or landscaped areas. Notwithstanding the requirements of Part 9.3 Parking Controls under this DCP, a boarding house development for 30 or more bedrooms is to be supported by a Traffic and Parking Impact Assessment Report, prepared by a suitably qualified person, addressing as a minimum the following factors: (i) the prevailing traffic conditions (ii) the likely impact of the proposed development on existing traffic flows and the surrounding street system (iii) pedestrian and traffic safety, and (iv) justification of any variation to the parking requirements (if proposed).</p>	<p>Parking spaces are not located within communal open space areas or landscaped areas.</p> <p>A traffic and parking impact assessment has been provided.</p> <p>Concerns are raised regarding the impact of the development on traffic flow along the rear RoW as current parking arrangements will inhibit construction access to the site and future access to the driveway. Without consent from the owner of the RoW to remove parking from the eastern side, the proposal will impact unacceptably on the traffic flow along the RoW.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>
<p>3.0 Other Design Requirements Privacy (Acoustic and Visual) and Amenity: The main entrance of the boarding house is to be located and designed to address the front (street) elevation.</p>	<p>Complies.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

<p>Accessways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers. Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.</p>	<p>Complies.</p> <p>Sufficient separation, when combined with orientation and design measures i.e. privacy louvres, is proposed between the development and the residential flat building at 947-949 Victoria Road. This will ensure the visual and acoustic privacy of future residents of both buildings is reasonable given the high density location.</p>	<p>Yes</p> <p>Yes</p>
<p>Accessibility The design of boarding houses needs to provide an environment that is physically accessible to all members of the community, including those with disabilities. The ARHSEPP contains parking rates for boarding houses. The design of boarding houses, including parking spaces and access thereto, will also need to take into consideration the following controls. (a) All boarding house developments are to be accompanied by an Accessibility Report which addresses the accessibility requirements for people with disabilities, where required, under the BCA and <i>Disability (Access to Premises – Buildings) Standards 2010</i>.</p>	<p>An accessibility report has been submitted. In the event of approval, a condition would be imposed requiring compliance with the BCA and the recommendations of the report.</p>	<p>Yes</p>
<p>Waste Minimisation and Management Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management of this DCP.</p>	<p>A Waste Management Plan has been submitted. No objections have been raised in terms of waste management by Councils Environmental Health Officer or Waste Officer.</p>	<p>Yes</p>
<p>Sustainability and Energy Efficiency A BASIX Certificate is to be submitted with the Development Application.</p>	<p>A revised BASIX Certificate has been submitted with the amended plans.</p>	<p>Yes</p>
<p>Internal Building Design As a minimum, in all other cases boarding houses shall make</p>	<p>Manager's accommodation provided. Laundry facilities provided for each</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

<p>provision for the following facilities within each building:</p> <ul style="list-style-type: none"> - manager/operator accommodation where there are 20 or more lodgers; - laundry facilities; - communal food preparation facilities (in addition to private provision where required); - sanitary facilities; - storage area for each occupant. 	<p>boarding room.</p> <p>Communal area shows sink area and could be conditioned to include food preparation facilities.</p> <p>Private bathroom in each room.</p> <p>Large wardrobe provided in each room.</p>	
<p>Boarding houses in larger scale developments (more than 20 boarding rooms) are to be designed so that:</p> <ul style="list-style-type: none"> - no more than 8 boarding rooms share a stairway and / or corridor - 1 communal living area is provided per every 8 boarding rooms or part thereof. <p>Consideration may be given to varying this number where it can be demonstrated that the design incorporates opportunities for social interaction within reasonable distance of boarding rooms, whilst maximising privacy and minimising thoroughfares through corridors containing boarding rooms.</p>	<p>No more than 8 rooms will share a stairway or corridor.</p> <p>A communal area has not been provided per every 8 boarding rooms as only one communal area is provided on level 6 of the west tower. Given each room is provided with kitchenette facilities, it is not considered necessary to provide a communal living area at a rate of per rooms. However, it is considered reasonable that a communal living area should be provided in the east tower as it is considered that the separation between residents in the east tower and the communal room on the top floor of the west tower is significant and is not conducive to social interaction.</p>	<p>Yes</p> <p>No</p>
<p>All boarding house developments are to be designed to optimise safety and security, both internal to the development and for the public domain by employing design criteria including:</p> <ul style="list-style-type: none"> - maximising overlooking of public and communal spaces while - maintaining internal privacy; - avoiding dark and non-visible areas; - locating communal and common areas in safe and accessible locations; - providing lighting appropriate to the location and desired activities; and 	<p>The proposal is largely considered acceptable in this regard. However, concern is raised regarding the safety and security of residents allocated parking spaces BH1, BH2 and BH3 as these (together with the manager's parking space) are located outside of the car park roller door, directly adjacent to the laneway. This is considered a poor security/safety outcome and needs to be resolved.</p>	<p>No</p>

ITEM 2 (continued)

ATTACHMENT 1

<p>- providing clear definition between public and private spaces.</p> <p>Specific Rooms, Areas and Facilities The development is to be designed to meet the requirements identified in the following table.</p> <p>Bedrooms/ Boarding Rooms Boarding rooms are to be designed as the principal place of residence for occupants. No boarding rooms shall open directly onto communal living, dining and kitchen areas. Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the ARHSEPP. Plans shall clearly show the size and maximum occupation of each room. Boarding rooms less than the minimum size will not be supported. Where additional facilities are proposed in boarding rooms, the following additional gross floor areas apply:</p> <ul style="list-style-type: none"> - Minimum 2.1m² for any ensuite, which must comprise a hand basin and toilet; plus - 0.8m² for any shower in the ensuite (in addition to above); plus - 1.1m² for any laundry, which must comprise a wash tub and washing machine; plus - 2m² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m² bench area. <p>Note: For fire safety reasons no other cooking appliances are permitted.</p>	<p>All rooms are provided with a bed, kitchenette, laundry and bathroom facilities. Each room will have its own entrance and will open into a hallway. No rooms will open directly onto the communal area. However, the UDRP have identified numerous issues with the design of individual rooms (see Part 9 of this report). These matters need to be addressed and this issue is included in the reasons for refusal.</p> <p>All rooms comply with the ARHSEPP minimum room size.</p> <p>A bathroom with a toilet, hand basin and shower is provided in each room. Sizes comply with minimum requirements.</p> <p>Laundry area of compliant size provided for each room.</p> <p>Kitchenette area of compliant size provided for each room.</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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ITEM 2 (continued)

ATTACHMENT 1

<p>Communal Living Rooms Indoor communal living rooms/areas are to be located:</p> <ul style="list-style-type: none"> - near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office; - adjacent to the communal open space; and - where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation. 	<p>One indoor communal living area of 26m² provided on level 6 of the west tower. Room is adjacent to manager's accommodation and adjacent to communal open space. No boarding rooms are on the same level and the room is located 5.5m from northern side boundary.</p>	<p>Yes</p>
<p>Class 3 Boarding Houses must provide a common indoor living area a minimum 15m² in area, with a further 15m² provided for each additional 12 persons thereafter.</p>	<p>Require: 15m² +(77 lodgers-12 / 12 = 5.4 x15) 81m² = 96m² of communal area. Proposed: 19m² of communal indoor living area (with adjacent 30m² external terrace). Whilst 96m² of communal living area may not be necessary in this instance given each room is provided with kitchenette facilities, the proposed level of communal indoor space is considered insufficient. In particular, there is no communal living area provided in the east tower. The SEE provides no consideration of this issue.</p>	<p>No</p>
<p>Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.</p>	<p>Proposal acceptable in this regard.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

<p>Communal Kitchen and Dining Areas Where communal kitchens are provided, they are to be in a location accessible to all residents. A communal kitchen area is to be provided with a minimum area of 6.5m² in total or 1.2m² for each resident occupying a boarding room that does not contain a kitchenette, whichever is greater, and is to contain:</p> <ul style="list-style-type: none"> - One sink for every 6 people, or part thereof, with running hot and cold water; and - One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation. <p>A combined kitchen and dining area must have a minimum area of 15m² with an additional 1m² per room in a development that contains 12 or more bedrooms.</p> <p>No bathrooms, toilets or boarding rooms shall open directly on to communal kitchen facilities.</p>	<p>The communal living room on level 6 of the west tower includes a 7m² kitchen area with sink and stovetop facilities and will be accessible to all residents. In addition, each boarding room will have an individual kitchenette</p> <p>No bathroom, toilets or boarding rooms open directly to the communal kitchen facilities.</p>	<p>Yes</p> <p>Yes</p>
<p>Bathroom Facilities In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day. Where ensuite bathroom facilities are provided in boarding rooms, the overall facilities must comply with the minimum facility requirements for the total occupancy of the overall premises.</p>	<p>Private bathroom facilities of sufficient size are provided for each room.</p>	<p>N/A</p>
<p>Laundries and Drying Facilities Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, the following is to be provided:</p> <ul style="list-style-type: none"> - A minimum space of 4m² for 	<p>Communal laundry facilities are not required as a laundry is provided within each boarding room.</p> <p>A 'drying area' has been indicated on</p>	<p>Yes</p> <p>No</p>

ITEM 2 (continued)

ATTACHMENT 1

<p>every 12 lodgers; an additional 3m² for every additional 12 lodgers or part thereof;</p> <p>15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable).</p> <p>Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the space is not compromised.</p> <p>c. Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.</p>	<p>the plans within the level 1 communal open space. There is no indication of any equipment for drying or how much of the communal area is intended as a 'drying area'. The area will also receive very limited solar access should the adjoining site to the north redevelop in the future and may compromise the useability of the communal open space.</p> <p>Whilst the DCP requirement of 96m² of external clothes drying area is considered to be excessive, the proposed location for outdoor drying is considered poor and insufficient information has been provided in this regard.</p>	
<p>Management office design Where management offices are to be provided, they are to be located at a central, visible point which is convenient to occupants of and visitors to the boarding house.</p>	<p>No management office provided. A reception area is however located within the ground floor lobby.</p>	<p>Yes</p>
<p>Management All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.</p> <p>A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached to this Part</p>	<p>A manager will be located on-site. A revised Plan of Management has been submitted with the amended application and would be subject to a condition of consent in the event of approval.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2



Attachment 2: Part 4.3 West Ryde Town Centre

Ryde DCP 2014 - Part 4.3 West Ryde Town Centre

DCP Requirement	Proposal	Compliance
Part 4.3 West Ryde Town Centre		
Building Height & Bulk Maximum building height to be in accordance with RLEP 2014: Maximum height for site is 23m	Maximum of 23m proposed.	Yes
Scale and bulk will be primarily determined by the maximum Floor Space Ratio applying to the land in accordance with RLEP 2014: Maximum FSR = 1.5:1	AHSEPP provides 0.5:1 allowing maximum FSR of 2:1. FSR of 2.82:1 proposed.	No – see consideration of FSR in Part 9(a) of report.
Minimum floor to ceiling height of 3.6m on ground floor for retail/commercial uses.	Complies.	Yes
Minimum floor to ceiling height of 2.7m for all residential uses.	Complies.	Yes
In multi-storey and mixed use building, roof articulation should be provided.	Suitable roof articulation provided.	Yes
Building articulation is to respond to local context and environmental conditions.	Issues raised by UDRP and Council's Heritage Advisor with regard to building articulation – see Parts 9(a) and 9(b) of report.	No
Lift overruns, plant equipment and communication devices are to be integrated in to the design of the building.	Complies.	Yes
Mixed Use Development Uses promote pedestrian activity are to be provided at ground level.	Complies.	Yes
New development is to encourage a mix of retail and commercial activities to be located on a single or ground level. Residential uses should be provided within upper	Complies.	Yes

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
<p>levels of the building.</p> <p>Where new residential development is proposed as part of a mixed-use development: the proposal should be consistent with the requirements of SEPP65 and RFDC where appropriate; and must comply with noise and sound insulation requirements.</p>	<p>Proposal complies sufficiently with SEPP65 given proposal is for boarding house accommodation. Suitable acoustic report submitted. Proposal could be conditioned to comply with requirements.</p>	<p>Yes</p>
<p>Street Setbacks and Alignment New buildings are to have street frontages built predominantly to the street alignment for the first 2 storeys.</p> <p>The first two storeys of all buildings along a build to street (hard) setback line as indicated in Figure 4.3.04, are generally to maintain a hard alignment with the street. Setbacks are to be minimised.</p> <p>Building design is to minimise any adverse wind effects on public spaces. The orientation, height and form of development are to be designed to promote public safety and comfort at ground level. Awnings are to be provided, if necessary, for pedestrian comfort.</p> <p>All applications for buildings over 5 storeys shall be accompanied with a Wind Impact Statement from a qualified person. For buildings over 9 storeys a detailed wind impact study must be submitted.</p>	<p>Complies. Existing 2 storey Ryedale Road frontage to be retained.</p> <p>Complies.</p> <p>Complies. Existing awning to be replaced.</p> <p>Wind Impact Statement provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Urban Design</p> <p>Built form is to follow and reinforce the established street alignment, providing a continuous</p>	<p>Complies.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
<p>building line to define the public domain.</p> <p>Built form design should respect the existing character or contribute to a preferred character of the town centre.</p> <p>Off-street parking should be provided behind the front building line to limit impact to the streetscape and must be consistent with 3.1.6 Active Street Frontages and Street Address. Basement parking should be provided where possible.</p> <p>Where residential development is proposed, pedestrian entry should be separated from the entry to other land uses in buildings.</p> <p>Car parking and servicing must not impact adversely upon desirable built form outcomes and must be consistent with active street frontages objectives. Car parking should be located behind the building or at basement level.</p>	<p>Unacceptable built form.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>	<p>No – see Part 9(a) and 9(b) of report.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Building Entrances and Lobbies</p> <p>All entrances are to be clearly visible and identifiable from the street and public areas. Use of colour, contrasting materials and articulation in the building design can assist in entrance visibility.</p> <p>Building lobbies must be accessible from a continuous path of travel.</p> <p>The lobby area is to have a separate and identifiable street entry, at ground floor level from the footpath.</p> <p>All areas within the lobby are to</p>	<p>Appropriate lobby area proposed.</p> <p>Complies.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
be visible from the entry point to enhance the sense of security.	Complies.	Yes
All entrances and lobbies are to provide suitable and appropriate lighting.	Complies.	Yes
Active Street Frontage and Street Address		
Active street frontages are required along those property frontages identified in Figure 4.3.06.	Complies.	Yes
Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	Complies.	Yes
Building facades are to be designed to maximise activation, movement and lighting within the public domain.	Complies.	Yes
Awnings		
Awnings should be provided along street frontages as shown in Figure 4.3.06 to contribute to active street frontages.	Existing awning will be replaced.	Yes
Balconies		
In mixed use and residential flat buildings involving more than 20 dwellings, at least one balcony or courtyard per apartment is to be provided off the living area.	All but 4 of the proposed rooms are provided with a balcony or courtyard. However, there is no requirement for boarding rooms to be provided with private outdoor space/balconies.	No – variation acceptable.
In larger development, balconies should provide different styles and designs to provide visual interest to the facade.		
Visual Privacy and Acoustic Amenity		
Orientate the main living spaces	Orientation of living spaces is to the	Yes

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
<p>within apartments to the street and/or communal open space (in designing the layouts this will need to be balanced against other criteria such as solar access).</p> <p>i. Proposed development should address the design principles outlined in the NSW Police Service's <i>Crime Prevention through Environmental Design</i> (CPTED).</p> <p>Acoustic Amenity</p> <p>Where residential development is proposed in proximity to a major road, railway lines or major noise generating activity, appropriate materials with acoustic properties should be incorporated in the design of the dwellings.</p> <p>Council may require a noise and vibration assessment to be undertaken for development applications for noise generating developments or for residential developments on sites adjacent to noise generating sources such as rail corridors.</p>	<p>east and west in accordance with the orientation of the site. Reasonable privacy will be afforded future residents.</p> <p>The proposal is considered unacceptable in regard to CPTED principles in relation to the unsecured parking spaces located adjacent to the rear laneway boundary.</p> <p>An acoustic report has been submitted with the application. Conditions could be imposed to ensure compliance with acoustic amenity requirements.</p>	<p>No – see Part 9(b) and 13 of report</p> <p>Yes</p>
<p>Housing Choice and Mix</p> <p>Developments comprising residential uses must provide a variety of residential units mix, sizes and layouts within each residential development.</p>	<p>Given the proposal relates to a boarding house, the proposed mix of single or double boarding rooms is considered acceptable and will provide beneficial affordable housing in the area.</p>	<p>Yes</p>
<p>Vehicular Access</p> <p>Vehicle access is to be designed to:</p> <p>i. Minimise the impact on the street, site layout and the building facade; and</p> <p>ii. Be integrated into the building design, if located off a primary street frontage.</p>	<p>Vehicle access is proposed from Ryedale Lane to the rear of the site.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
<p>Vehicle access to properties should be provided from lower order roads or rear lanes where possible.</p>		
<p>Pedestrian Access</p> <p>Pedestrian links are to be provided in accordance with the Pedestrian Circulation Framework (refer Figure 4.3.08) and the City of Ryde Public Domain Technical Manual.</p> <p>Buildings should be designed to limit overshadowing of major pedestrian spaces such as the proposed village square/civic space and the southern portion of Graf Avenue, Ryedale Road and areas fronting Anzac Park.</p>	<p>Ryedale Road is denoted as a 'Key Pedestrian Area' in Figure 4.3.08. The existing footpath would be upgraded in accordance with conditions recommended by Council's Public Domain Officer in the event of approval.</p> <p>No shadow impact will occur to major public open spaces.</p>	<p>Yes</p> <p>Yes</p>
<p>Bicycle Facilities</p> <p>Bicycle storage racks are to be provided to accommodate a minimum of: 1 bicycle space for every 200 square metres of office floor space; 1 bicycle space per 300 square metres of retail; and 1 bicycle space for every 3 residential units.</p> <p>Bicycle racks must be easily accessible from the public domain, and within areas that are well lit with adequate levels of natural surveillance.</p> <p>The bicycle parking area must be capable of being made secure to protect the security of cyclists and their belongings.</p>	<p>Bicycle parking is provided in accordance with the provisions of the ARHSEPP and is acceptably located within the secure car park area.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
<p>Solar Access</p> <p>All developments must provide shadow diagrams that accurately describe the overshadowing impact to adjacent buildings and public domain areas.</p> <p>Demonstrate access to sunlight is to be substantially maintained so that existing private and public open spaces, footpaths and existing windows to habitable rooms in adjoining buildings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June (winter solstice).</p> <p>Major public open spaces are to be designed to receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10 am and 2 pm on 21 June.</p>	<p>The application has provided shadow diagrams with particular regard to potential impact to residential units at 947-949 Victoria Road to the south-east of the site.</p> <p>The application is considered unacceptable in terms of the impact to these neighbouring units.</p> <p>No shadow impact will occur to major public open spaces.</p>	<p>Yes</p> <p>No – see Part 10 of report</p> <p>Yes</p>
<p>Natural Ventilation</p> <p>In locations where wide footpaths already exist, or are proposed, ensure ground floor shops can satisfy natural ventilation requirements for operating a restaurant.</p> <p>Design of commercial developments must incorporate mixed modes of ventilation.</p>	<p>Council's Environmental Health Officer has raised no objection to the proposal and no concerns are raised with regard to ventilation.</p>	<p>Yes</p>
<p>Stormwater Management</p> <p>All stormwater drainage is to be designed in accordance with Part 8.2 Stormwater Management of this DCP.</p> <p>A Stormwater Management Plan is required to be submitted with all development applications.</p>	<p>Complies. Council's Senior Development Engineer has raised no objection to the proposal subject to conditions.</p>	<p>Yes</p>
<p>Street Furniture, Paving and Street Lighting</p>		

ITEM 2 (continued)

ATTACHMENT 2



DCP Requirement	Proposal	Compliance
<p>Developments which entail the provision of new public spaces (i.e. streets, footpaths, walk ways and the like) will need to incorporate new street furniture and paving and in some cases underground power lines and new light poles in the public space.</p>	<p>Council's Public Domain Officer has raised no objection to the proposal and in the event of approval, appropriate conditions would be imposed to ensure appropriate public domain outcomes.</p>	<p>Yes</p>
<p>Street Tree Planting and Landscaping</p> <p>All development proposals are to be accompanied by a landscape plan prepared by a qualified and suitably experienced landscape architect.</p> <p>Where appropriate, developments should incorporate landscaping in the form of planter boxes on the upper levels of buildings to soften the building form (i.e. roof gardens, planting on structures).</p>	<p>A landscape plan has not been provided. Although no deep soil planting is proposed or required, details of planting within communal open space areas is required.</p>	<p>No</p>
<p>Public Art</p> <p>Public art is to be in keeping with the City of Ryde Public Domain Technical Manual and the City of Ryde Public Art Policy.</p> <p>Public art must be included in all new mixed use development with an estimated construction value of more than \$20 Million.</p>	<p>The construction value of the development is less than \$20m. Public art is therefore not required.</p>	<p>N/A</p>
<p>Precinct Controls <i>Ryedale Road</i></p> <p>A Heritage Impact Statement is to be prepared as part of the redevelopment for a heritage item or site in the Ryedale Precinct heritage conservation area.</p> <p>Development along the residential interface boundary is to be sympathetic in scale and activity to the surrounding residential land uses, protecting the residential</p>	<p>A Heritage Impact Statement has been provided.</p> <p>Site is not located on residential interface boundary.</p>	<p>Yes</p> <p>N/A</p>

ITEM 2 (continued)


ATTACHMENT 2

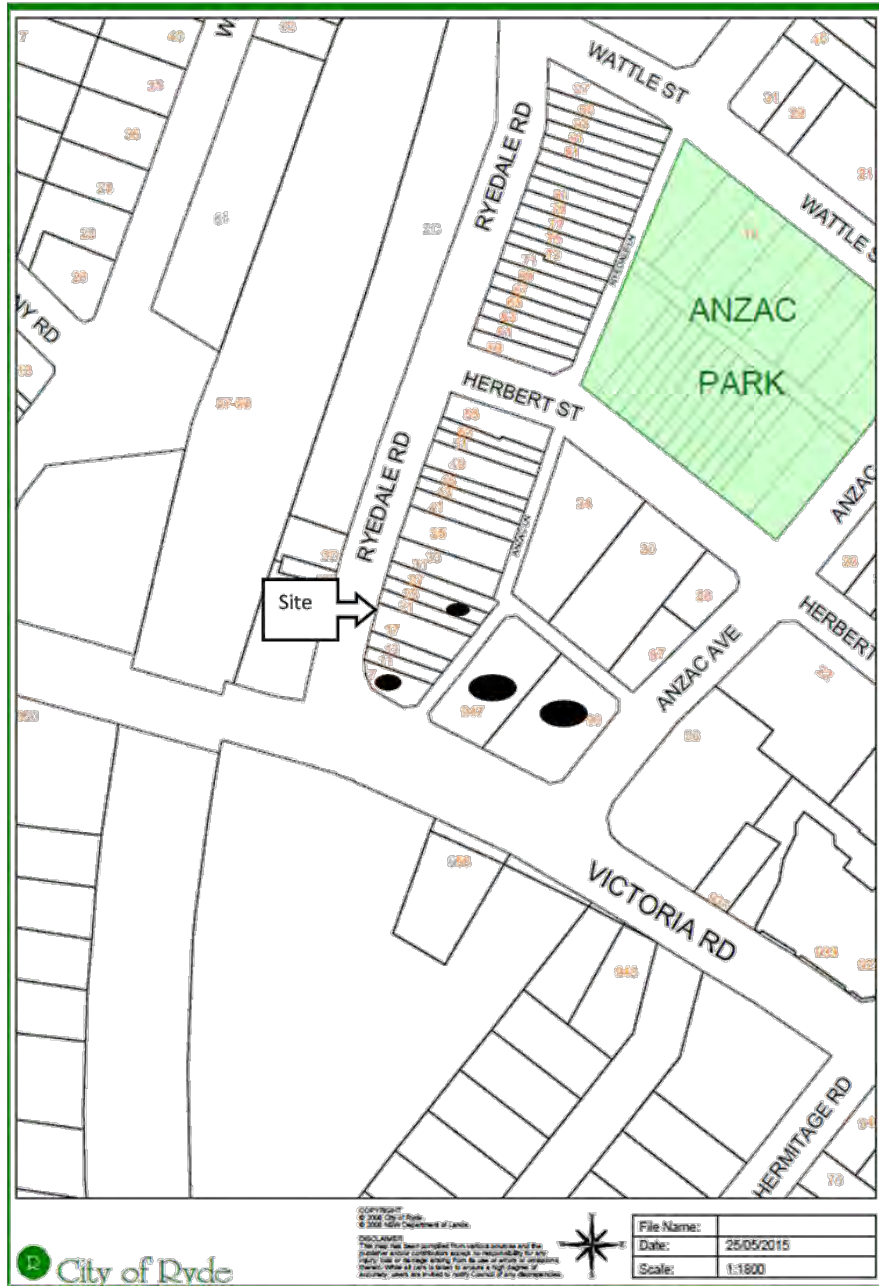


DCP Requirement	Proposal	Compliance
<p>amenity.</p> <p>Development is to maintain the character and heritage significance of the heritage conservation area and ensure the infill development responds positively to the heritage character of the area.</p> <p>Where lot consolidation is proposed, applicants are to provide building envelopes that demonstrate the new development would not significantly impact upon the amenity, streetscape and desired future character, including: adjoining sites are not isolated and retain access; the objectives and principles of this section can be achieved; adequate on-site parking can be achieved to meet the parking demands of the development; and the design and function of the development above podium level will achieve a high level of amenity to both its future occupants and to adjoining properties.</p>	<p>As detailed in Part 9(a) of this report, the proposed development is considered unacceptable due to the adverse impact on the heritage significance of the conservation area.</p> <p>No issues arise from the lot consolidation per se. Adjoining sites would not be isolated. Issues relate to the proposed building form, size and design.</p>	<p>No – see Part 9(a), 9(b) and 13 of report.</p> <p>Yes</p>

ITEM 2 (continued)

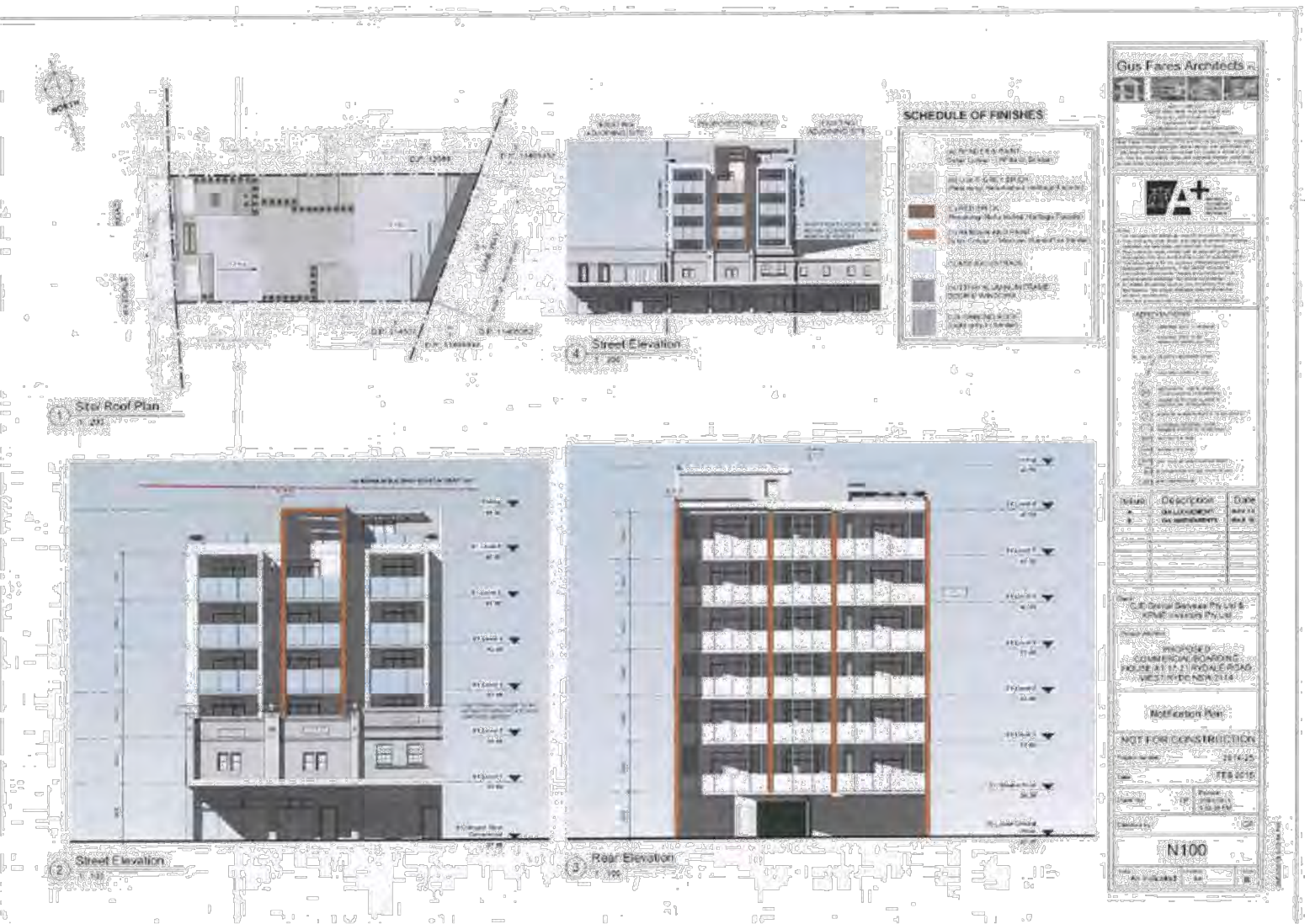
ATTACHMENT 3

 Indicates submission received. Other submissions outside map area.



ITEM 2 (continued)

ATTACHMENT 4



-
- 3 21 WINBOURNE STREET, WEST RYDE. LOT 4 DP 39266. Application under Section 82A of the EP&A Act 1979, to review Council's determination of LDA2013/0420 for alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. (APL2015/0002.)**
-

Report prepared by: Client Manager

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

Report dated: 19 May 2015

File Number: GRP/09/5/6/2 - BP15/687

1. Report Summary

Applicant: G Moskovian.

Owner: G Moskovian.

Date lodged: 10 March 2015.

This report considers an application under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to review Council's determination of LDA2013/0420. The application for alterations and additions and change of use of existing dwelling to a child care centre for 39 children was refused by Council at its meeting of 10 February 2015 based on a number of reasons as indicated in the Notice of Determination (refer to **Attachment 1**). The determination can be reviewed by Council under section 82A as the time limited for making an appeal under Section 97 of the EP&A Act has not expired.

In seeking the review, the proponents have amended the proposal in an attempt to address the reasons for refusal as contained within Council's Determination Notice. The amendments primarily involve a reduction in the number of children from 39 to 35. The details are provided later in this report under the heading 'Proposal'. Subsection 3(A) of Section 82A of the EP&A Act enables the applicant to make minor amendments keeping the development substantially the same as that originally submitted proposal.

The amended proposal (the subject of the Section 82A review) was advertised on 25 March 2015 and notified in accordance with Part 2.1 - Notification of Development Applications of the Development Control Plan 2014, with submissions closing 15 April 2015. A total of fourteen (14) submissions were received including a petition with 23 signatures. It is to be noted that the original application received eighteen (18) submissions and three (3) petitions objecting to the proposal.

The grounds for refusal in Council's determination contain 6 reasons. Following a review of the amended proposal, it is found that the applicant has addressed reason No. 4 but has not satisfactorily addressed the remaining reasons for refusal as indicated in Council's Determination Letter.

ITEM 3 (continued)

Accordingly, the Section 82A review is recommended for refusal for the reasons stated in the recommendation part of this report.

Reason for Referral to Planning and Environment Committee: The original application was determined by the Council, and under the provisions of the EP&A Act, this review must be determined by the Council. In addition the application has been called up by Councillor Maggio.

Public Submissions: Fourteen objections including 1 petition with 23 signatures were received.

Clause 4.6 RLEP 2014 objection required? : Not required.

Value of works: \$308,000

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

RECOMMENDATION:

- (a) That Council resolves to confirm its determination by the refusal of consent to Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266, by refusing APL2015/0002 for the following reasons as modified:
- 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 as exiting and entering their driveways will be more difficult.
 - 4) 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.
 - 5) In the circumstances of the case, approval of the development is not in the public interest.

ITEM 3 (continued)

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

ATTACHMENTS

- 1 S82A planning report including addressing the reasons for refusal
- 2 Applicant's original submission against grounds for refusal
- 3 Notice of Determination
- 4 Original report to Planning and Environment Committee - October 2014
- 5 Second report to Planning and Environment Committee - February 2015
- 6 Map
- 7 A4 Plans
- 8 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Zia Ahmed
Client Manager

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment and Planning

ITEM 3 (continued)**2. Site** (*Refer to attached map.*)

Address	: 21 Winbourne Street, West Ryde LOT 4 in DP39266
Site Area	: 940.4m ² Frontage to Winbourne Street: 21.335m Rear Boundary: 19.865m Northern Side Boundary: 55.035m Southern Side Boundary: 44.8m
Topography and Vegetation	: 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.
Existing Buildings	: A 2 storey brick dwelling house and metal shed.
Planning Controls	: Ryde Local Environmental Plan 2014.
Zoning	: R2 - Low Density Residential.
Other	: Ryde Development Control Plan 2014

ITEM 3 (continued)



Aerial photograph of the site showing surrounding developments



View of subject site from Winbourne Street.

ITEM 3 (continued)**3. Councillor Representations**

Name of Councillor:	Councillor Maggio
Nature of representation:	Requested that the application be forwarded to the Council.
Date:	3 April 2015
Form of representation:	E-mail to Councillor Helpdesk
On behalf of applicant/objector?:	Not known
Any other persons (e.g. consultants) involved in or part of the representation:	No.

4. Political Donations or Gifts

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

5. ProposalOriginal Proposal

The Development Application that was considered and refused by Council at its meeting on 10 February 2015 was for the alterations, additions and change of use of an existing dwelling house for the purpose of a child care centre. Details of the proposed development included the following:

- Provision for 39 child care places and 7 full-time staff.
- 4 staff parking spaces (incl. 2 spaces as a tandem car space).
- 4 drop off / pick up parking spaces (incl. 1 *accessible* car space).
- Hours of operation - 7am to 6pm weekdays and 9am to 5pm on 4 Saturdays in a calendar year for open days and events including a Christmas party.

Revised Proposal submitted for Section 82A Review (subject of current review)

The amended development scheme that is the subject of the Section 82A review has been modified to the following:

- Reduction in the number of child care places from 39 to 35;
- Change in age of children from 0-5 to 0-6;
- Width of 3 parking spaces increased by 200mm to make it 2.6m wide. The fourth drop off/ pick up space will remain 3.6m wide and will be the *accessible* space;
- No changes to 4 staff parking spaces (including 2 spaces as a tandem car space).
- Landscaping in the rear outdoor play area has been deleted;
- No change to the hours of operation.

ITEM 3 (continued)

Other details of the development include:

Internal Layout

- 3 play rooms allocated depending on the age of children: 0-2 year olds (4 children); 2-3 year olds (reduced from 15 to 13 children); 3-6 year olds (reduced from 20 to 19 children)
- 1 cot room containing 4 cots (reduced from 6 cots);
- Bottle preparation area for the play room;
- 2 nappy change rooms and toilets;
- Office, staff room, reception, kitchen and staff & parents bathroom

External Layout

- Playground will be equipped with a shade sail; play equipment; sandpit and 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 (some landscaping deleted).

6. Background

The original application for the child care centre 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 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 16 May to 28 May 2014. The DA was also re-advertised on 14 May 2014.
- 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.
- On 8 September 2014 an assessment report was prepared for Council's Planning and Environment Committee (PEC) with the recommendation for refusal on a number of grounds.
- At its meeting of 7 October 2014 the PEC resolved to defer consideration of this application to allow further consultation with the applicant and a further report to be prepared for referral to the PEC.

ITEM 3 (continued)

- In accordance with the PEC resolution, a meeting was conducted with the applicant and Council's Acting Group Manager-Environment and Planning on 13 November 2014 discussing the grounds for refusal. No amendments to the proposal were received following this meeting other than a letter supporting the proposal before Council.
- The proposal was referred back to the PEC at its meeting held on 3 February 2015 with the recommendation for refusal as the proposal remained unacceptable. The PEC resolved to refuse the development application and the matter was considered by Council at its meeting held on 10 February 2015 where the DA was refused.
- The Applicant lodged an Application for Review of Determination on 10 March 2015 in accordance with Section 82A of the Environmental Planning and Assessment Act 1979 (EP&A Act). This included amended plans, and an amended town planning report to address the amended development scheme.
- The proposal was advertised and notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications from 25 March 2015 to 15 April 2015. The submissions received by Council are discussed in the following paragraphs.

7. Submissions

It is noted that the original development application received 18 submissions and 3 petitions objecting to the proposal. The applicant provided Council with 10 submissions supporting the proposal.

Following notification of the amended proposal under section 82A review, fourteen (14) submissions were received (including 1 petition) all objecting to the proposal. The submissions reiterate the objectors' previous concerns with general indication that the changes made to the current proposal are insignificant to address the key issues associated with this proposal. These are summarised and discussed below:

- A. Traffic Congestion and on street parking.** *The proposed amendments with the reduction in the number of children and widened car parking spaces are insignificant to address the traffic congestion and on street parking demand issues.*

Assessment Officer's comments

Agreed. It has been demonstrated by photographic evidence, site inspections and from a review of the originally submitted traffic report that traffic congestion in Winbourne Street is a significant issue. This is mainly due to the presence of several non-residential land uses within the locality and the width of the road. This issue alone makes the proposed development unsuitable in this locality.

ITEM 3 (continued)

The amended proposal does not provide adequate information to demonstrate that this major issue should not be a concern to allow this development proposal to be considered for approval. Further, Council's Traffic Engineer is not in support of the amended application on the grounds that the traffic issues for which the application was previously refused have not been satisfactorily addressed in the Section 82A proposal. This matter has been discussed later in this report.

It is noted that the proposal complies with the provision of required on-site car parking spaces. The amended plans have increased the size of certain car parking spaces to address the maneuverability. However, it is considered that this widening of car spaces would not have any impact on the on-street parking situation.

- B. Amenity of Residents.** *The current impact on the amenity of local residents by parked cars on the street often blocking the driveways would be increased.*

Assessment Officer's comments

The proposed amendments would not make any positive contribution to reduce this current amenity issue experienced by the local residents due to several non-residential land uses. It is agreed that the current issue of cars blocking the driveways due to limited spaces available on street for parking would further detrimentally impact on the ability of the local residents entering and exiting the site particularly during peak hours.

- C. Safety.** *There are 2 child care centres, a primary school and a high school within 250m to each other Winbourne Street is already a safety hazard for children and pedestrians. The additional traffic and pedestrian movement generated by the proposed centre will add to the safety hazard for children.*

Assessment Officer's comments

Agreed. It has been demonstrated in the previous report to Council that this section of Winbourne Street experiences high levels of on-street parking which limits the visibility of both drivers and pedestrians to and from the existing pedestrian crossing located close to the subject site creating safety issues.

Given the current situation it is considered that the proposed child care centre with additional pedestrian and vehicular activities would create further safety issues. The amended proposal has not adequately demonstrated that the proposed changes would eliminate or reduce any safety issues as raised by the local residents. This matter has been discussed further later in this report.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required?

Not required.

ITEM 3 (continued)**9. Review of Amended Proposal**

The application was refused on a number of grounds as indicated in the Notice of Determination (refer to **Attachment 1**). As part of the Section 82A Review Application, the applicant has submitted a set of plans and a planning report responding to each of the reasons of refusal. Following is the assessment of the applicant's submission against each ground for refusal:

a) The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.Applicant's submission

In addressing this ground for refusal the applicant has submitted the following in summary:

- *The existing 'kiss and ride' area provided by Council near the pedestrian crossing promotes illegal parking. This should be reviewed by Council as Council provided the double line marking and sign posting that conflicts.*
- *Council staff should explore the opportunity of shifting some of the traffic associated with the high school from Winbourne Street to Brush Road. Discussions should be held with the school.*
- *Traffic congestion in front of the site can be improved with the operation of 3 lanes rather than 2 lanes as currently experienced.*
- *Council staff to ensure that existing signage and road line marking be coordinated to avoid the potential of cars parked illegally within 3m of double yellow lines.*
- *that drop-off and pick-up from the centre will occur over staggered period of time in the morning and afternoon, that is, all cars do not arrive at the same time. The drop-off will generally occur before 8.30AM before the peak arrival time for school children and definitely pick-up will occur after school closing (which occurs between 3.00PM and 3.30PM). Pickup of children from the centre will occur between the hours of 4.00PM and 6.00PM of a week day.*

The applicant submits that given that all arrivals and departures do not coincide with school arrivals and departures 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.

ITEM 3 (continued)

The applicant recommends that Council impose the following conditions to address the traffic issue:

- i) *'No stopping' signs be erected across the frontage of the subject site preventing the parking of cars between 8.00AM - 9.00AM and 2.30PM - 3.30PM on school days (R5-404 standard sign series).*

Reason: To enable 2 vehicles to pass along Winbourne Street in front of the site and improve traffic flow.

- ii) *Construction traffic is not to come to the site or leave the site between 8.15AM to 9.15AM - school days.*

Reason: To avoid potential conflict with school traffic of a morning period.

- iii) *Cars enter and leave the site in a forward direction.*

Reason: To maximise sight lines between vehicles and pedestrians.

Assessment Officers Comments:

The traffic congestion was one of the most critical issues raised in relation to the proposed Child Care Centre on the site. No revised Traffic Report was submitted with the Section 82A review application to support the application.

The above recommended changes were independently reviewed by Council's Traffic Engineer – Public Works.

Council's Traffic Engineer has reviewed the report prepared by Planning Direction Pty Ltd on behalf of the applicant dated 2 March 2015, and provided comments relating to the points defending the application:

- *"The drop-off will generally occur before 8.30AM"*

The applicant will need to ensure that all drop-off movements will be complete prior to 8.30am.

This has not been satisfactorily demonstrated in the S82A review application.

ITEM 3 (continued)

Based on the reduced number of 35 children, the anticipated traffic generation would be 28 vehicles in the peak hour. In accordance with RMS guidelines this peak is expected to occur within the 8.00am-9.00am period which directly coincides with the school operating times. As such the argument that all vehicle trips associated with this development will dissipate by 8.30am is invalid as there is no mechanism to ensure that parents and or carers would have dropped off their children by this time.

- *“Council staff also explore the opportunity of shifting some of the traffic associated with the high school from Winbourne Street to Brush Road. Discussions should be held with the school.”*

The school has been approached to implement a travel plan that can be distributed to the parents; however this plan has not yet come to fruition. This may be due to the fact that parents have adopted the use of Winbourne Street, and may not be inclined to change their travel behaviour.

Council’s Traffic Engineer has also stated that the applicant has not provided any further information in regards to the traffic congestion or how the proposal could be acceptably operate under these conditions. As identified by Council’s Traffic Engineer, the original traffic report failed to address the following:

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

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

In summary, Council’s Traffic Engineer does not support the amended application on the basis that the traffic issues for which the application was previously refused has not been satisfactorily addressed in the Section 82A proposal.

ITEM 3 (continued)

- b) 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.**

Assessment Officers Comments:

The applicant has advised that the carpark has been designed in accordance with AS 2890.1 and, with the provision of two driveways, enables vehicles to enter and leave the site in a forward direction with adequate sight distance.

Anecdotal evidence indicates that school age children have a low understanding of traffic safety and awareness. The RMS (NSW Roads Authority) have acknowledged this in implementing 40km/hr school zones throughout NSW during school pickup – dropoff times, despite the majority of roadways and traffic facilities around schools being designed in accordance with Australian Standards and technical requirements.

The key point of this contention is that the location is unsuitable given that the property is subject to high volumes of school children in the footpath area. Combining this with the relatively high volume of traffic generated by this development and the fact that the development has two driveway crossings, makes the site unsuitable as the safety of children will be at risk. The applicant has failed to adequately address this issue.

- c) The amenity of surrounding residential properties will be detrimentally impeded as exiting and entering their driveways will be added with further difficulty.**

Assessment Officers Comments:

The applicant has not demonstrated any additional measures to address the above issue. Council's Traffic Engineer has advised that the proposed drop-off/pick-up zone will have the following impacts:

- Increase hazard to pedestrian safety as the location 'forces' parents to move quickly as their prolonged presence hinders other vehicles.
- The location depreciates the site visibility of other vehicles within the car park, being that vehicles attempting to manoeuvre around the stationary vehicle may not be able to see children crossing near and around the parked car.
- The average length of stay of a parent is 6-8 minutes; therefore a drop-off/pick-up zone is insufficient as the recommended stay is 2 minutes.

ITEM 3 (continued)

- d) The proposal is unacceptable when assessed in terms of Ryde DCP 2010 (Part 3.2 - Child Care Centres):**
- i. Clause 6.2.1 Size/functionality of play spaces (unencumbered outdoor play space).**

Applicant's submission

The proposed reduction in child placements at the site from 39 to 35 children results in a provision of unencumbered outdoor play area of 281.46sqm at an average of 8.02sqm per child.

Landscaping in the rear external play area has been deleted for the safety of children and the use of play equipment and shaded areas enhanced. Ample outdoor space is provided to stimulate play time activities.

It is noted that the childcare centre north of the site in Winbourne Street was approved for 40 children at a ratio of 1 child per 7.66sqm of external play area.

The DCP standard of 1 child per 10sqm of external play area is far greater than the Department of Education & Community Services standard which has a minimum rate 1 child per 7sqm of external play area.

In acknowledgement of the onerous standard imposed by the Ryde DCP, the DCP itself includes a note which reads as follows:

"A reduction in this minimum area requirement - (10sqm) per child (to no less than the DEC's minimum requirement - 7sqm per child) may be considered subject to satisfactory compliance with the general landscape design requirements under Section 6.1 and design of the outdoor play space in accordance with Section 6.2.2 Outdoor Play Spaces and 6.2.4 Transition Areas."

The proposed centre includes an appropriately designed transition area and has ample landscaping along the sides and front of the site.

The proposed outdoor area provision is greater than the industry standard and higher in provision than that of other centres approved by Council.

Assessment Officers Comments:

The reduction in the number of child care places from 39 to 35 has resulted in an increase in the provision of outdoor play area per children adequately complying with the controls contained in the Education & Care Service National Regulation. No further issues are raised in relation to this matter.

ITEM 3 (continued)

Therefore, the grounds for refusal have been modified by deleting this reason as noted in the recommendation part of the report.

- e) 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.**

Applicant's Submission

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 the objectives of the Environmental Planning and Assessment Act 1979 which seeks to achieve 'orderly and economic development'. 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. It should be noted that the landscape strip across the frontage has been widened by 200mm.

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 north of the site in Winbourne St. According to Council's DCP for Childcare centres, an alternate design solution is not encouraged as "underground parking is not permitted in low density residential areas".

The reason for refusal is somewhat contradictory given that 8 car spaces are required by the DCP to service the use and that a one way driveway with 2 vehicle crossovers is also desired by the DCP. This does not warrant refusal of the application.

Assessment Officers Comments:

The DCP allows provision of car parking for such developments within the front setback area subject to landscaping along the front boundary with a minimum width of 2m to be provided. The proposed development fails to comply with this requirement. The landscaping setback along the front boundary has been slightly increased which now measures 800mm. This represents a non-compliance of 1.2m.

The site is unable to provide this setback given that the site is constrained by the existing building setback. This non-compliance contributes to the site being unsuitable for a child-care centre. As proposed, the development will still result in an adverse impact to the streetscape.

ITEM 3 (continued)

Given the circumstances of the case, this technical non-compliance is considered unacceptable as reduced soft landscaping along the frontage would not assist in providing an effective landscaping area.

f) Approval of the development is not in the public interest.Assessment Officers Comments:

The development still fails to satisfactorily address the issues that were raised in the earlier refusal. In particular, the traffic, amenity and safety issues have not been resolved. Therefore, it is considered that proposed development as modified 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.

10. Statutory Procedures under Section 82A of the Environmental Planning and Assessment Act 1979

- a) **S82A(2A):** A determination cannot be reviewed after the time limited for the making of an appeal expires (this period is 6 months from determination);

Assessment Officer's Comment:

There is a six month period from date of determination within which the Applicant has a right of review. The DA was determined on 10 February 2015. The Applicant lodged the Application for Review of Determination on 10 March 2015 which allows for it to be determined by 10 August 2015.

- b) **S82(3A):** In requesting a review, the applicant may make amendments to the development described in the original application;

Assessment Officer's Comment:

The application has been amended as detailed earlier (under proposal) in this report.

- c) **S83A(4):** The council may review the determination if:
(a) it has notified/ advertised the request for review in accordance with regulations and the Development Control Plan;

Assessment Officer's Comment:

The Section 82A Review Application was notified and advertised in accordance with Council's Development Control Plan.

ITEM 3 (continued)

- (b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

Assessment Officer's Comment:

A total of fourteen submissions (including one petition) were received during the exhibition period, which have been discussed in detail earlier in this report under 'Submissions' section.

- (c) the development, as amended, is substantially the same development as the development described in the original application.

Assessment Officer's Comment:

The development remains substantially the same as original application for the purposes of this clause.

11. Consultation – Internal and External

Traffic Engineer, 17 April 2015: The S82A application has been reviewed from a traffic impact perspective and Council's Traffic Engineer does not support the amended application on the basis that the traffic issues for which the application was previously refused has not been satisfactorily addressed in the Section 82A proposal. In summary Council's Traffic Engineer indicates that section 82A review application cannot be supported as it is deficient in the following aspects:

- **Safety.** The site does not address the safety concerns of children.
- **Congestion.** Winbourne Street experiences significant congestion during the pickup/dropoff periods. The applicant has proposed Council act to mitigate congestion in order to accommodate the development, namely co-ordinating pickup-dropoff procedures with the neighbouring schools and the implementation of parking restrictions. This would require a considerable allocation of Council's resources, require the co-operation of the School's management and parents and be impossible to enforce. The restriction of parking is also not an option given the demand for parking during these periods is high and such a measure would be ineffective in addressing the congestion experienced in Winbourne Street.

ITEM 3 (continued)

- **Parking Manoeuvrability.** No swept path has been provided for the parking spaces within the site. In light of the fact that waiting time is an average of approximately 7 minutes, vehicles attempting to manoeuvre around the car parked in the 'No Parking' zone are anticipated to do so with difficulty. This is expected to lead to more turning movements within the parking lot which is not a preferred solution.

Community Projects Officer – Communities and Children, 2 April 2015:

The amended plans submitted by the applicant show:

- a reduction in the child care places from 39 to 35;
- landscaping in the rear outdoor play area have been deleted;
- Increase in the width of proposed car parking spaces by 200mm.

The above amendments will not address the concerning issues of pedestrian safety and ease of access along Winbourne St to the premises.

12. Critical Dates

The critical dates in respect of the Section 82A review of the DA are set out below. There is a six month period from date of determination within which the Applicant has a right of review. The previous Application was determined on 10 February 2015. The Applicant lodged the *Application for Review of Determination* on 10 March 2015 which should be determined by Council by 10 August 2015.

13. Financial Impact

Not applicable.

14. Other Options

Not applicable.

15. Conclusion

This is an application seeking review of the decision made by Council under Section 82A of the EP&A Act. The applicant has proposed to decrease the number of children from 39 to 35, increase the width of the parking spaces and increase the width of the landscape strip adjacent to the front boundary. Council's determination letter contains 6 reasons for refusal.

By reducing the number of children, the extent of outdoor play area has been increased per child. Whereas this was originally included as a reason for the refusal, the amendment to the proposal has adequately addressed the issue.

ITEM 3 (continued)

The amendments however have not adequately addressed the key issues of refusal of the development application. The key issue relates to the exacerbation of traffic problems within the locality. The environmental impacts associated with the increased traffic and compromised safety of the children and residents have not been satisfactorily resolved by the applicant. Council's Traffic Engineer has assessed the Section 82A Review application and has recommended refusal.

In view of the above, it is recommended that Council resolves to confirm its determination by the refusal of APL2015/0002 of consent of the Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being Lot 4 DP 39266, on the remaining 5 grounds as indicated in the Recommendation part of the report.

ITEM 3 (continued)

ATTACHMENT 1



Planning Direction Pty. Ltd.
Town Planning & Development Services

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

2nd March 2015

**RE: 21 Winbourne Street West Ryde
Proposed Childcare Centre - Council Reference LDA2013/0420
Request for Review of Determination Pursuant to Section 82A of the
Environmental Planning & Assessment (EPA) Act 1979**

Dear Sir/Madam

The aforementioned development application was refused by Council on the 10th February 2015.

Section 82A of the EPA Act 1979 enables the applicant to request that Council review its determination. The applicant proposes to reduce the number of children attending the centre from 39 to 35 children. This amendment will assist in achieving greater compliance with the minimum standards for internal and external play area. Accordingly Council is requested to review its original determination by way of refusal and approve the development application subject to relevant conditions.

A.B.N 60 074 291 615

Office Address: Suite 10, 241 – 245 Pennant Hills Road, Carlingford NSW 2118

Telephone: 9871 4988 – Facsimile: 9871 5218

Email: admin@planningdirection.com.au

ITEM 3 (continued)

ATTACHMENT 1

This report details the way in which the reasons of refusal have been addressed via design amendments or provision of information. This report should be considered in conjunction with amended architectural plans prepared by *Designeffect*.

Refusal Reason 1: *The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.*

Comment:

The applicant's traffic consultant has assessed the current circumstances applying to Winbourne Street as follows:

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" (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.

Traffic congestion in front of the site can be improved with the operation of 3 lanes rather than 2 lanes as currently experienced. In addition it is recommended that:

Council staff also explore the opportunity of shifting some of the traffic associated with the high school from Winbourne Street to Brush Road. Discussions should be held with the school.

Staff ensure that existing signage and road line marking be coordinated to avoid the potential of cars parked illegally within 3m of double yellow lines.

It should be noted that drop-off and pick-up from the centre will occur over a staggered period of time in the morning and afternoon. That is all cars do not arrive at the same time. The drop-off will generally occur before 8.30AM before the peak arrival time for school children and definitely pick-up will occur after school closing (which occurs between 3.00PM and 3.30PM). Pickup of children from the centre will occur between the hours of 4.00PM and 6.00PM of a week day.

ITEM 3 (continued)

ATTACHMENT 1

Given that all arrivals and departures do not coincide with school arrivals and departures 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.

Recommended conditions relating to traffic are as follows:

1 *'No stopping' signs be erected across the frontage of the subject site preventing the parking of cars between 8.00AM - 9.00AM and 2.30PM - 3.30PM on school days (R5-404 standard sign series).*

Reason: To enable 2 vehicles to pass along Winbourne St in front of the site and improve traffic flow.

2 *Construction traffic is not to come to the site or leave the site between 8.15AM to 9.15AM - school days.*

Reason: To avoid potential conflict with school traffic of a morning period.

3 *Cars enter and leave the site in a forward direction.*

Reason: To maximise sight lines between vehicles and pedestrians.

Refusal Reason 2: *A high volume of children traverse Winbourne Street during the weekday morning and afternoon 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.*

Comment:

Council's responsibility is to ensure that the design measures for the on-site car parking area are designed to comply with the Australian Standards. In this regard the applicant's traffic consultant has concluded the proposed development satisfies 'the geometric design specifications contained in the Australian Standards for off street parking and vehicular access.

ITEM 3 (continued)

ATTACHMENT 1

The access driveways proposed to serve the development are suitably located and will provide good sight distance in both directions in Winbourne Street.

In addition to the above a slight adjustment has been undertaken to a car space width by adding an extra 200mm to ensure full compliance is also achieved with the DCP parking standards.

The benefit of the one way driveway design with 2 driveway crossovers 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. This is not a reason warranting the refusal of this application. It is noted that a one way driveway arrangement was approved on a narrower block for the childcare centre north of the site in Winbourne Street.

Refusal Reason 3: *The amenity of surrounding residential properties will be impeded as exiting and entering driveways will be added with further difficulty.*

Comment:

In consideration of the comment made in reference to refusal 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. Eight car spaces are provided on-site as well as a drop-off pick-up zone in the driveway ensuring that the site is self sufficient in terms of on-site parking.

It is noted that the childcare centre north of the subject site provides only 6 on-site car spaces for 40 children and 4 of the spaces are provided in a stacked manner. The provision of 8 car spaces to service 35 children is significantly better than what Council deemed acceptable previously.

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. It is understood that the proposed development is satisfactory in regards to these matters.

ITEM 3 (continued)

ATTACHMENT 1

Refusal Reason 4: *The proposal is unacceptable when assessed in terms of Ryde DCP 2010 (Part 3.2 - Child Care Centre):*

- *Clause 6.2.1 Size and functionality of play spaces (unencumbered outdoor play space).*

Comment:

The proposed reduction in child placements at the site from 39 to 35 children results in a provision of unencumbered outdoor play area of 281.46sqm at an average of 8.02sqm per child.

Landscaping in the rear external play area has been deleted for the safety of children and the use of play equipment and shaded areas enhanced. Ample outdoor space is provided to stimulate play time activities.

It is noted that the childcare centre north of the site in Winbourne Street was approved for 40 children at a ratio of 1 child per 7.66sqm of external play area.

The DCP standard of 1 child per 10sqm of external play area is far greater the Department of Education & Community Services standard which has a minimum rate 1 child per 7sqm of external play area.

In acknowledgement of the onerous standard imposed by the Ryde DCP, the DCP itself includes a note which reads as follows:

A reduction in this minimum area requirement - (10sqm) per child (to no less than the DEC's minimum requirement - 7sqm per child) may be considered subject to satisfactory compliance with the general landscape design requirements under Section 6.1 and design of the outdoor play space in accordance with Section 6.2.2 Outdoor Play Spaces and 6.2.4 Transition Areas.

The proposed centre includes an appropriately designed transition area and has ample landscaping along the sides and front of the site.

The proposed outdoor area provision is greater than the industry standard and higher in provision than that of other centres approved by Council.

ITEM 3 (continued)

ATTACHMENT 1

Refusal Reason 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-surfaced area associated with car parking spaces and driveways.*

Comment:

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 stenciled 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. It should be noted that the landscape strip across the frontage has been widened by 200mm.

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 north of the site in Winbourne St.

According to Council's DCP for Childcare centres, an alternate design solution is not encouraged as "underground parking is not permitted in low density residential areas".

The refusal ground is somewhat contradictory given that 8 car spaces are required by the DCP to service the use and that a one way driveway with 2 vehicle crossovers is also desired by the DCP. This ground does not warrant refusal of the application.

ITEM 3 (continued)

ATTACHMENT 1

Refusal Reason 6: *In the circumstances of the case, approval of the development is not in the public interest.*

Comment:

Council should be aware that the applicant submitted a 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 first 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 at the site on any other terms.

It is also noted that there has been no direct complaint raised about the centre affecting residents directly, such as overshadowing, loss of privacy, noise disturbance and the like.

The applicant has taken the responsible approach of adapting and existing single storey building for use as a childcare centre thus causing minimal disturbance to adjoining owners.

In balanced consideration, all reasonable endeavours have been undertaken by the applicant to provide a quality and manageable centre which will be to the benefit of the growing community.

The location of the centre is also desirable being close to schools and on the fringe of a locality as prescribed by the DCP.

Objections to the centre under the guise of public interest is not substantiated and not warranted. The proposal inclusive of the amendments forwarded under the review are highly consistent with the DCP provisions and that of prior approvals for childcare centre developments in the locality.

ITEM 3 (continued)

ATTACHMENT 1

SECTION 82A checklist

82A Review of determination

(1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:

(a) a determination to issue or refuse to issue a complying development certificate, or

(b) a determination in respect of designated development, or

(c) a determination in respect of integrated development, or

(d) a determination made by the council under Division 4 in respect of an application by the Crown.

Comment: The development application is not affected by the nominated criteria. Council can consider the Section 82A request.

(2) A council must, on a request made in accordance with this section, conduct a review.

Comment: Noted. The Council is obligated to undertake a review of its determination.

(2A) A determination cannot be reviewed:

(a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or

(b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.

Comment: The application has been submitted within the statutory time frame. Council is requested to ensure that the review is concluded prior to the expiry of the Section 97 time period.

ITEM 3 (continued)

ATTACHMENT 1

(3) (Repealed)

(3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).

Comment: The applicant has undertaken minor amendments to the proposed development to resolve the matters identified in Council's reasons for refusal of the original development proposal.

(4) The council may review the determination if:

(a) it has notified the request for review in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and

Comment: It is requested that Council undertake notification as and if required.

(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

Comment: It is expected that Council will consider any submissions as required.

(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.

Comment: The amendments to the original proposal are relatively minor. Council can be satisfied that the amended proposal is substantially the same development as the development described in the original application.

ITEM 3 (continued)

ATTACHMENT 1

(4A) As a consequence of its review, the council may confirm or change the determination.

Comment: The Council is requested to change its determination from refusal to conditional approval.

(5) (Repealed)

(6) If the council reviews the determination, the review must be made by:

(a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or

(b) if the determination was made by the council—the council.

Comment: It is expected that Council will adhere to these procedures.

(7)–(9) (Repealed)

(10) If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.

Comment: There is no appeal pending.

(11) (Repealed)

(12) This section does not apply where a regional panel exercises a council's functions as the consent authority.

ITEM 3 (continued)

ATTACHMENT 1

Comment: Not applicable to the circumstances of the subject development application.

Conclusion

The matters identified in the reasons of refusal have been resolved by the additional information and amended plans provided under this Section 82A application.

Council is requested to review its original determination and approve the development application subject to relevant conditions of development consent.

Yours Faithfully

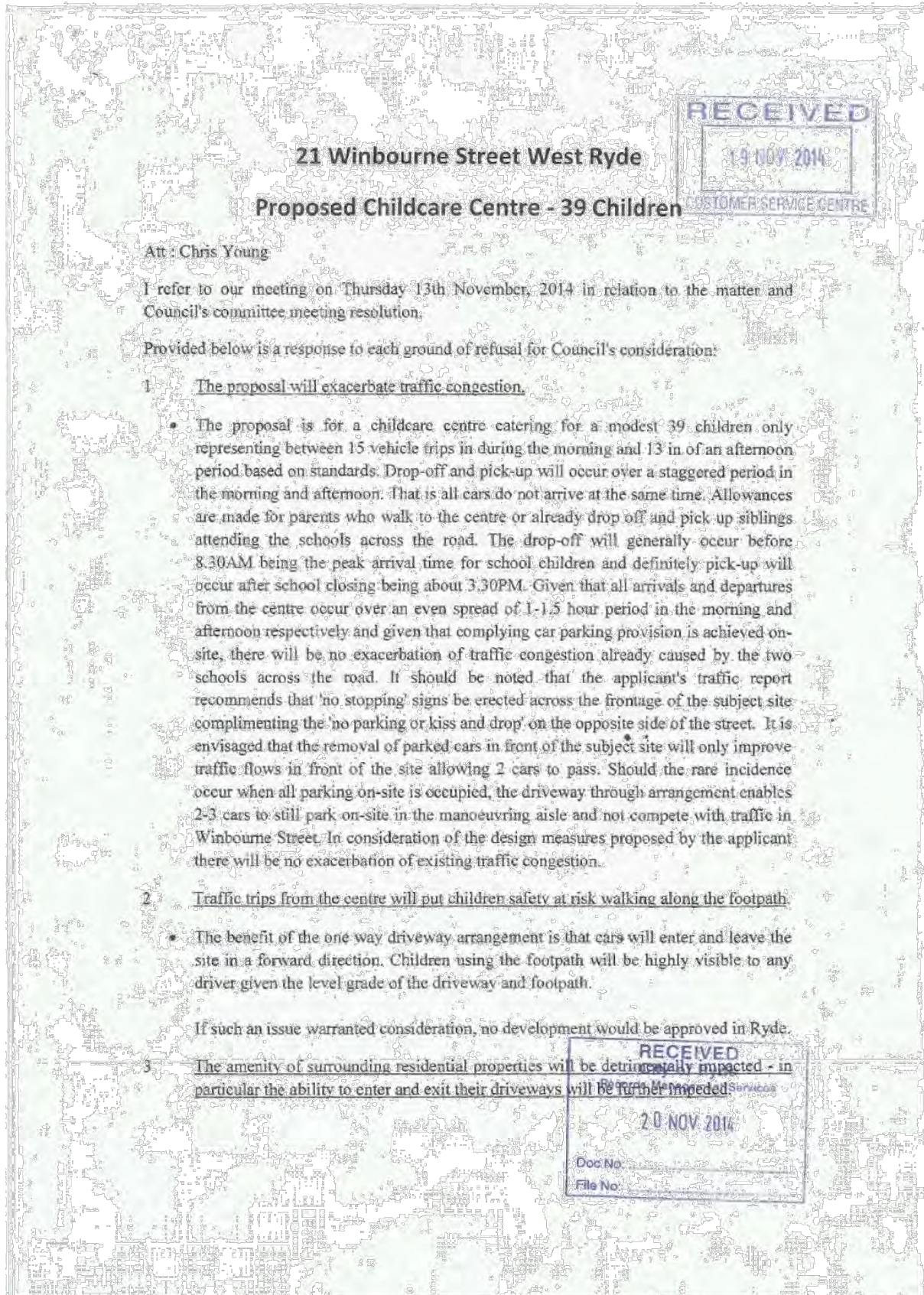
Nigel White

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ITEM 3 (continued)

ATTACHMENT 2



ITEM 3 (continued)

ATTACHMENT 2

- 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 3 (continued)

ATTACHMENT 2

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)

ITEM 3 (continued)

ATTACHMENT 3

Development Application - Notice of Refusal

Applicant: G Moskovian
1a Marsden Road
WEST RYDE NSW 2114

LDA No: LDA2013/0420

Property: 21 Winbourne St West Ryde Lot 4 DP 39266

Development: Alterations and additions and change of use of existing dwelling to a child care centre for 39 children.

Local Development Application No. LDA2013/0420 at 21 Winbourne St West Ryde is 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 impeded as exiting and entering their driveways will be added with further difficulty.
4. 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).
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. In the circumstances of the case, approval of the development is not in the public interest.

ITEM 3 (continued)

ATTACHMENT 3

You are advised of your right of appeal to the Land and Environment Court under Section 97 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Notice of Refusal.

Chris Young
Team Leader – Assessment

Date: 10 February 2015

ITEM 3 (continued)

ATTACHMENT 4

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:

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

- Declaration from architect
- 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 3 (continued)

ATTACHMENT 4

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 education and care services.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

- 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 Winboun 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 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

2. Site (*Refer to attached map*)

- Address** : 21 Winbourne Street, West Ryde
(LOT 4 in DP 39266)
- Site Area** : 940.4m²
Frontage to Winbourne Street: 21.335m
Rear Boundary: 19.865m
Northern Side Boundary: 55.035m
Southern Side Boundary: 44.8m
- Topography and Vegetation** : Slight slope of 3.46m towards north-eastern corner at Winbourne Street. A Lilly Pilly (*Syzygium paniculatum*) approximately 12m high is situated in the rear yard along the northern side boundary. A Grey Gum (*Eucalyptus punctata*), approximately 7m high is situated in the centre of the Council nature strip along Winbourne Street frontage.
- Existing Buildings** : A 2 storey brick dwelling house and metal shed.
- Planning Controls** : Ryde LEP
- Zoning** : R2 Low Density Residential under Ryde LEP 2010
R2 Low Density Residential under draft Ryde LEP 2013
- Other** : Ryde DCP 2010

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



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

ITEM 3 (continued)

ATTACHMENT 4

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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.

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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.

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



View looking north along Winbourne Street from subject site



Traffic along Winbourne Street

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



Buses and cars in front of Marsden High School



View looking south along Winbourne Street from subject site

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

- 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:



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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

- 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:



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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

driveways associated with the development which is likely to be queued waiting to exit the site during peak periods.



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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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. 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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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."

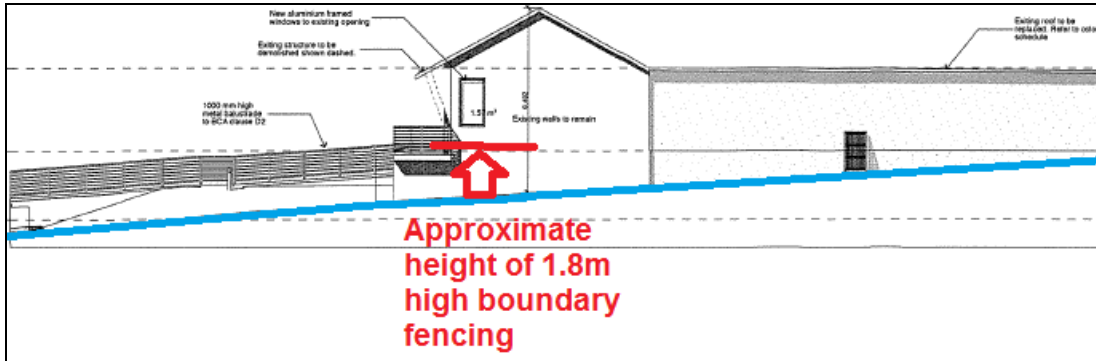
Assessment Officer's Comment

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:

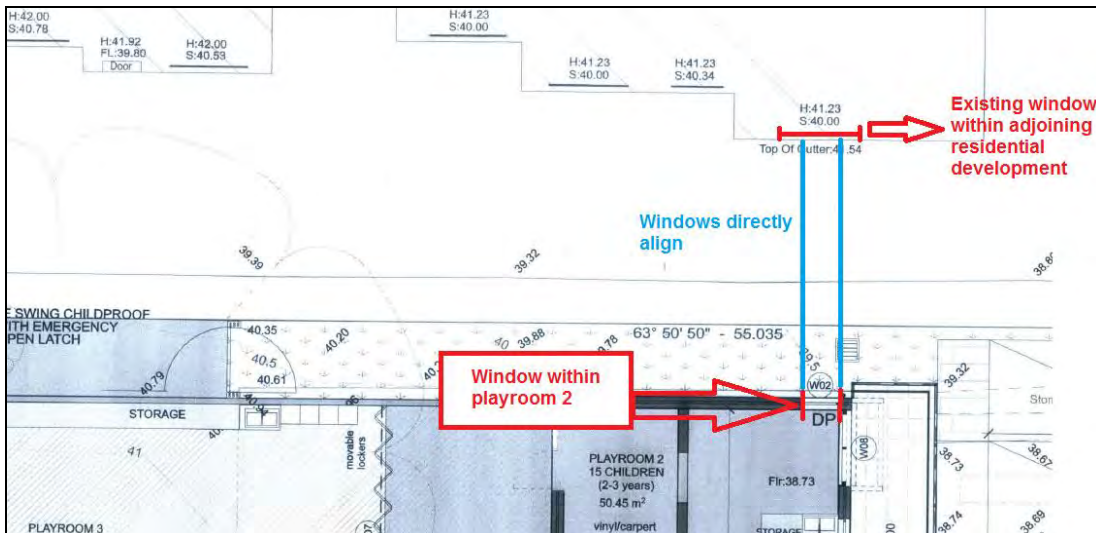
ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



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.”

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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 4.5m² 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."*

Assessment Officer's Comment

A total of 147.53m² unencumbered indoor play space is provided on the site, equating to an average of 3.78m² per child. The following area per child in their respective age categories appears as follows:

- 0-2 yrs play rm: 8m² per child
- 2-3 yrs play rm: 3.36m² per child
- 3-6 yrs play rm: 3.25m² per child

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

Whilst a shortfall of 0.72m² 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 3.25m² 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 10m² 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 254.14m² unencumbered outdoor play space is provided on the site, equating to an average of 6.51m² per child. In applying the requirements of the DCP, this results in a shortfall of 135.86m² or 3.49m² 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 18.86m² or 0.49m² 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 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 7m² of unencumbered outdoor play space is provided which alone demonstrates a level of non-compliance of 0.49m². In calculating this area, Clause 108 (3) of the Education & Care Services National Regulation states:

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

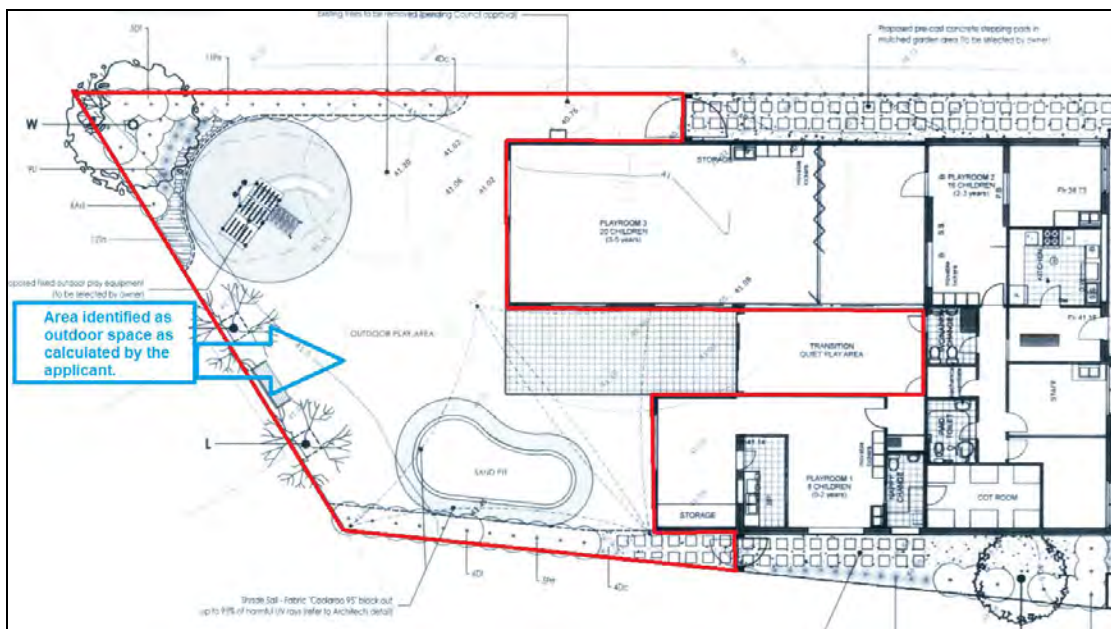
"(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded –

- (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.

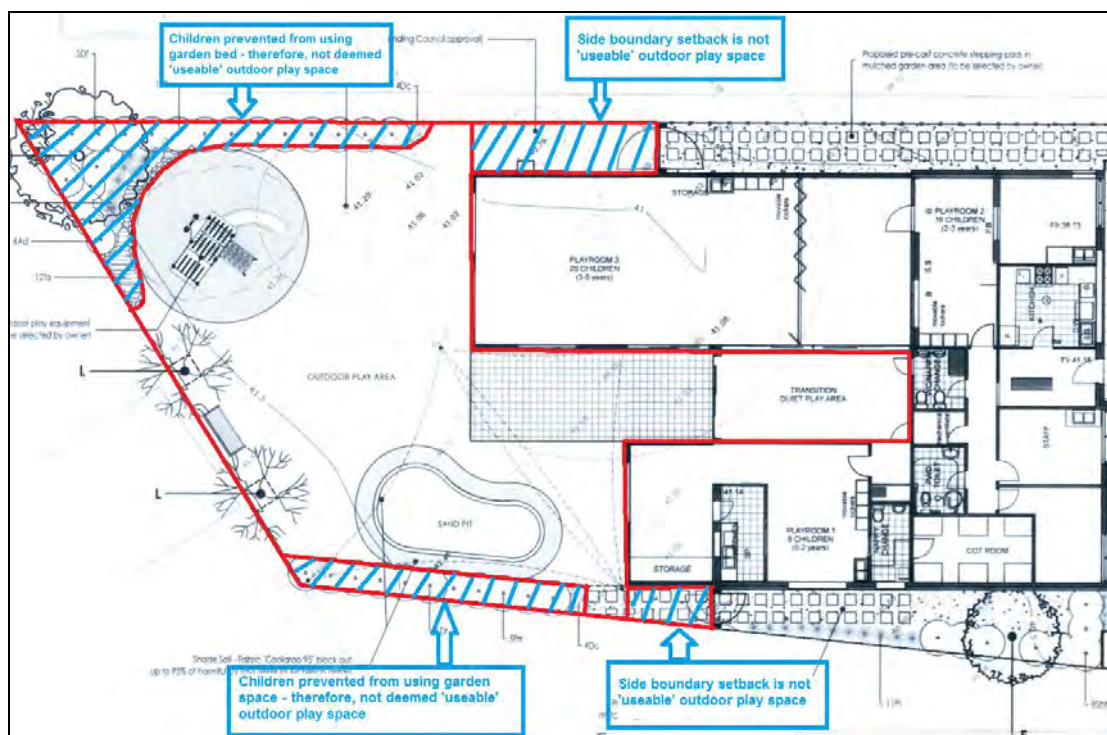


The applicant's calculation of outdoor play space

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



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 20m²."

Assessment Officer's Comment

The staff room will have an area of 10.5m²; a non-compliance of 9.5m².

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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 2.5m² 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 1.7m²; a shortfall of 0.8m². 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 10.3m² therefore, reducing the number of cots within this room to 4 would result in an area of 2.575m² 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

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS 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.

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:

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

“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 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;

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

- *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.

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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 vtpm (vehicle trips per hour) and 27.3 vtpm respectively.

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

Element	Time Period		
	7:00am - 9:00am	2:30pm - 4:00pm	4:00pm - 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

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:

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

(*) 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 vtpm higher in the morning peak than as presented by the consultant's report.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS 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.

- *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 Council's 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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT



- 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.*
- 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*

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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 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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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 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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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:

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.*

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT

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.

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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

PART 3.2 CHILD CARE CENTRES

Requirements	Proposed	Compliance
SUBMISSION REQUIREMENTS		
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.
SITE, LOCATION & SITE SELECTION		
Min. lot width = 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 area = 800m ² (single use)	940.4m ²	Yes
Not recommended on Arterial, sub-arterial Rd or busy intersection. Mixed use CCC to face distance away from arterial/ busy roads .	Site is located on Winbourne Street which is not identified as an arterial or sub-arterial. Acoustic report reviewed.	Yes
Site not to be battle axe shaped	Regular allotment with low density residential use.	Yes
Cul-de-sacs not preferred (if located - see special requirements)	N/A	N/A
Not near brothel	No known brothel nearby.	Yes
Site to be flat, gently sloping, well drained and easily accessible	Generally flat and accessible.	Yes
Aspect 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 overshadowing	North is situated along the longest side boundary with minimal overshadowing occurring to the outdoor play	Yes

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
	area.	
Site should not be subject to overlooking	No significant overlooking. Provision of 1.8m fencing surrounding the outdoor area will deter overlooking.	Yes
Large scale centres (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
Work based 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 overland flow (See Flood Study requirement Cl. 2.1.2)	Site is not affected by overland flooding.	Yes
Not on Bushfire prone land (Integrated development)	Site is not identified as bushfire prone land.	Yes
Not affected by environmental hazard such as contaminated land , 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, toxicity levels 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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

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
Number of child care places, age group and number and role of staff 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
Justification of proposed number of children in each age group (refer DCP).	Based on current demand.	Yes
Detailed site analysis to be carried out (see DCP for details of what required)	Site analysis has been carried out.	Yes
DESIGN & CHARACTER		
All Child Care Centres		
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
Detached Centres and Centres in Residential Areas		
Designed to appear domestic in scale and character and shall have a bulk,	Design appears domestic in scale with minimal change to	Yes

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
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
Fence Design		
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	

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
other parts of building	not accessible without supervision.	Yes
Ensure adequate sight lines for vehicles	Sightlines not achieved.	No (variation supported)
PRIVACY		
Privacy - Acoustic		
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"> • Orient play areas etc away from living areas, bedrooms of affected property. • Use laminate or double glaze, sound proof. • Design fence to minimise noise transmission- lapped timber etc • Sound insulated roof & walls • Other measures. 	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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

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
Privacy – Visual		
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)
CAR PARKING, TRAFFIC & ACCESS		
Car Parking - All Child Cares		
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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

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
Car parking - Work based/mixed use centres		
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
Manoeuvrability		
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"> • Separate entry/exit at safe distance • Vehicles leave in a forward direction • Use does not endanger people/ vehicle • Front setback is not given over to traffic circulation and parking requirement & compromises landscaping & streetscape. 	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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
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
Traffic & Pedestrian Safety		
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
Accessibility		
New Development must comply with: <ul style="list-style-type: none"> AS 1428.1 Design for Access & Mobility. BCA Part D Part 9.2 of DCP 	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"> Continuous path of travel from street/ parking area to rooms/ play area Hard paved surfaces leading into the entry of a play environment and continuing inside Parking areas to incorporate kerb cuts to eliminate barriers for prams or individuals using mobility aid Pathways 1200-1500mm wide & grades no steeper than 1:14 	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
LANDSCAPING & PLAY SPACES		
General Landscaping Requirements		
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"> Show any significant trees on site 	Landscaping and the outdoor play area is considered satisfactory as it is in accordance with the specific requirements under the DCP:	

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
<ul style="list-style-type: none"> • Avoid plants which may be poisonous or a hazard to children/ babies/ toddlers • Consider the compaction & erosion of soil • Consider potential of tree roots to up lift outdoor surface eg footpath • Identify opportunities for deep soil planting and appropriate species • Include shrubs & trees which offer range of textures, colours etc 	<ul style="list-style-type: none"> • 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. • Sufficient sail shades and outdoor activity area provided within the landscaped area. • Sand pits have been proposed. • 66% grass & soft landscaping. • Various plant species to be planted – only deep soil area surrounding plants. 	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)
Play Spaces - Size and Functionality		
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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
staff.		
Provide unencumbered indoor play area at a rate of 4.5m ² per licenced child care place, exclusive of transitional areas.	147.53m ² or 3.78m ² per child. 0-2 yrs play rm:8m ² per child 2-3 yrs play rm:3.36m ² per child 3-5 yrs play rm:3.25m ² per child	No (variation supported)
Indoor spaces designed to achieve passive surveillance from all rooms	Design is satisfactory. Sleep rooms located for easily access and surveillance.	Yes
Outdoor Play Spaces -		
All child care centres		
Provide unencumbered Outdoor play area at rate of 10m ² per child care place inclusive of transition areas. <u>Note</u> : This can be varied to DoCs requirement – refer to DCP	Total area provided: 254.14m ² equates to 6.51m ² per child. Short by 135.86m ² or 3.49m ² per child <u>NOTE</u> : Education & Care Services National Regulation require 7m ² per child and the 6.51m ² is short of the requirement.	No (variation not supported)
Shape of space to maximise supervision and usability of space	Adequate levels supervision can be achieved.	Yes
Must be well drained	Well drained and connected to drainage system.	Yes
Design of outdoor play area to aim for: <ul style="list-style-type: none"> • 30% natural planting with 30% turfed area • 40% hard surfaces (sand, timber, pav) 	12.6% natural planting 46% turf On balanced look at design of outdoor play area, provision is satisfied.	Yes
Distinct areas in outdoor play area to include: <ul style="list-style-type: none"> • An open grassed area for gross motor skills (run, games etc) • Formal quiet areas, for focussed play – with sandpit) • An active area (eg. Climbing, digging) • A transition area • Storage area <p>Note: See DCP for details</p>	Play area is satisfactory in that it provides: <ul style="list-style-type: none"> • 46% open turfed area for GMS. • Quiet areas such as sand pit, digging patch, seats, gardens etc. • A transition area has been provided. <p>Outdoor play area does not contain any storage area.</p>	Yes No (variation supported)

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
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
Work based/ in mixed use child care		
If outdoor space external above ground level: <ul style="list-style-type: none"> • Ensure outdoor space of similar quality to that achievable at ground floor level and complies with Clause 6.2.2 • Implement measures to protect from natural elements for year-round use • Fencing to be provided for safety and prevent objects being thrown over 	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 ² of space per child and not impede supervision of play areas.	Proposal is not work based/in mixed use.	NA
Transition Areas		
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 ² transition area provided to offer protection from poor weather.	Yes
Can incorporate facilities for educational experiences & storage areas	These are provided outdoors	Yes
Swimming Pools and Water Hazards		
New swimming pools are not permitted on premises of any child care centre	No pool proposed	N/A

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
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
GENERAL CONTROLS		
Centre Facilities		
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 ² floor space	10.5m ²	No (variation supported)
If children below under 2 year are to be cared for then these be provided: <ul style="list-style-type: none"> • a sleeping room with 2.5m² of floorspace per cot and maximum of 10 cots per room • a nappy change area adj. to the cot room to be provided 	1 cot room (4 children < 2yrs): Room 10.3m ² (6 cots) =1.7m ² 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)
Signage		
Must comply with Part 9.1 of DCP	No signage proposed as part of application.	Yes
Exterior Lighting		
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
Waste Storage and Management		
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"> • special removal service • frequency of removal of waste • opportunities for reuse and recycling 	Private waste collector Staff to monitor collection frequency. EHO has recommended	Yes

ITEM 3 (continued)

ATTACHMENT 4



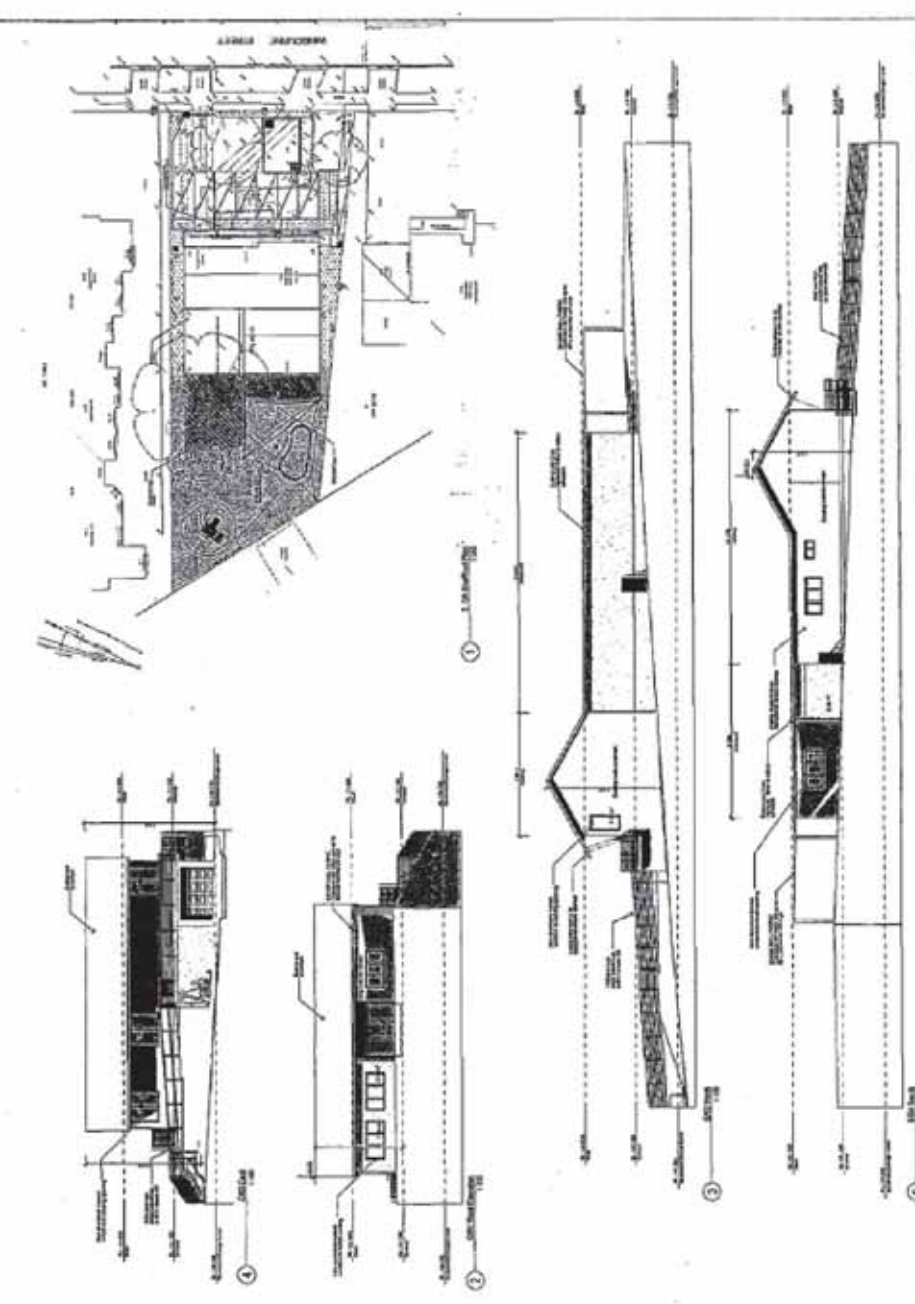
PREVIOUS REPORT – ATTACHMENT 1

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 2

<p>GENERAL NOTES</p> <p>1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.</p> <p>2. THE PROPOSED DEVELOPMENT IS SHOWN ON THE ATTACHED PLANS.</p> <p>3. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>4. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>5. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>6. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>7. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>8. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>9. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p> <p>10. THE PROPOSED DEVELOPMENT IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF RYDE DEVELOPMENT CONTROL REGULATIONS 2012.</p>	<p>13-012</p>		
	<p>DA 8 B</p>	<p>DA 8 B</p> <p>Project Name: 27 Walsby Street, Ryde, NSW 1515</p> <p>Client: Mr. A. Walsby</p> <p>Proposed: Child Care Centre</p> <p>Scale: 1:100</p> <p>Author: [Name]</p> <p>Check: [Name]</p> <p>Date: [Date]</p>	

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



ABN 63 074 165 263

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
Looked 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 3.5m 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 1d/w=3m-5.5m Note: driveways are normally coesbines, 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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

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 x 0.8 = 31.2	39 x 0.7 = 27.3
Total	31.2 Trips	27.3 Trips

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
Total	455	363

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

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

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 AUSTRoads *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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

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 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

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 additional 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 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



R.O.A.R. DATA
Reliable, Original & Authentic Results
Ph: 93 195847, Fax: 93 195848, 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			
Time Per	NTH-B	STH-B	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	75
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			
Peak Per	NTH-B	STH-B	TOT
0700-0800	61	94	126
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			
Heavyies			
Time Per	NTH-B	STH-B	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			
Heavyies			
Peak Per	NTH-B	STH-B	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			
Time Per	NTH-B	STH-B	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	346	388	733

Winbourne St			
Combined			
Peak Per	NTH-B	STH-B	TOT
0700-0800	83	98	179
0715-0815	119	110	228
0730-0830	127	121	248
0745-0845	174	178	341
0800-0900	229	226	455
0815-0915	207	238	445
0830-0930	182	222	404
PEAK HR	229	226	455

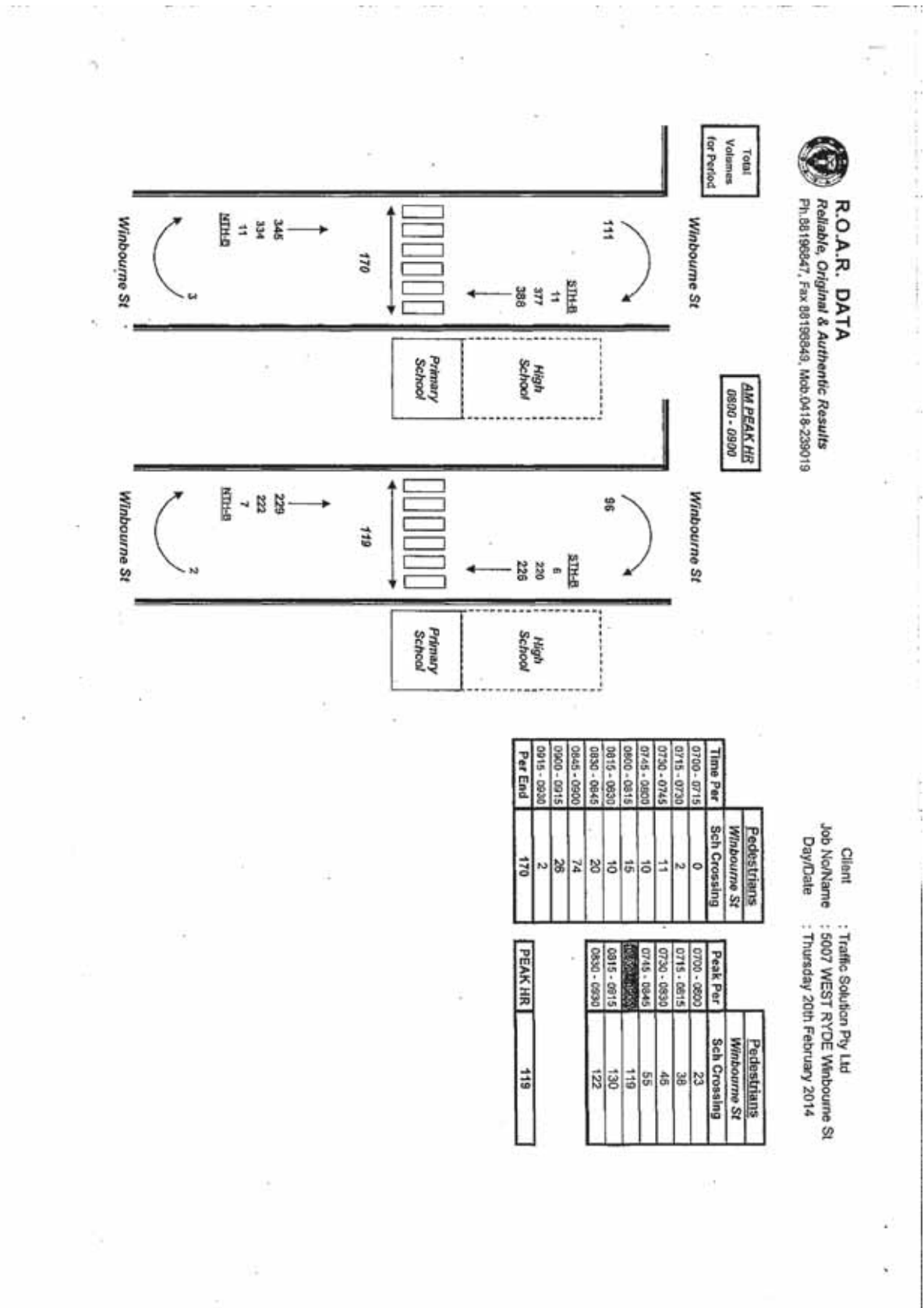
Winbourne St			
Heavyies			
Time Per	North	South	TOT
0700-0715	0	0	0
0715-0730	0	0	0
0730-0745	1	0	1
0745-0800	0	0	0
0800-0815	1	0	1
0815-0830	0	0	0
0830-0845	30	1	31
0845-0900	57	1	58
0900-0915	13	1	14
0915-0930	1	0	1
Per End	111	3	114

Winbourne St			
Heavyies			
Peak Per	North	South	TOT
0700-0800	1	0	1
0715-0815	2	0	2
0730-0830	10	0	10
0745-0845	39	1	40
0800-0900	36	2	38
0815-0915	108	3	111
0830-0930	101	3	104
PEAK HR	96	2	98

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



R.O.A.R. DATA
Reliable, Original & Authentic Results
Ph. 88198847, Fax 88198849, Mob 0418-239019

PM

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

Time Per	Winbourne St		
	NTH-B	STH-B	TOT
1430 - 1445	27	14	41
1445 - 1500	32	28	60
1500 - 1515	48	78	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	25	42
1700 - 1715	14	23	37
1715 - 1730	15	27	42
Per End	273	416	684

Peak Per	Winbourne St		
	NTH-B	STH-B	TOT
1430 - 1530	144	188	332
1530 - 1545	136	207	345
1500 - 1600	119	203	322
1615 - 1615	82	148	230
1530 - 1630	88	121	189
1645 - 1645	67	120	187
1600 - 1700	71	121	192
1615 - 1715	74	123	197
1630 - 1730	86	107	173
PEAK HR	138	207	345

Time Per	Winbourne St		
	NTH-B	STH-B	TOT
1430 - 1445	4	4	8
1445 - 1500	1	1	2
1500 - 1515	0	0	0
1515 - 1530	4	4	8
1530 - 1545	0	4	4
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

Peak Per	Winbourne St		
	NTH-B	STH-B	TOT
1430 - 1530	0	0	0
1530 - 1545	9	9	18
1500 - 1600	8	8	16
1615 - 1615	10	0	10
1530 - 1630	6	5	11
1645 - 1645	3	2	5
1600 - 1700	3	2	5
1615 - 1715	2	2	4
1630 - 1730	2	2	4
PEAK HR	9	9	18

Time Per	Winbourne St		
	NTH-B	STH-B	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	66
1630 - 1645	21	33	54
1645 - 1700	17	25	42
1700 - 1715	15	24	39
1715 - 1730	16	27	42
Per End	286	432	727

Peak Per	Winbourne St		
	NTH-B	STH-B	TOT
1430 - 1530	153	197	350
1530 - 1545	147	216	363
1500 - 1600	127	211	338
1615 - 1615	92	157	249
1530 - 1630	74	126	200
1645 - 1645	70	122	192
1600 - 1700	74	123	197
1615 - 1715	76	125	201
1630 - 1730	88	109	177
PEAK HR	147	216	363

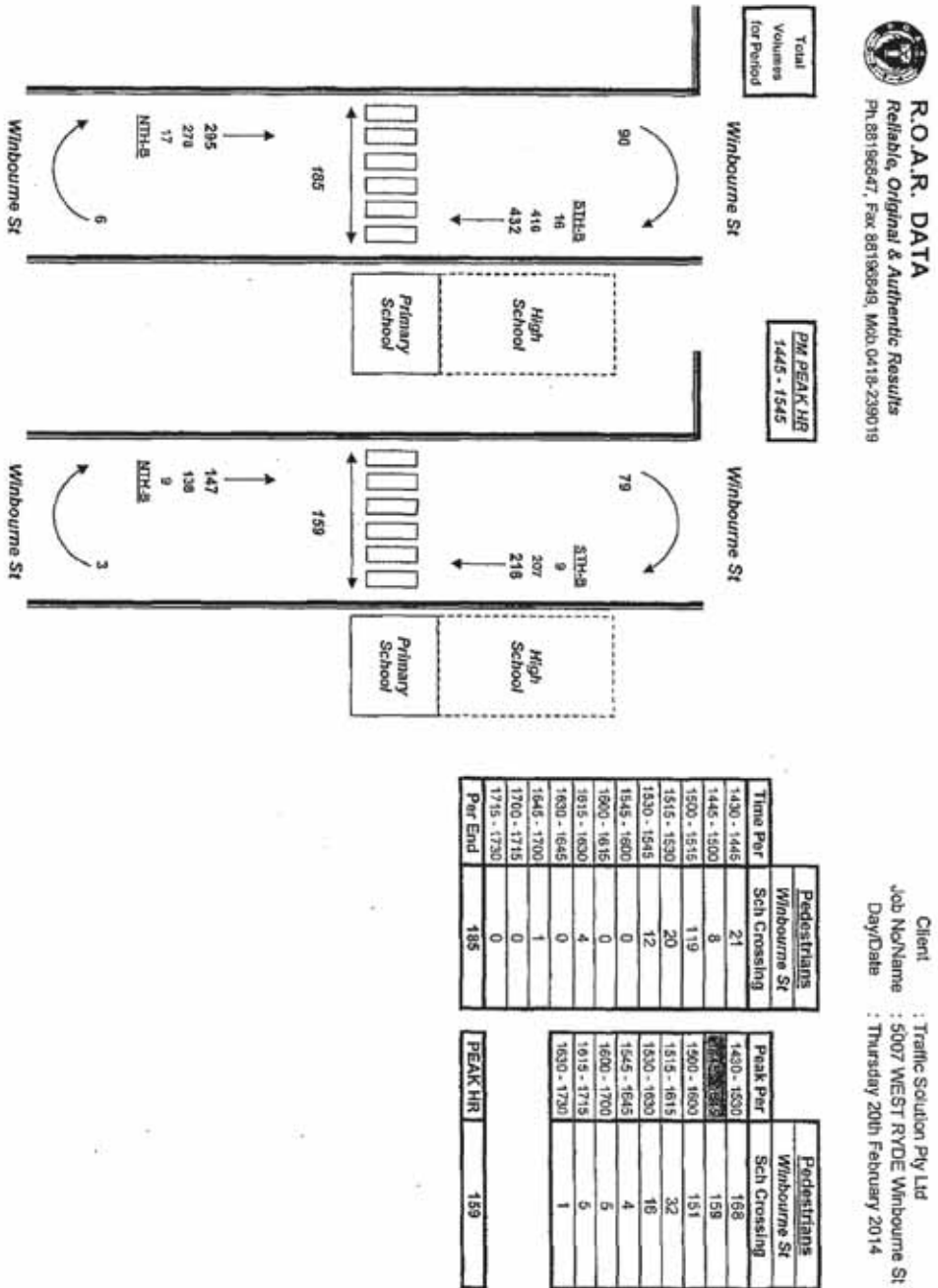
Time Per	Winbourne St		
	North	South	TOT
1430 - 1445	6	0	6
1445 - 1500	12	0	12
1500 - 1515	30	2	32
1515 - 1530	27	1	28
1530 - 1545	10	0	10
1545 - 1600	1	2	3
1600 - 1615	0	1	1
1615 - 1630	1	0	1
1630 - 1645	2	0	2
1645 - 1700	0	0	0
1700 - 1715	0	0	0
1715 - 1730	0	0	0
Per End	90	6	96

Peak Per	Winbourne St		
	North	South	TOT
1430 - 1530	75	3	78
1530 - 1545	79	3	82
1500 - 1600	88	5	93
1615 - 1615	38	4	42
1530 - 1630	12	3	15
1645 - 1645	3	0	3
1600 - 1700	4	1	5
1615 - 1715	4	0	4
1630 - 1730	3	0	3
PEAK HR	79	3	82

ITEM 3 (continued)

ATTACHMENT 4

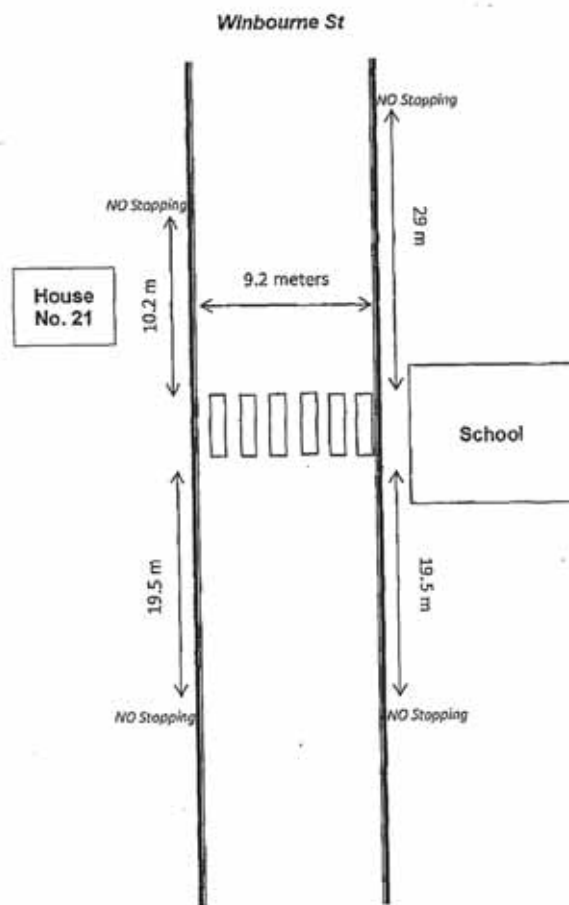
PREVIOUS REPORT – ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4

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 %	Req. Satn w/c	Average Delay sec	Level of Service	65% Back of Queue Vehicles veh	Queue Distance m	Prop. Queue/d	Effective Stop Rate per veh	Average Speed km/h
Southbound Winbourne St											
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
Northbound Winbourne St											
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
Westbound Redefrans											
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
All Vehicles		604	2.9	0.227	0.8	NA	1.0	7.1	0.27	0.08	35.0

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.

Processed: Tuesday, 25 March 2014 10:51:29 AM
SIDRA INTERSECTION 5.1.13.2003
Project: T:\2013\2014\085\Winbourne St Zebra.slp
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ITEM 3 (continued)

ATTACHMENT 4

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	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South/Winbourne St											
V1	T	257	2.9	0.242	0.7	LOS A	1.1	7.7	0.28	0.11	38.5
Approach		257	2.9	0.242	0.7	LOS A	1.1	7.7	0.28	0.11	38.5
North/Winbourne St											
V2	T	255	2.5	0.240	0.7	LOS A	1.1	7.6	0.28	0.11	38.5
Approach		255	2.5	0.240	0.7	LOS A	1.1	7.6	0.28	0.11	38.5
West/Bicyclists											
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
All Vehicles		637	0.0	0.242	0.5	NA	1.1	7.7	0.22	0.08	35.0

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.

Processed: Tuesday, 25 March 2014 10:54:55 AM
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Project: T:\20132014\095\Winbourne St Zebra.slp
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ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

MOVEMENT SUMMARY

Site: PM Existing

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

Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flow veh/h	HV %	Req. 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
Southbound Winbourne St											
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
Northbound Winbourne St											
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
West Pedestrian											
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											
		50	3.4	0.224	0.0	NA	0.0	0.0	0.22	0.10	3.0

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.

Processed: Tuesday, 25 March 2014 10:51:20 AM
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Project: T:\2013\2014\065\Winbourne St Zebra.sip
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INTERSECTION

ITEM 3 (continued)

ATTACHMENT 4

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 %	Dep. 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
South-Winbourne Street											
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	187	0.0	0.028	0.0	LOS A	0.0	0.0	0.00	0.00	4.0
Approach		187	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	0.0	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.

Processed: Tuesday, 25 March 2014 10:54:55 AM
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Project: T:\2013\2014\085\Winbourne St Zebra.sip
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INTERSECTION

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

Proposed Child Care Centre AT 21 Winbourne Street, West Ryde FOR Mr. H. Moskavian




Design Data for Proposed Child Care Centre at 21 Winbourne Street, West Ryde

Site area = 542.4 sq m
 Zoning = RL2, Low Density Residential
 Child care centre - 38 children ranging in age from 0-5 years
 Floor space and FSR - 217.25840 4 = 0.231 1
 Total external play area including transitional area - 301.87 m²
 Total unencumbered indoor play space 47.52 sq m
 Eight (8) car parking spaces
 The proposed hours of operation are 7:00am to 6:00pm



Zone

- Regional Centre
- Residential Centre
- Mixed Use
- Resource Development
- Resource Park
- Regional Park and Urban Reserve
- Employment/Professional
- Light Industrial
- Heavy Industrial
- General Manufacturing
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public Precinct
- Private Precinct
- Special Addition
- Educational
- General Land
- Regional Reserve

GENERAL NOTES

WALL MATERIALS & FINISHES

FLOOR MATERIALS & FINISHES

FIXTURES & COMPONENTS

13-012

AMENDED PLANS
17 Apr 2015

DA 1 B

<p>Mr. H. Moskavian 21 Winbourne Street West Ryde NSW Project Cover Sheet 13-012 Proposed Child Care Centre</p>	<p>DATE: July 2015 DRAWN: AG CHECKED: NL PROJECT: S1 SHEET: S1 OF: 8</p>
---	---

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

Location
The site is located approximately 250m from the intersection of Macleay and Victoria Road and local shops, and Wilshire Street connects through to Victoria Road to the airport road through the region.
The site is within 30m of bus route servicing. There are a range of local amenities nearby including local shops, schools, Sts Paul and Sts Peter's Catholic Church. Employment to the east nearby includes Pharmacy, Electrical, Music Centre and CarDetailing.
It is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Suburb/Zone
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Block of land
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Location
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Site Analysis
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Site Analysis
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Site Analysis
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

Site Analysis
The site is located in the zone of R20 (or R20) with street frontage of 21.30m.
Topography and vegetation
The site is on a 0.5% slope.
The site falls from east to west. The site is a flat area. There is some street level planting at the site, and also a series of trees along the eastern boundary. There is a direct, custom of road in the area which the lot is to be developed to be used as a site and adjacent to houses.

GENERAL NOTES

ALL MATERIALS & FINISHES

PLANNING & ENVIRONMENT

PROPOSED DEVELOPMENT

13-012

AMENDED PLANS
1:7 A3 2m

Item	Description	Value	Unit	Notes
1	Site Preparation	100	m ²	
2	Foundation	200	m ²	
3	Structure	300	m ²	
4	Roofing	150	m ²	
5	Services	50	m ²	
6	Landscaping	20	m ²	
7	Other	10	m ²	
Total		830	m²	

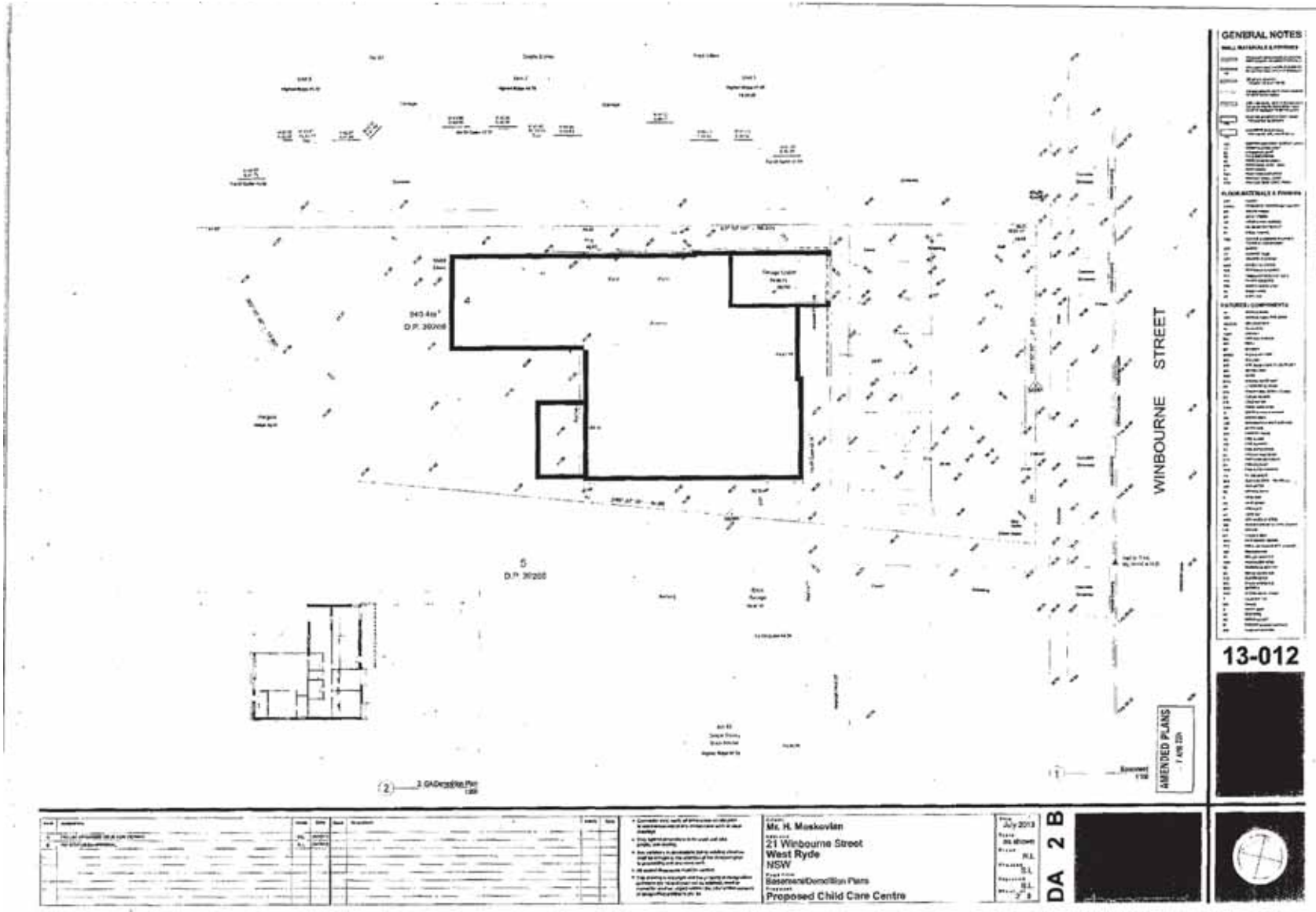
Mr. H. Moskovic
21 Winbourne Street
West Ryde
NSW
Page 1 of 1
Site Analysis
Proposed Child Care Centre

Date: July 2013
Scale: 1:7
Drawing: 11
Sheet: 11
Project: 11

ITEM 3 (continued)

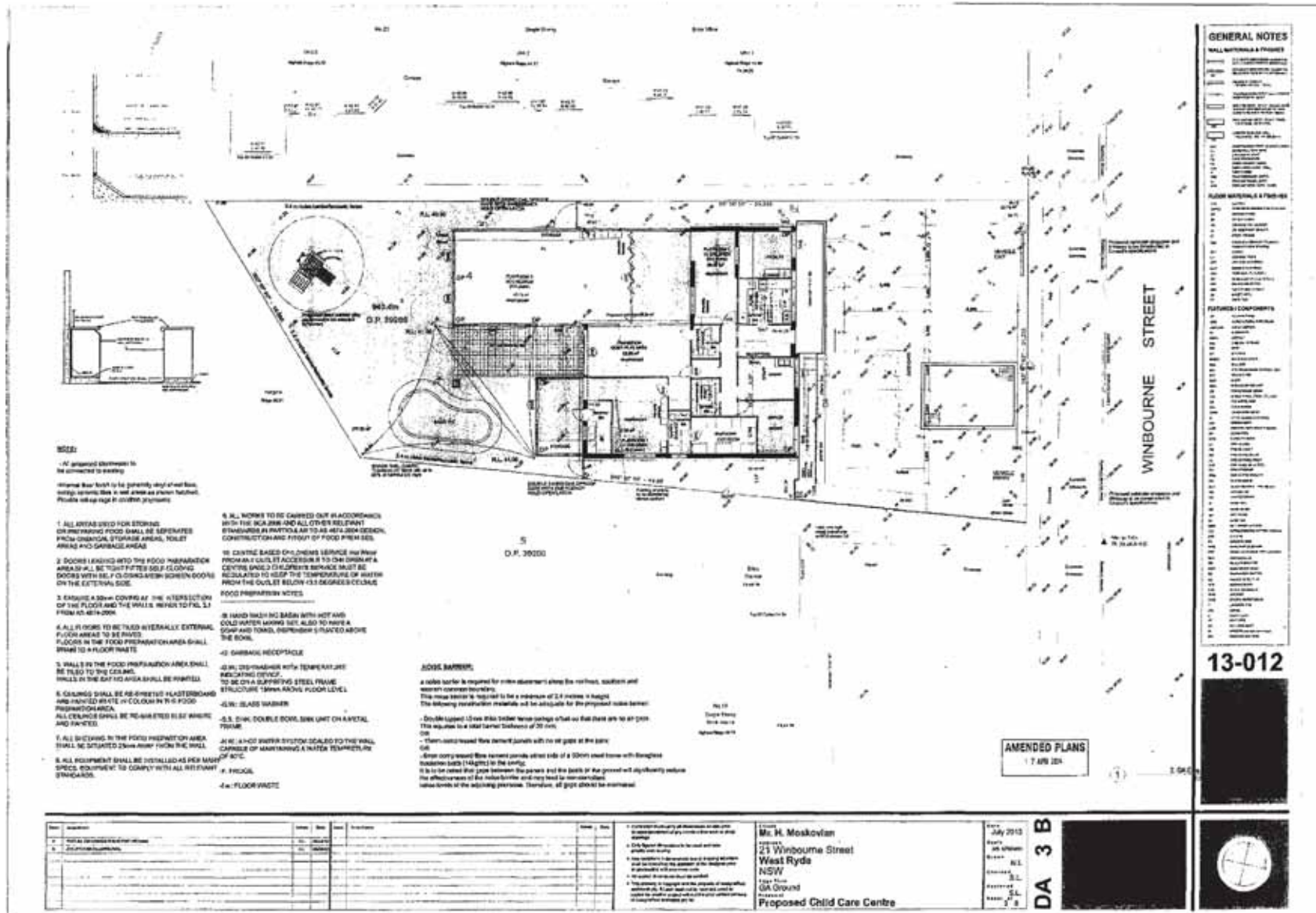
ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4
PREVIOUS REPORT – ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3

GENERAL NOTES

SMALL MATERIALS & FINISHES

GENERAL NOTES

13-012

AMENDED PLANS
17 APR 2014

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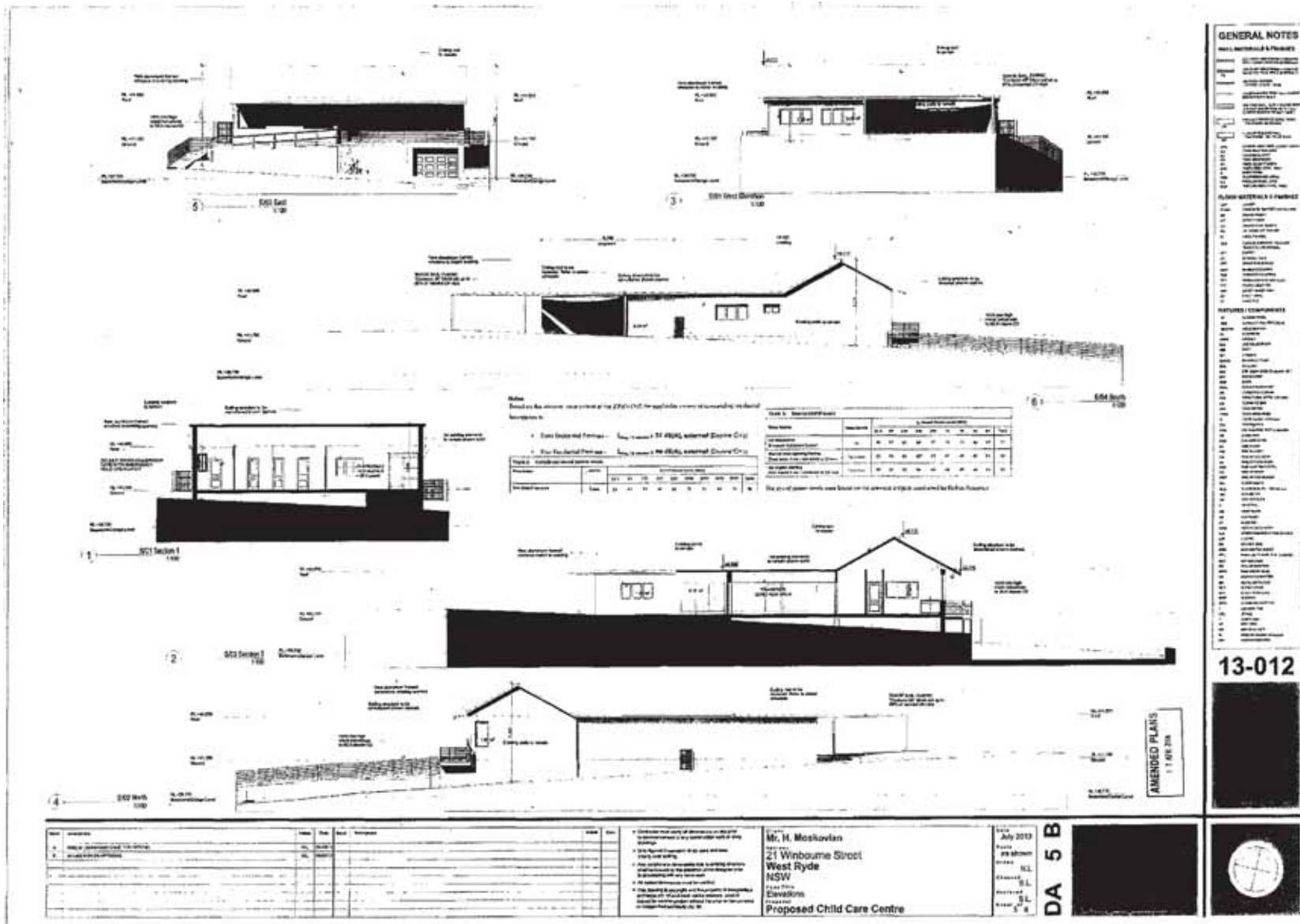
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West Ryde
NSW
Proposed Child Care Centre

July 2013
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Rev: 100

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 4

Traffic Solutions Pty Ltd



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 7th 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.

Address:
P.O Box 9161
Bathurst NSW 2795

Phone :
(02) 6331 0467

E-mail
craig@trafficsolutions.com.au

ITEM 3 (continued)

ATTACHMENT 4

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

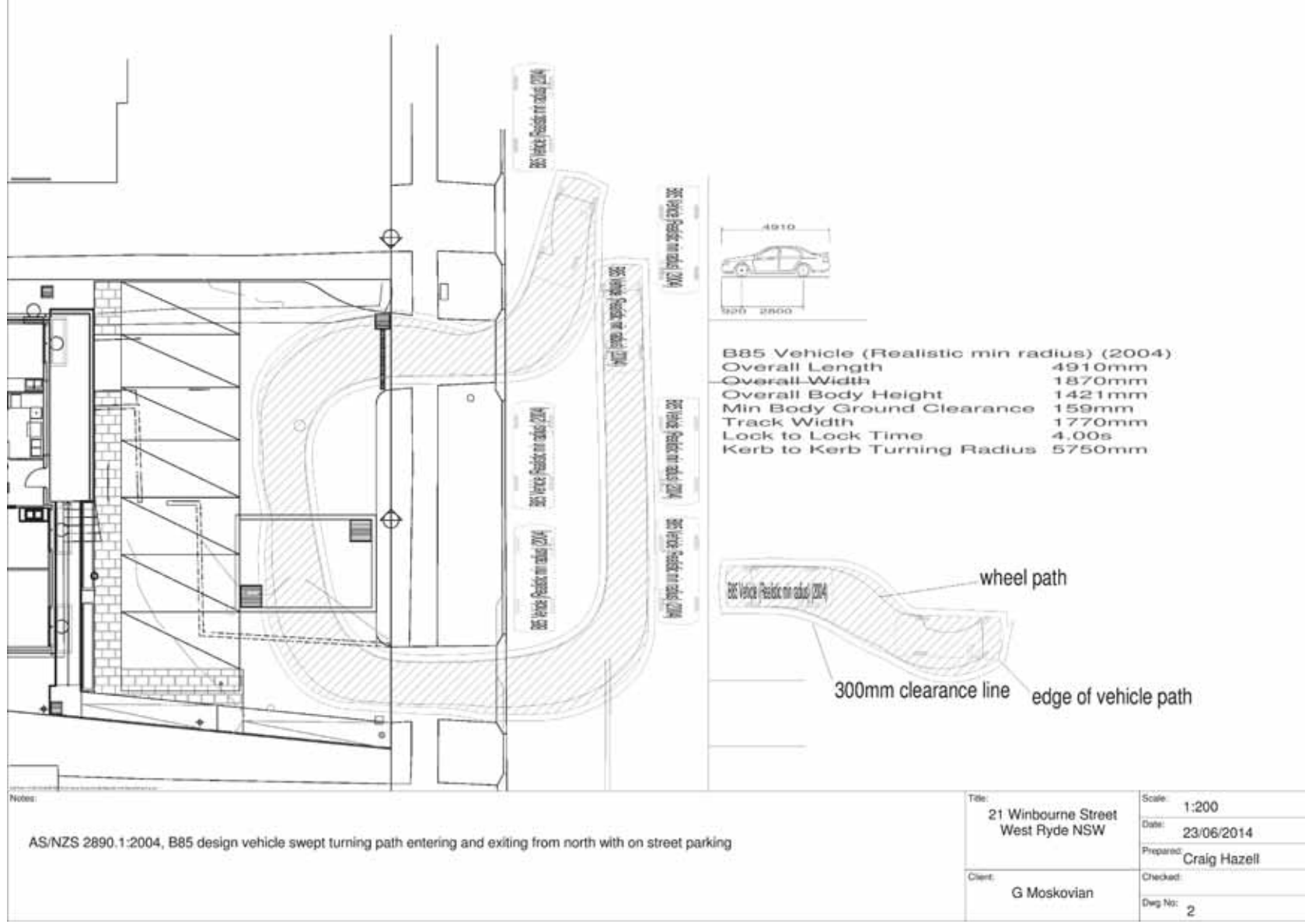


Craig Hazell
Director

ITEM 3 (continued)

ATTACHMENT 4

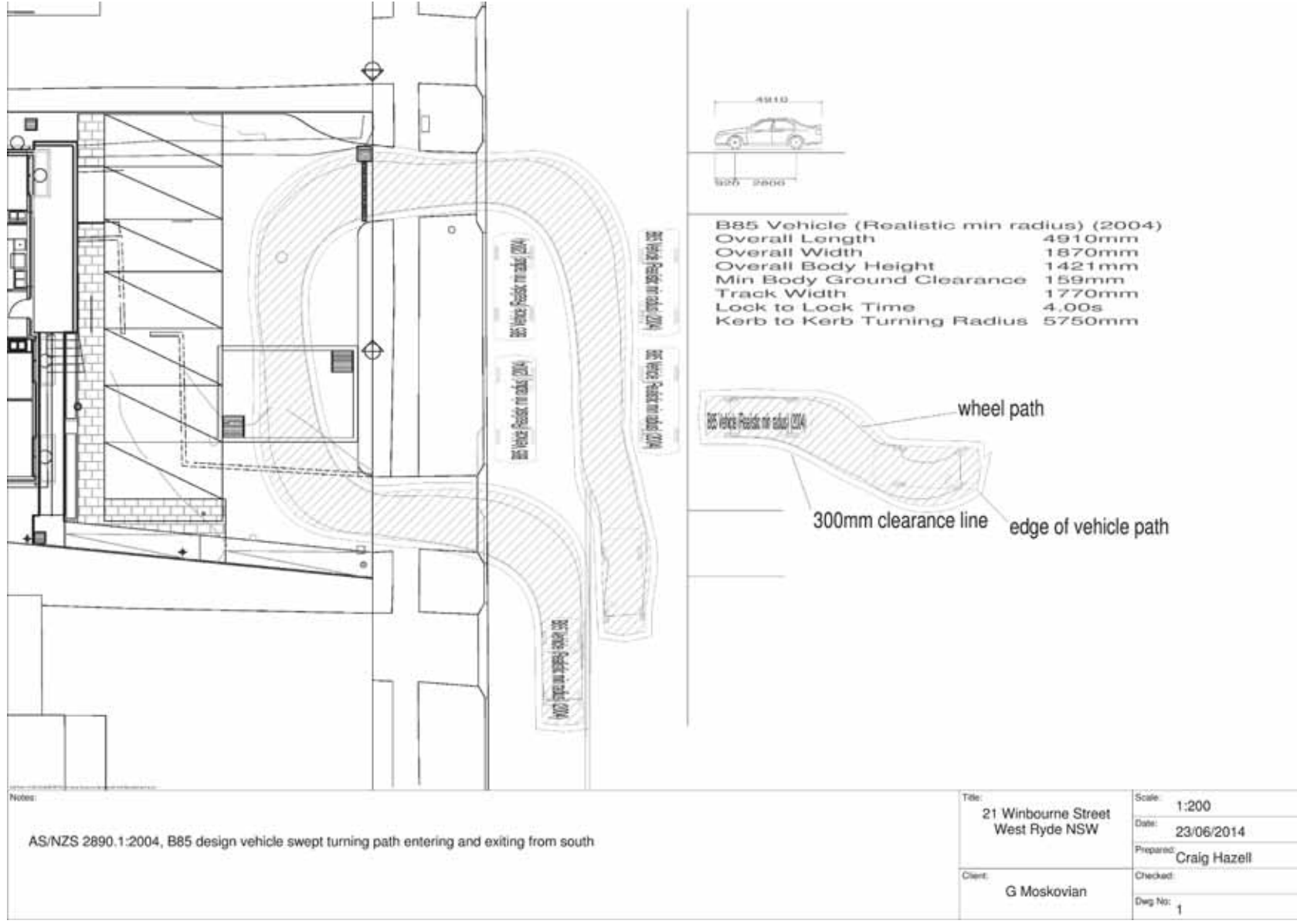
PREVIOUS REPORT – ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

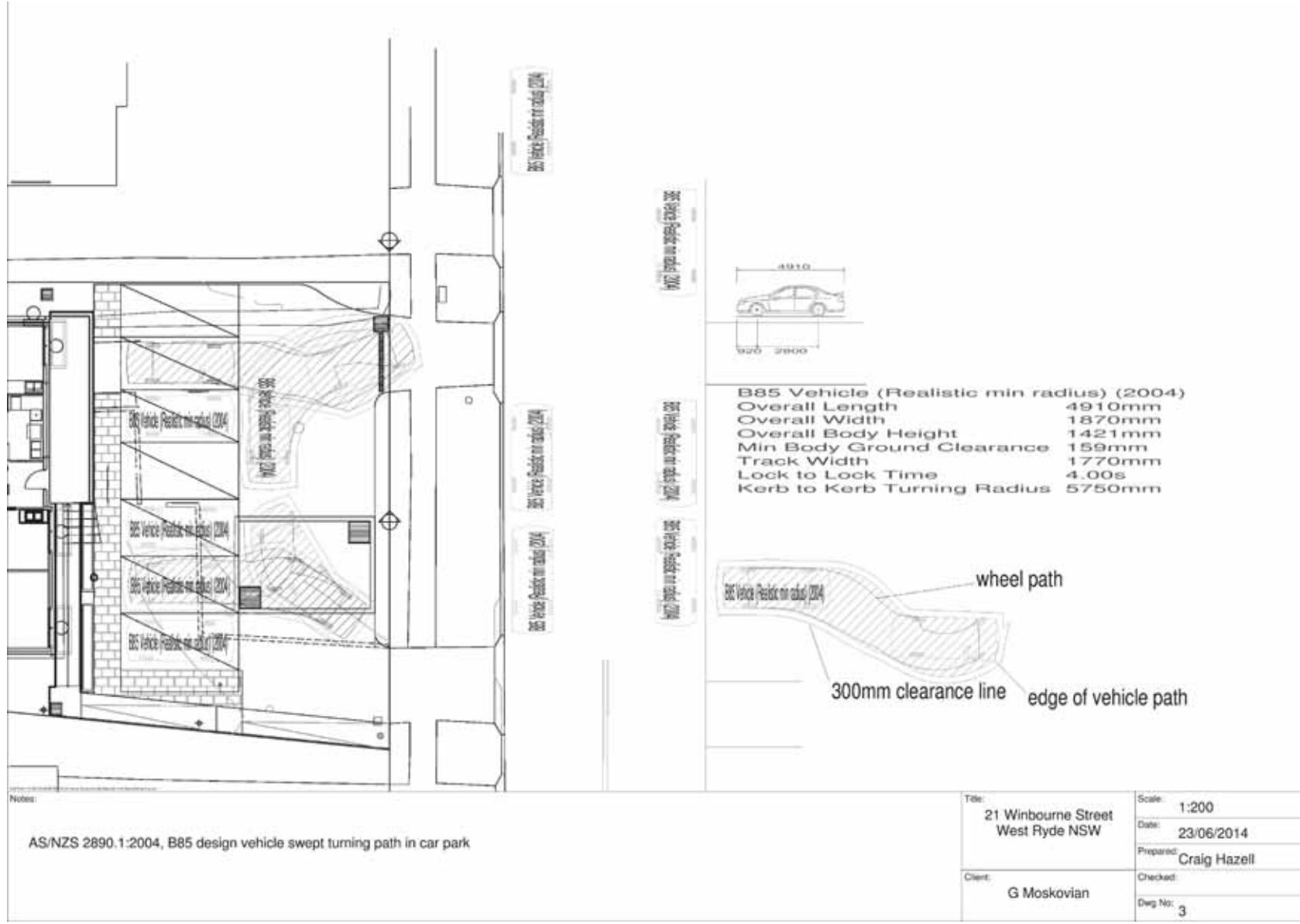
PREVIOUS REPORT – ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

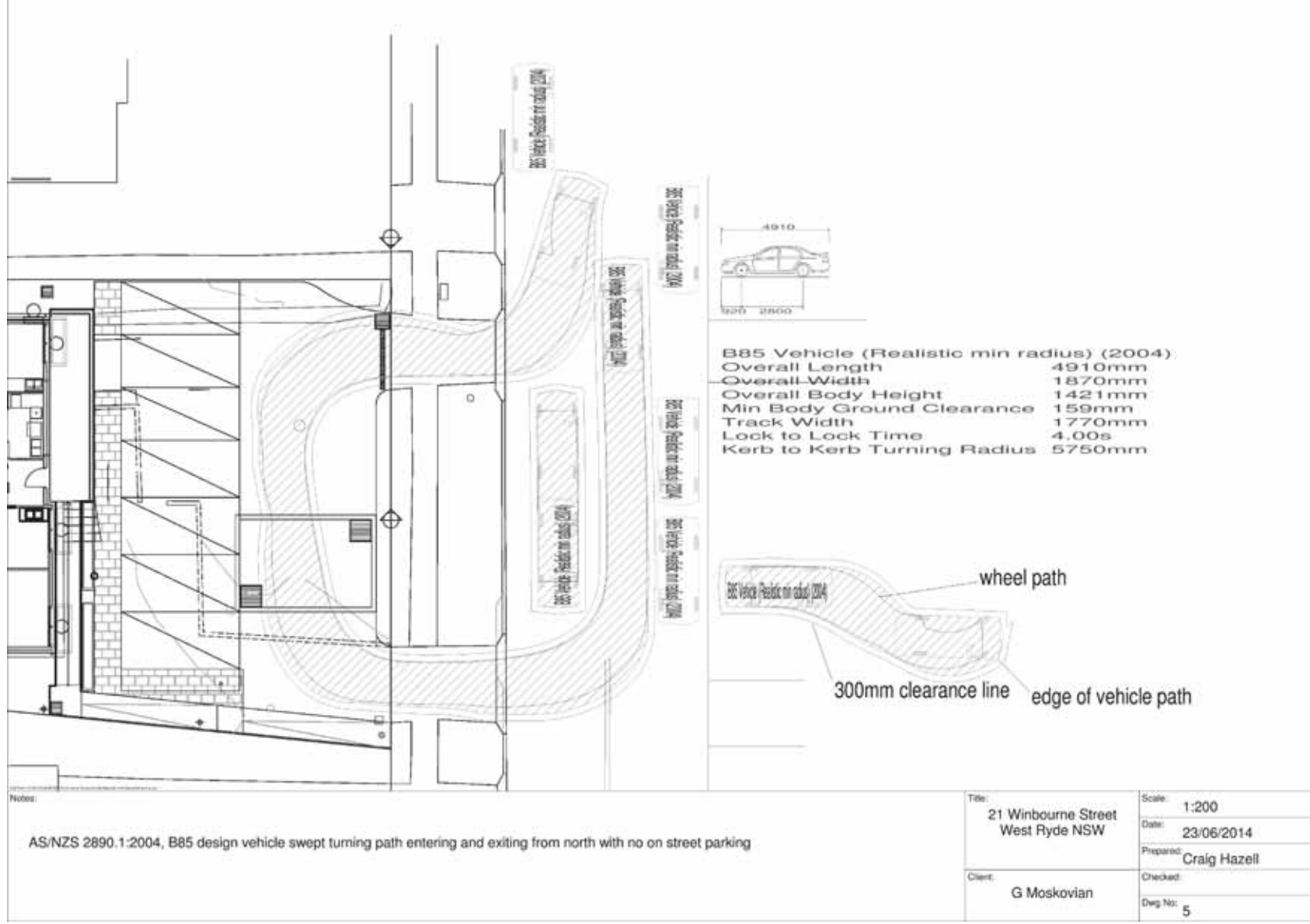
PREVIOUS REPORT – ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

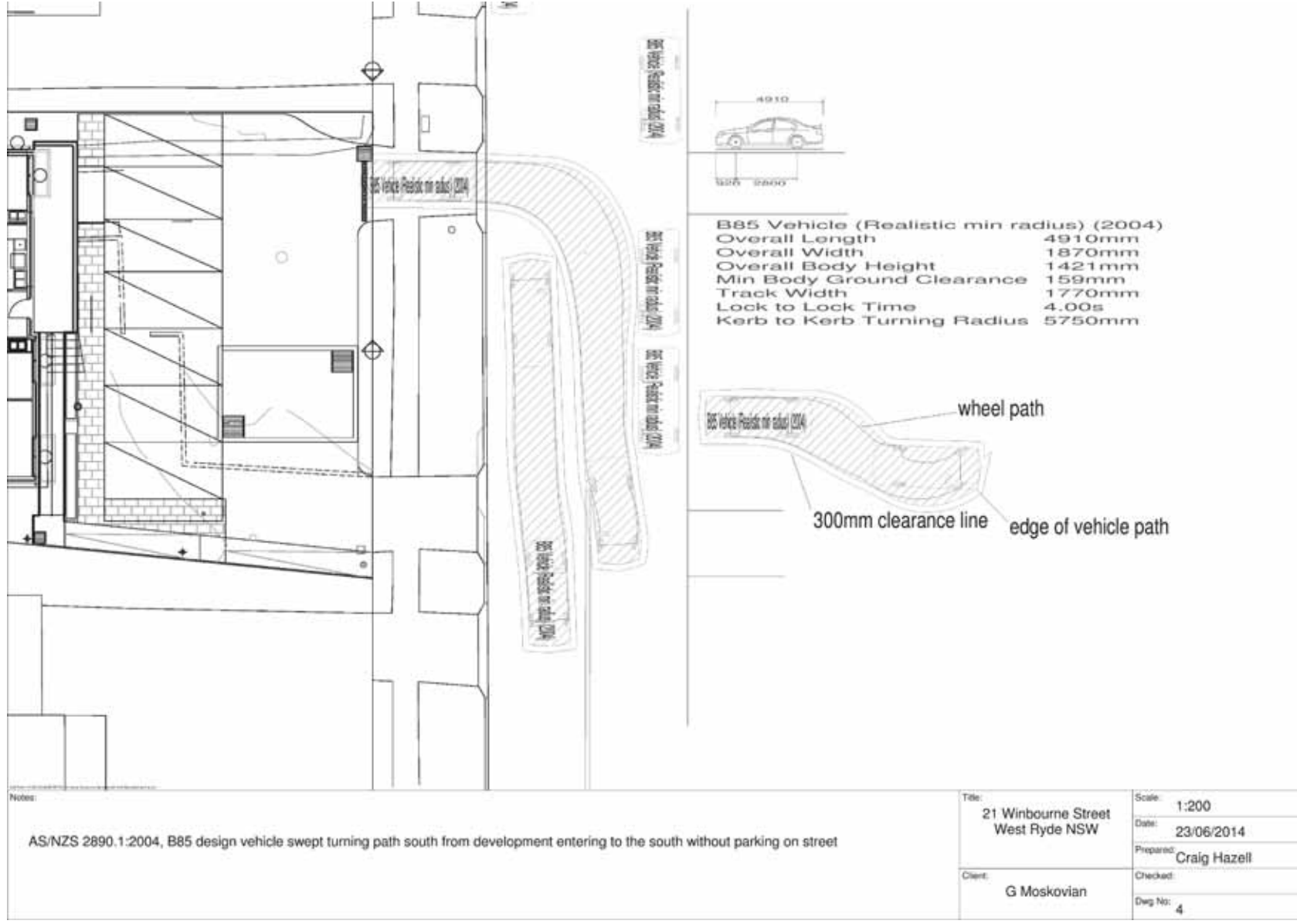
PREVIOUS REPORT – ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

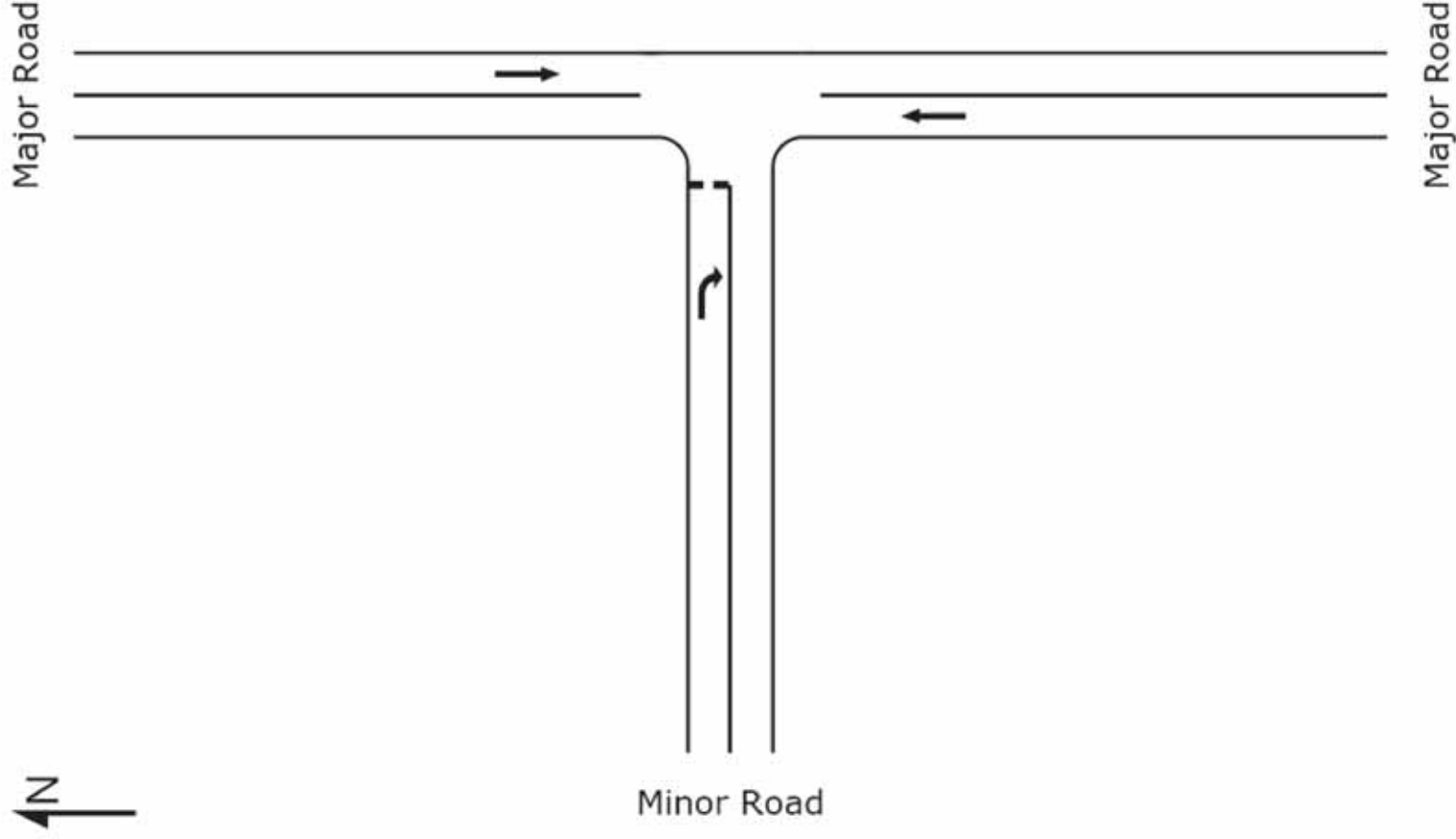
PREVIOUS REPORT – ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 4

MOVEMENT SUMMARY

Site: Entry Driveway AM peak

Winbourne Street and entry driveway (Give-Way control)
 Giveway / 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
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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 SIDRA INTERSECTION 5.1.13.2093
 Project: T:\20132014\085\21 Winbourne St driveways.sip
 8000870, TRAFFIC SOLUTIONS PTY LTD, SINGLE

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 www.sidrasolutions.com



ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 4

MOVEMENT SUMMARY

Site: Entry Driveway PM peak

Winbourne Street and entry driveway (Give-Way control)
 Giveway / 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.

ITEM 3 (continued)

ATTACHMENT 4

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	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.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 4

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	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.

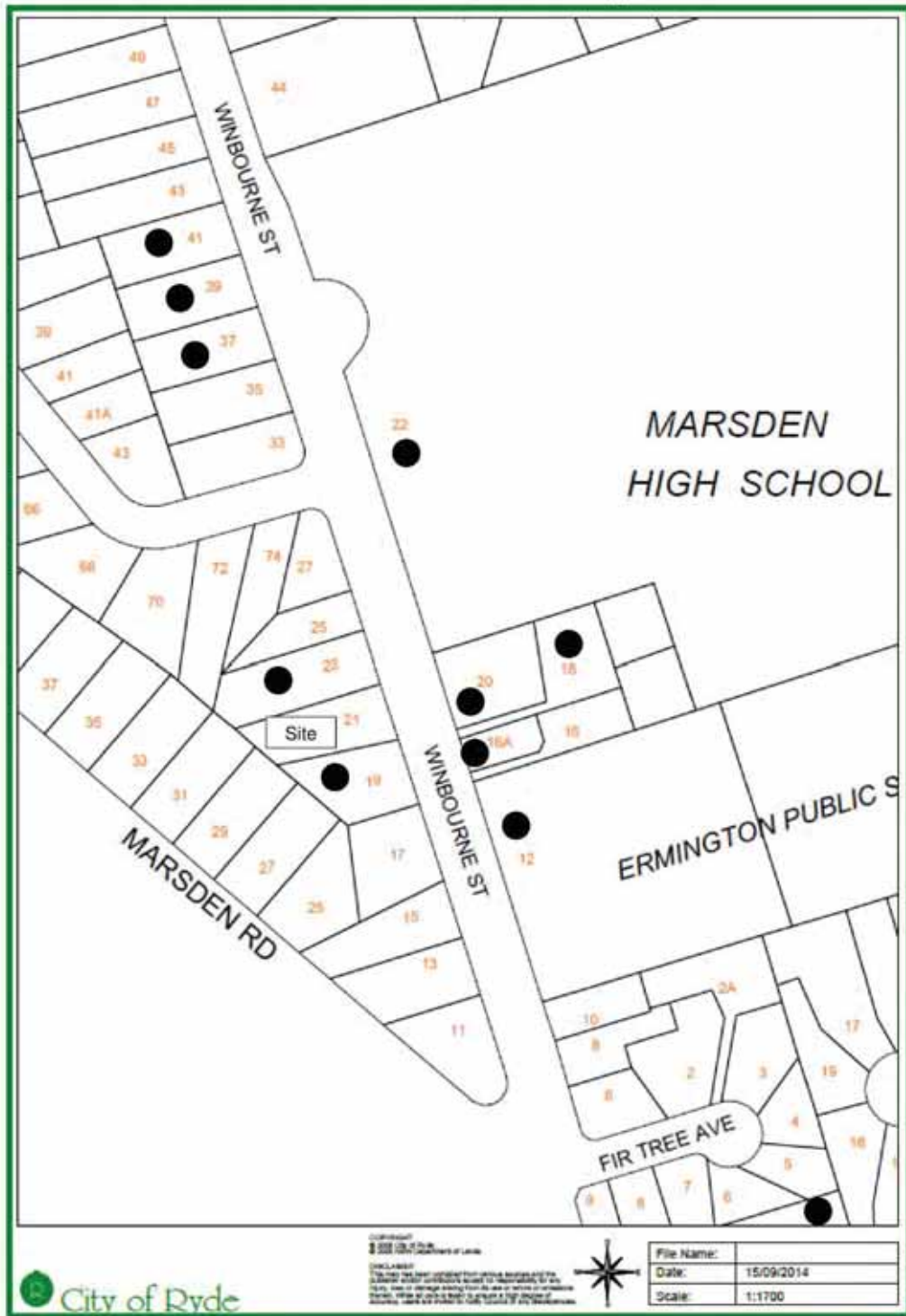
SIDRA Standard Delay Model used.

ITEM 3 (continued)

ATTACHMENT 4

PREVIOUS REPORT – ATTACHMENT 5

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



ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

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.

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

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

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.

ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

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

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.

ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

- (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).
 - (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 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

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:*

ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

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.*

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.*

ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

- *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.*

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.

ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

The applicant states that:

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

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.

ITEM 3 (continued)

ATTACHMENT 5

PREVIOUS REPORT

- *Conclusion:*

The applicant's concluding paragraph claims that:

“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 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 14

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

- 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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 17

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 falling 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 Winboun 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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 18

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT

2. Site (Refer to ATTACHED map)

Address : 21 Winbourne Street, West Ryde
(LOT 4 in DP 39266)

Site Area : 940.4m²
Frontage to Winbourne Street: 21.335m
Rear Boundary: 19.865m
Northern Side Boundary: 55.035m
Southern Side Boundary: 44.8m

Topography and Vegetation : Slight slope of 3.46m towards north-eastern corner at Winbourne Street. A Lilly Pilly (*Syzygium paniculatum*) approximately 12m high is situated in the rear yard along the northern side boundary. A Grey Gum (*Eucalyptus punctata*), approximately 7m high is situated in the centre of the Council nature strip along Winbourne Street frontage.

Existing Buildings : A 2 storey brick dwelling house and metal shed.

Planning Controls : Ryde LEP

Zoning : R2 Low Density Residential under Ryde LEP 2010
R2 Low Density Residential under draft Ryde LEP 2013

Other : Ryde DCP 2010

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

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 3 (continued)

ATTACHMENT 5

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT



Traffic along Winbourne Street



Buses and cars in front of Marsden High School

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT



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:

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT



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.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT



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.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT



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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 29

ITEM 2 (continued) **ATTACHMENT 1**

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

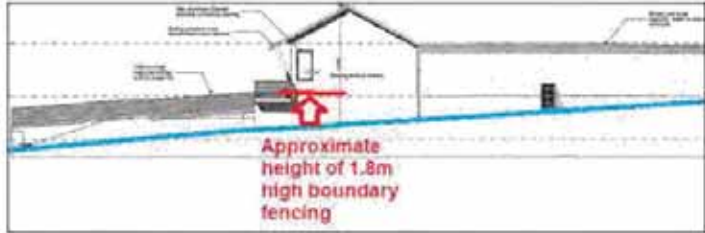
ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 32

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT



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."

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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 4.5m² 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."

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

Assessment Officer's Comment

A total of 147.53m² unencumbered indoor play space is provided on the site, equating to an average of 3.78m² per child. The following area per child in their respective age categories appears as follows:

- 0-2 yrs play rm: 8m² per child
- 2-3 yrs play rm: 3.36m² per child
- 3-6 yrs play rm: 3.25m² per child

Whilst a shortfall of 0.72m² 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 3.25m² 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 10m² 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 254.14m² unencumbered outdoor play space is provided on the site, equating to an average of 6.51m² per child. In applying the requirements of the DCP, this results in a shortfall of 135.86m² or 3.49m² 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 18.86m² or 0.49m² 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*

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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 7m² of unencumbered outdoor play space is provided which alone demonstrates a level of non-compliance of 0.49m². 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.

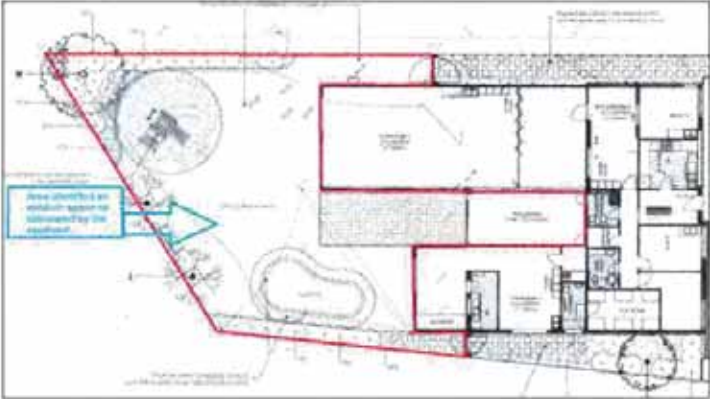
ITEM 3 (continued)

ATTACHMENT 5

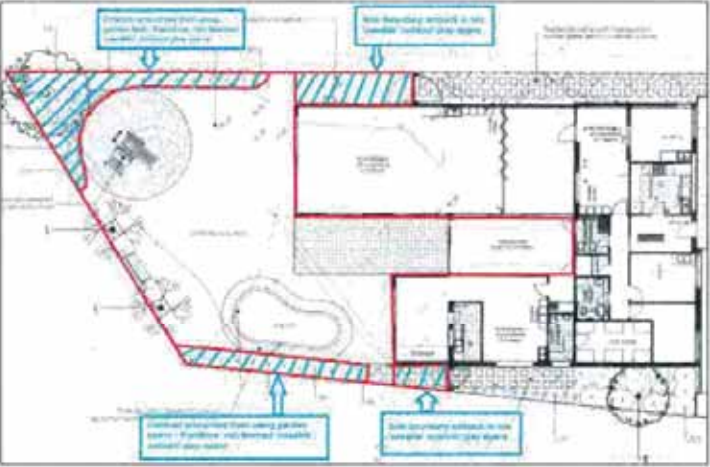
 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 36

ITEM 2 (continued) ATTACHMENT 1
PREVIOUS REPORT



The applicant's calculation of outdoor play space



Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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 20m²."

Assessment Officer's Comment

The staff room will have an area of 10.5m²; a non-compliance of 9.5m².

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 2.5m² 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 1.7m²; a shortfall of 0.8m². 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 10.3m² therefore, reducing the number of cots within this room to 4 would result in an area of 2.575m² 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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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 vtph (vehicle trips per hour) and 27.3 vtph respectively.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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

Element	Time Period		
	7:00am - 9:00am	2:30pm - 4:00pm	4:00pm - 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

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;

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

(* 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 vph 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.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

- *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 Council's 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.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT



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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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:

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 49

ITEM 2 (continued) **ATTACHMENT 1**

PREVIOUS REPORT

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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 Planning and Environment Committee Page 50		
ITEM 2 (continued)	ATTACHMENT 1	
PREVIOUS REPORT – ATTACHMENT 1		
PART 3.2 CHILD CARE CENTRES		
Requirements	Proposed	Compliance
SUBMISSION REQUIREMENTS		
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.
SITE, LOCATION & SITE SELECTION		
Min. lot width = 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 area = 800m ² (single use)	940.4m ²	Yes
Not recommended on Arterial, sub-arterial Rd or busy intersection. Mixed use CCC to face distance away from arterial/busy roads.	Site is located on Winbourne Street which is not identified as an arterial or sub-arterial. Acoustic report reviewed.	Yes
Site not to be battle axe shaped	Regular allotment with low density residential use.	Yes
Cul-de-sacs not preferred (if located - see special requirements)	N/A	N/A
Not near brothel	No known brothel nearby.	Yes
Site to be flat, gently sloping, well drained and easily accessible	Generally flat and accessible.	Yes
Aspect 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 overshadowing	North is situated along the longest side boundary with minimal overshadowing occurring to the outdoor play	Yes

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 51		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
	area.	
Site should not be subject to overlooking	No significant overlooking. Provision of 1.8m fencing surrounding the outdoor area will deter overlooking.	Yes
Large scale centres (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
Work based 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 overland flow (See Flood Study requirement Cl. 2.1.2)	Site is not affected by overland flooding.	Yes
Not on Bushfire prone land (Integrated development)	Site is not identified as bushfire prone land.	Yes
Not affected by environmental hazard such as contaminated land , 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, toxicity levels 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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5


 Lifestyle and opportunity
 @ your doorstep

Planning and Environment Committee Page 52

ITEM 2 (continued)
ATTACHMENT 1


PREVIOUS REPORT – ATTACHMENT 1

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
Number of child care places, age group and number and role of staff to be identified.	39 places & 7 staff Groups: 0-2years: 4 children (1 staff) 2-3years: 15 children (4 staff) 3-6 years: 20 children (2 staff)	Yes
Justification of proposed number of children in each age group (refer DCP).	Based on current demand.	Yes
Detailed site analysis to be carried out (see DCP for details of what required)	Site analysis has been carried out.	Yes
DESIGN & CHARACTER		
All Child Care Centres		
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
Detached Centres and Centres in Residential Areas		
Designed to appear domestic in scale and character and shall have a bulk,	Design appears domestic in scale with minimal change to	Yes

Agenda of the Planning and Environment Committee Report No. 10/14, dated
 Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5


 Planning and Environment Committee Page 53


ITEM 2 (continued) **ATTACHMENT 1**
PREVIOUS REPORT – ATTACHMENT 1

Requirements	Proposed	Compliance
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
Fence Design		
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	

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 54		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
other parts of building	not accessible without supervision.	Yes
Ensure adequate sight lines for vehicles	Sightlines not achieved.	No (variation supported)
PRIVACY		
Privacy - Acoustic		
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"> • Orient play areas etc away from living areas, bedrooms of affected property. • Use laminate or double glaze, sound proof. • Design fence to minimise noise transmission- lapped timber etc • Sound insulated roof & walls • Other measures. 	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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 55		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
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
Privacy – Visual		
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)
CAR PARKING, TRAFFIC & ACCESS		
Car Parking - All Child Cares		
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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 56		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
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
Car parking -		
Work based/mixed use centres		
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
Manoeuvrability		
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"> ▪ Separate entry/exit at safe distance ▪ Vehicles leave in a forward direction ▪ Use does not endanger people/ vehicle ▪ Front setback is not given over to traffic circulation and parking requirement & compromises landscaping & streetscape. 	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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 57		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
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
Traffic & Pedestrian Safety		
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
Accessibility		
New Development must comply with: <ul style="list-style-type: none"> AS 1428.1 Design for Access & Mobility. BCA Part D Part 9.2 of DCP 	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"> Continuous path of travel from street/ parking area to rooms/ play area Hard paved surfaces leading into the entry of a play environment and continuing inside Parking areas to incorporate kerb cuts to eliminate barriers for prams or individuals using mobility aid Pathways 1200-1500mm wide & grades no steeper than 1:14 	Continuous path of travel provided.	Yes
	Transition area provided where hard paved surfaces are provided.	Yes
	Details not shown however kerb cuts can be achieved – via a condition of consent.	Yes
	Pathway 1.2m-1.5m in width.	Yes
LANDSCAPING & PLAY SPACES		
General Landscaping Requirements		
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"> Show any significant trees on site 	Landscaping and the outdoor play area is considered satisfactory as it is in accordance with the specific requirements under the DCP.	

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		Planning and Environment Committee Page 58	
ITEM 2 (continued)		ATTACHMENT 1	
PREVIOUS REPORT – ATTACHMENT 1			
Requirements	Proposed	Compliance	
<ul style="list-style-type: none"> Avoid plants which may be poisonous or a hazard to children/ babies/ toddlers Consider the compaction & erosion of soil Consider potential of tree roots to up lift outdoor surface eg footpath Identify opportunities for deep soil planting and appropriate species Include shrubs & trees which offer range of textures, colours etc 	<ul style="list-style-type: none"> 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. Sufficient sail shades and outdoor activity area provided within the landscaped area. Sand pits have been proposed. 66% grass & soft landscaping. Various plant species to be planted – only deep soil area surrounding plants. 	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)	
Play Spaces - Size and Functionality			
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	

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 59		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
staff.		
Provide unencumbered indoor play area at a rate of 4.5m ² per licenced child care place, exclusive of transitional areas.	147.53m ² or 3.78m ² per child. 0-2 yrs play rm:8m ² per child 2-3 yrs play rm:3.36m ² per child 3-5 yrs play rm:3.25m ² per child	No (variation supported)
Indoor spaces designed to achieve passive surveillance from all rooms	Design is satisfactory. Sleep rooms located for easily access and surveillance.	Yes
Outdoor Play Spaces -		
All child care centres		
Provide unencumbered Outdoor play area at rate of 10m ² per child care place inclusive of transition areas. <u>Note:</u> This can be varied to DoCs requirement – refer to DCP	Total area provided: 254.14m ² equates to 6.51m ² per child. Short by 135.86m ² or 3.49m ² per child NOTE: Education & Care Services National Regulation require 7m ² per child and the 6.51m ² is short of the requirement.	No (variation not supported)
Shape of space to maximise supervision and usability of space	Adequate levels supervision can be achieved.	Yes
Must be well drained	Well drained and connected to drainage system.	Yes
Design of outdoor play area to aim for: <ul style="list-style-type: none"> ▪ 30% natural planting with 30% turfed area ▪ 40% hard surfaces (sand, timber, pav) 	12.6% natural planting 46% turf On balanced look at design of outdoor play area, provision is satisfied.	Yes
Distinct areas in outdoor play area to include: <ul style="list-style-type: none"> ▪ An open grassed area for gross motor skills (run, games etc) ▪ Formal quiet areas, for focussed play – with sandpit) ▪ An active area (eg. Climbing, digging) ▪ A transition area ▪ Storage area Note: See DCP for details	Play area is satisfactory in that it provides: <ul style="list-style-type: none"> ▪ 46% open turfed area for GMS. ▪ Quiet areas such as sand pit, digging patch, seats, gardens etc. ▪ A transition area has been provided. Outdoor play area does not contain any storage area.	Yes No (variation supported)

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 Planning and Environment Committee Page 60		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
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
Work based/ in mixed use child care		
If outdoor space external above ground level: <ul style="list-style-type: none"> Ensure outdoor space of similar quality to that achievable at ground floor level and complies with Clause 6.2.2 Implement measures to protect from natural elements for year-round use Fencing to be provided for safety and prevent objects being thrown over 	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 ² of space per child and not impede supervision of play areas.	Proposal is not work based/in mixed use.	NA
Transition Areas		
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 ² transition area provided to offer protection from poor weather.	Yes
Can incorporate facilities for educational experiences & storage areas	These are provided outdoors	Yes
Swimming Pools and Water Hazards		
New swimming pools are not permitted on premises of any child care centre	No pool proposed	N/A

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 61		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
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
GENERAL CONTROLS		
Centre Facilities		
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 ² floor space	10.5m ²	No (variation supported)
If children below under 2 year are to be cared for then these be provided:		
<ul style="list-style-type: none"> a sleeping room with 2.5m² of floorspace per cot and maximum of 10 cots per room 	1 cot room (4 children < 2yrs); Room 10.3m ² (6 cots) =1.7m ² per cot.	No (could be addressed via condition)
<ul style="list-style-type: none"> a nappy change area adj. to the cot room to be provided 	Provided.	Yes
Provide laundry facilities	N/A - Undertaken off site.	Yes
Provide pram storage area	Not provided.	No (could be addressed via condition)
Signage		
Must comply with Part 9.1 of DCP	No signage proposed as part of application.	Yes
Exterior Lighting		
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
Waste Storage and Management		
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"> special removal service frequency of removal of waste opportunities for reuse and recycling 	Private waste collector Staff to monitor collection frequency. EHO has recommended	Yes

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

 City of Ryde Lifestyle and opportunity @ your doorstep		
Planning and Environment Committee Page 62		
ITEM 2 (continued)		ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 1		
Requirements	Proposed	Compliance
<ul style="list-style-type: none"> location, size and capacity of bins and ease of removal Avoid access by children Requirements for waste from kitchen facilities Impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise. 	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
Emergency Evacuation		
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"> Address mobility of children during evacuation Safe congregation area Procedure and supervision of children during evacuation. 	Condition can be imposed to ensure Fire Safety and Evacuation Plan is submitted prior to Occ. Cert, should approval be granted.	Yes

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

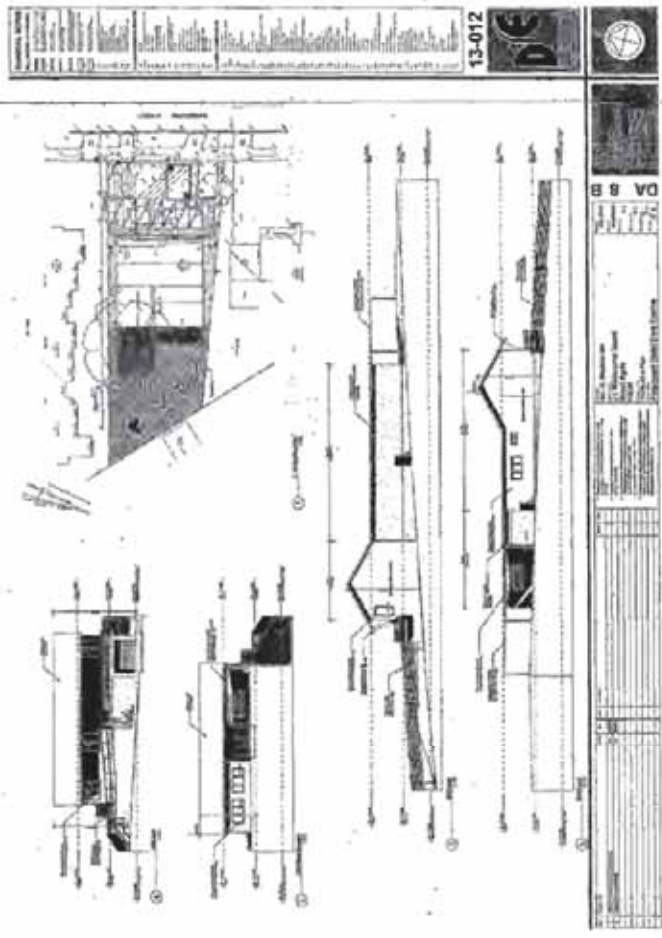
ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 63

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 2



Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5



City of Ryde
Lifestyle and opportunity
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ITEM 2 (continued)

Address:
P.O. Box 1113
Bathurst NSW 2794

Phone:
0274021 9462

E-mail:
enq@cityofryde.nsw.gov.au

City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 64

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

Traffic Solutions Pty Ltd

4 April 2014
Reference No. 13.14.060

The General Manager
Ryde City Council
Level 2, Ryde
North Ryde NSW 1585

Dear Sir

**Traffic & Parking Statement – Proposed Child Care Centre
21 Wellesley 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 33 place Long Day Care Centre at the subject location, 21 West and the subsequent statement the implications of the proposed development and will cover the:

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

The proposed Centre is located on the western side of Wellesley Street and provides 3 car parking spaces on site including 1 disabled space. Wellesley access to the development is proposed via a 4.5m wide separated way and a 2m wide east driveway. An inspection of the site reveals that the proposed location of the driveways will provide very good sight distance to both directions along Wellesley Street.

The proposed design requirements for car park spaces such as aisle widths and parking bay sizes are specified in the "Australian New Zealand Standards: Parking Facilities Part 3: Off Street Car Parking (AS 2890.3)" of 2004. This document identifies the development as a Type 1 off-street car parking facility requiring a capacity 1 driveway. The following table provides a comparison of the key requirements of AS 2890.3.

REQUIREMENT	AS 2890.3 REQUIREMENT	PROPOSED	CONFORMS TO AS 2890.3
Parking Space Dimensions	2.0m x 5.0m standard	2.0m x 5.0m standard (off-street) and 2.0m x 2.0m (parking area) as spaces	YES (off-street)
	1.8m x 2.0m plus 0.6m x 2.0m shared-use disabled	1.8m x 2.0m plus 2.0m x 2.0m shared-use disabled	YES
Drive Ways	2.0m minimum	4.5m	YES
Driveway Width	1.8m (single) or 2.0m (dual) - depends on the width of the way and the width of the bay	2.0m x 2.0m dual	YES

Note: The recommended access space width of 2.0m for long term parking area is not in a dual use area.

Accordingly this development proposal conforms to the minimum Australian Standard requirements.

AMENDED PLANS
16th April 2014

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 65

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

A review of City of Ryde Development Control Plan 2010 – Part 3.2 Child Care Centres reveals the car parking rate for a 39 child care centre is 1 space per 4 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 1 – Landuse Traffic Generation' of October 2002. The guide specifies the following peak hour generation rates:

Centre Type	Peak Vehicle Trips/Child	Peak Vehicle Trips/Staff	Peak Vehicle Trips/Space
Pre-school	1.4	0.8	--
Long day care	2.8	2.1	3.3
Before/after care	2.1	2.2	2.7

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 x 2.8 = 110	39 x 2.1 = 81
Total	110 Trips	81 Trips

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 RMT 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 15 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 survey conducted 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 Wirraway Street, the pedestrian crossing the marked crossing and the number of vehicles doing U-turns outside the school.

The weekday peak hour at the section of Wirraway 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 proposed peak hour flows in Wirraway Street at this time are as follows:

	AM Peak Hour 8:00am – 9:00 am	PM Peak Hour 2:45pm – 3:45pm
Northbound	220	147
Southbound	114	124
Total	334	271

The flows along Wirraway Street are congested as a result of 114 and 96 vehicles that undertake

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 66

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

Items 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 arrowheads on both approaches to the Zebra crossing which legally prohibits parking on both sides in this part of Winbourne Street (parking is prohibited within 2m of double white arrowheads), however, Council has provided a taxi and ride area adjacent the double white lines which prevents illegal parking. It is the opinion of this firm that Council should review this area as Council has provided line marking and signalling 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' (NS-804 standard sign series) be provided along the full footage of the proposed crossing. 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 utilize 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:

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	400
B	280	1400
C	600	1800
D	900	2200
E	1400	2500

Therefore Winbourne Street with a peak hour direction flow of up to 228 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 statement of the qualitative effect of factors such as speed, volume of traffic, geometric features, traffic interruptions, delays and freedom of movement. There are six levels of service (LOS) as described below, from AUSTROADS Guide to Traffic Engineering Practice – Part 2: Roadway Capacity, (1998).

Level of Service A
This 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 adjust desired speeds and to manoeuvre within the traffic stream is virtually total, and the general level of comfort and convenience provided is excellent.

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

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 67

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

Level of Service C

The general level of order and accessibility relative to safety at this level.

Level of Service D

This level is close to the limit of order flow but is approaching unstable flow. All drivers are generally restricted in their freedom to select their desired speed and to maneuver within the traffic stream. The general level of order and accessibility 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 flow is virtually at freedom to select desired speeds or to maneuver within the traffic stream. There is order and minor fluctuations within the traffic stream will cause a traffic jam.

Level of Service F

This service level is in the state of forced flow. With it, the amount of traffic approaching the point under consideration exceeds the what can pass. Flow breaks down into and opening delays result.

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

It is recognized that some of the traffic generated by the development may approach and depart the site via Wisbourne Street north, however, by concentrating the potential traffic generated by this development to this route a higher impact upon that road (and therefore a worse cost scenario) is modeled.

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

A comparison of intersection performance between the existing and projected traffic demands during the morning and evening peak hours upon the intersection of Wisbourne Street Zebra Crossing has been modeled. 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 Wisbourne Street and subject Zebra crossing			
	Existing		Proposed	
	AM	PM	AM	PM
Level of Service	A	A	A	A
Degree of Saturation	0.227	0.211	0.202	0.208
Total Average Delay	5.5	5.6	5.6	5.7


The results of the SIDRA analysis results:

- 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 for the intersection as a consequence of the proposed development will only alter the Degree of Saturation and Total Average Delays minimally.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 68


ITEM 2 (continued) ATTACHMENT 1
PREVIOUS REPORT – ATTACHMENT 3

The parking 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 Wisbourne Street.
- The estimated potential traffic generation increase of up to 11 vehicle movements in the peak hours will not have a detrimental effect on the surrounding road network.
- The short trees suggestion in Wisbourne Street is due to the drop off and picking up of school children on both sides of Wisbourne Street. This is exacerbated by the narrow road width and conflicting line marking/signposting which encourages parents to park within 5m of double white lines.
- The traffic volumes past the school is exaggerated as a result of a considerable number of vehicles that undertake 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 vehicle 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" (R5-404 standard sign series) be provided along the full frontage of the proposed centre to provide an additional section of Wisbourne 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 Hannell
Director

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)


ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 69

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3



City of Ryde
Lifestyle and opportunity
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ROAR DATA
Resilience, Organize & Analyze Results
For Strategic, For Strategic, For Strategic

Item No	Item Title	Item Description	Item Status	Item Category	Item Priority	Item Budget	Item Date
1
2
3
4
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7
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9
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Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
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ITEM 2 (continued)

Planning and Environment Committee Page 70

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

ROAR DATA
Ryde, Rydely, Campbell & Annandale Reservoir
Planning Area, 1st Edition, March 19, 2009

Chair: Trusti, Graham Py LHM
Job Number: 0007 N001 RTCE Warehouse S1
Project: Thursday 27th February 2014

Time	Project/Item	Task No.	Task Description
07:00 - 07:15	Warehouse S1	0	Site Check
07:15 - 07:30	Warehouse S2	1	Site Check
07:30 - 07:45	Warehouse S3	2	Site Check
07:45 - 08:00	Warehouse S4	3	Site Check
08:00 - 08:15	Warehouse S5	4	Site Check
08:15 - 08:30	Warehouse S6	5	Site Check
08:30 - 08:45	Warehouse S7	6	Site Check
08:45 - 09:00	Warehouse S8	7	Site Check
09:00 - 09:15	Warehouse S9	8	Site Check
09:15 - 09:30	Warehouse S10	9	Site Check
09:30 - 09:45	Warehouse S11	10	Site Check
09:45 - 10:00	Warehouse S12	11	Site Check
10:00 - 10:15	Warehouse S13	12	Site Check
10:15 - 10:30	Warehouse S14	13	Site Check
10:30 - 10:45	Warehouse S15	14	Site Check
10:45 - 11:00	Warehouse S16	15	Site Check
11:00 - 11:15	Warehouse S17	16	Site Check
11:15 - 11:30	Warehouse S18	17	Site Check
11:30 - 11:45	Warehouse S19	18	Site Check
11:45 - 12:00	Warehouse S20	19	Site Check
12:00 - 12:15	Warehouse S21	20	Site Check
12:15 - 12:30	Warehouse S22	21	Site Check
12:30 - 12:45	Warehouse S23	22	Site Check
12:45 - 13:00	Warehouse S24	23	Site Check
13:00 - 13:15	Warehouse S25	24	Site Check
13:15 - 13:30	Warehouse S26	25	Site Check
13:30 - 13:45	Warehouse S27	26	Site Check
13:45 - 14:00	Warehouse S28	27	Site Check
14:00 - 14:15	Warehouse S29	28	Site Check
14:15 - 14:30	Warehouse S30	29	Site Check
14:30 - 14:45	Warehouse S31	30	Site Check
14:45 - 15:00	Warehouse S32	31	Site Check
15:00 - 15:15	Warehouse S33	32	Site Check
15:15 - 15:30	Warehouse S34	33	Site Check
15:30 - 15:45	Warehouse S35	34	Site Check
15:45 - 16:00	Warehouse S36	35	Site Check
16:00 - 16:15	Warehouse S37	36	Site Check
16:15 - 16:30	Warehouse S38	37	Site Check
16:30 - 16:45	Warehouse S39	38	Site Check
16:45 - 17:00	Warehouse S40	39	Site Check
17:00 - 17:15	Warehouse S41	40	Site Check
17:15 - 17:30	Warehouse S42	41	Site Check
17:30 - 17:45	Warehouse S43	42	Site Check
17:45 - 18:00	Warehouse S44	43	Site Check
18:00 - 18:15	Warehouse S45	44	Site Check
18:15 - 18:30	Warehouse S46	45	Site Check
18:30 - 18:45	Warehouse S47	46	Site Check
18:45 - 19:00	Warehouse S48	47	Site Check
19:00 - 19:15	Warehouse S49	48	Site Check
19:15 - 19:30	Warehouse S50	49	Site Check
19:30 - 19:45	Warehouse S51	50	Site Check
19:45 - 20:00	Warehouse S52	51	Site Check
20:00 - 20:15	Warehouse S53	52	Site Check
20:15 - 20:30	Warehouse S54	53	Site Check
20:30 - 20:45	Warehouse S55	54	Site Check
20:45 - 21:00	Warehouse S56	55	Site Check
21:00 - 21:15	Warehouse S57	56	Site Check
21:15 - 21:30	Warehouse S58	57	Site Check
21:30 - 21:45	Warehouse S59	58	Site Check
21:45 - 22:00	Warehouse S60	59	Site Check
22:00 - 22:15	Warehouse S61	60	Site Check
22:15 - 22:30	Warehouse S62	61	Site Check
22:30 - 22:45	Warehouse S63	62	Site Check
22:45 - 23:00	Warehouse S64	63	Site Check
23:00 - 23:15	Warehouse S65	64	Site Check
23:15 - 23:30	Warehouse S66	65	Site Check
23:30 - 23:45	Warehouse S67	66	Site Check
23:45 - 24:00	Warehouse S68	67	Site Check
24:00 - 24:15	Warehouse S69	68	Site Check
24:15 - 24:30	Warehouse S70	69	Site Check
24:30 - 24:45	Warehouse S71	70	Site Check
24:45 - 25:00	Warehouse S72	71	Site Check
25:00 - 25:15	Warehouse S73	72	Site Check
25:15 - 25:30	Warehouse S74	73	Site Check
25:30 - 25:45	Warehouse S75	74	Site Check
25:45 - 26:00	Warehouse S76	75	Site Check
26:00 - 26:15	Warehouse S77	76	Site Check
26:15 - 26:30	Warehouse S78	77	Site Check
26:30 - 26:45	Warehouse S79	78	Site Check
26:45 - 27:00	Warehouse S80	79	Site Check
27:00 - 27:15	Warehouse S81	80	Site Check
27:15 - 27:30	Warehouse S82	81	Site Check
27:30 - 27:45	Warehouse S83	82	Site Check
27:45 - 28:00	Warehouse S84	83	Site Check
28:00 - 28:15	Warehouse S85	84	Site Check
28:15 - 28:30	Warehouse S86	85	Site Check
28:30 - 28:45	Warehouse S87	86	Site Check
28:45 - 29:00	Warehouse S88	87	Site Check
29:00 - 29:15	Warehouse S89	88	Site Check
29:15 - 29:30	Warehouse S90	89	Site Check
29:30 - 29:45	Warehouse S91	90	Site Check
29:45 - 30:00	Warehouse S92	91	Site Check
30:00 - 30:15	Warehouse S93	92	Site Check
30:15 - 30:30	Warehouse S94	93	Site Check
30:30 - 30:45	Warehouse S95	94	Site Check
30:45 - 31:00	Warehouse S96	95	Site Check
31:00 - 31:15	Warehouse S97	96	Site Check
31:15 - 31:30	Warehouse S98	97	Site Check
31:30 - 31:45	Warehouse S99	98	Site Check
31:45 - 32:00	Warehouse S100	99	Site Check

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 71

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 72

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

R.O.A.R. DATA
Ryde, City of Ryde, Council
Residential / Permitted Residential

Time Per	Proposed	Permitted
141-143	21	18
144-146	8	10
147-149	11	13
150-152	12	14
153-155	13	15
156-158	14	16
159-161	15	17
162-164	16	18
165-167	17	19
168-170	18	20
171-173	19	21
174-176	20	22
177-179	21	23
180-182	22	24
183-185	23	25
186-188	24	26
189-191	25	27
192-194	26	28
195-197	27	29
198-200	28	30
199-201	29	31
202-204	30	32
205-207	31	33
208-210	32	34
211-213	33	35
214-216	34	36
217-219	35	37
220-222	36	38
223-225	37	39
226-228	38	40
229-231	39	41
232-234	40	42
235-237	41	43
238-240	42	44
241-243	43	45
244-246	44	46
247-249	45	47
250-252	46	48
253-255	47	49
256-258	48	50
259-261	49	51
262-264	50	52
265-267	51	53
268-270	52	54
271-273	53	55
274-276	54	56
277-279	55	57
280-282	56	58
283-285	57	59
286-288	58	60
289-291	59	61
292-294	60	62
295-297	61	63
298-300	62	64
301-303	63	65
304-306	64	66
307-309	65	67
310-312	66	68
313-315	67	69
316-318	68	70
319-321	69	71
322-324	70	72
325-327	71	73
328-330	72	74
331-333	73	75
334-336	74	76
337-339	75	77
340-342	76	78
343-345	77	79
346-348	78	80
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352-354	80	82
355-357	81	83
358-360	82	84
361-363	83	85
364-366	84	86
367-369	85	87
370-372	86	88
373-375	87	89
376-378	88	90
379-381	89	91
382-384	90	92
385-387	91	93
388-390	92	94
391-393	93	95
394-396	94	96
397-399	95	97
400-402	96	98
403-405	97	99
406-408	98	100
409-411	99	101
412-414	100	102
415-417	101	103
418-420	102	104
421-423	103	105
424-426	104	106
427-429	105	107
430-432	106	108
433-435	107	109
436-438	108	110
439-441	109	111
442-444	110	112
445-447	111	113
448-450	112	114
451-453	113	115
454-456	114	116
457-459	115	117
460-462	116	118
463-465	117	119
466-468	118	120
469-471	119	121
472-474	120	122
475-477	121	123
478-480	122	124
481-483	123	125
484-486	124	126
487-489	125	127
490-492	126	128
493-495	127	129
496-498	128	130
499-501	129	131
502-504	130	132
505-507	131	133
508-510	132	134
511-513	133	135
514-516	134	136
517-519	135	137
520-522	136	138
523-525	137	139
526-528	138	140
529-531	139	141
532-534	140	142
535-537	141	143
538-540	142	144
541-543	143	145
544-546	144	146
547-549	145	147
550-552	146	148
553-555	147	149
556-558	148	150


City of Ryde
Lifestyle and opportunity
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Chief Planner
17/01/2014
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13/01/2014
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05/01/2013
03/01/2013
01/01/2013

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

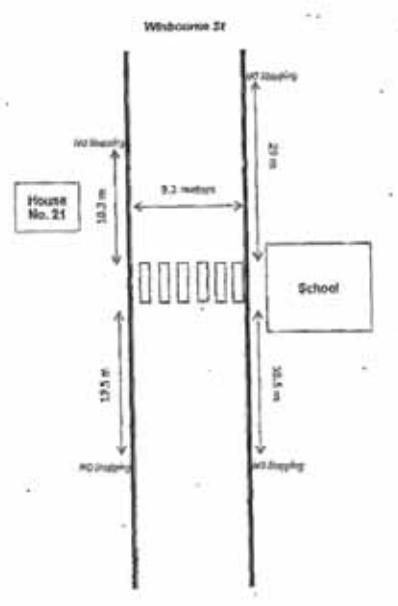
ATTACHMENT 5

 City of Ryde
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Planning and Environment Committee Page 73

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3




The diagram shows a plan view of a street named 'Webcourse St'. On the left side of the street, there is a box labeled 'House No. 21'. On the right side, there is a box labeled 'School'. Between the street and the school, there is a row of five rectangular units. A horizontal dimension line indicates a distance of '9.2 meters' between the street and the school. Vertical dimension lines on both sides of the street indicate a distance of '13.5 m' from the street to the top and bottom boundaries of the site. The top boundary is labeled 'W2 boundary' and the bottom boundary is labeled 'M2 boundary'.

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
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Planning and Environment Committee Page 74

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

MOVEMENT SUMMARY

Site: AM Existing

Webcourse Street, Ungeheueel Recreation (Detail) (existing) across highway road

One-way / Two-Way

Move. No.	Turn	Volume	Design Flow %	Design Sat	Average Delay (s)	Level of Service	Spill-Back of Queue (m)	Queue Length (m)	Queue Time (s)	Queue Length (m)	Average Delay (s)
V1	T	341	3.1	0.02	9.7	LOS A	1.0	7.1	6.27	0.10	28.8
Approach		341	3.1	0.23	9.7	LOS A	1.0	7.1	6.27	0.10	28.8
V2	T	378	3.7	0.01	8.2	LOS A	1.0	7.0	6.27	0.10	28.8
Approach		378	3.7	0.24	8.2	LOS A	1.0	7.0	6.27	0.10	28.8
V3	T	120	3.0	0.01	9.5	LOS A	0.0	0.0	0.00	0.00	4.0
Approach		120	3.0	0.01	9.5	AA	0.0	0.0	0.00	0.00	4.0

Level of Service (LOS) Method: Delay (VIA HISS)

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 heavy sign control when the average delay is not a good LOS indicator due to any delays associated with major road approaches.

SI/SA: Standard Delay factor used.

Prepared: Tuesday, 25 March 2014 10:51:24 AM
SOPARTS/INTERSECTION & I-PLAN/MS
Project: 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ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 75

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

MOVEMENT SUMMARY

Sites: AM Potential

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

Giveaway / Yield (Two-Way)

Movement	Direction	Vehicle Type	Vol	Stop	Level of Service	LOS	Level of Control	Stop	Level of Control	Stop	Level of Control	Average Delay (s)
V1	T	257	2.8	0.242	0.7	LOS A	1.1	7.7	0.75	0.11	35.1	
Approach		257	2.8	0.242	0.7	LOS A	1.1	7.7	0.75	0.11	35.1	
V2	T	290	3.3	0.240	0.7	LOS A	1.1	7.8	0.75	0.11	35.2	
Approach		290	3.3	0.240	0.7	LOS A	1.1	7.8	0.75	0.11	35.2	
P	T	125	0.6	0.021	0.8	LOS A	0.6	0.5	0.05	0.05	2.8	
Approach		125	0.6	0.021	0.8	LOS A	0.6	0.5	0.05	0.05	2.8	

Level of Service (LOS) Method: Delay (s) per vehicle.
Vehicle dependent LOS values are based on average delay per movement.
Minor Road Approach LOS values are based on average delay for all vehicle movements.
MA, Important LOS and Major Road Approach LOS values are not applicable for binary signal control since the average delay is not a good LOS measure due to red time associated with major road movements.
SICRA Standard Delay Method used.

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Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 76

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

MOVEMENT SUMMARY

Whitmore Street (One-way) (pedestrian) (Signal) crossing across highway road

Cityway / Yald (Two-Way)

Site: PM Existing

Movement	Type	Volume	Peak	Peak	Average	Level of Service	10th Percentile	Level of Control	Progression	Effective	Overall
		veh/h	h	h	veh/h		veh/h			Red	Green
V1	T	178	5.1	0.194	0.0	LOS A	0.0	4.0	0.70	0.17	38.4
Approach		178	5.1	0.194	0.0	LOS A	0.0	4.0	0.70	0.17	38.4
V2	T	207	4.8	0.204	0.0	LOS A	1.0	7.0	0.32	0.14	38.3
Approach		207	4.8	0.204	0.0	LOS A	1.0	7.0	0.32	0.14	38.3
P	T	107	0.0	0.000	0.0	LOS A	0.0	0.0	0.00	0.00	4.0
Approach		107	0.0	0.000	0.0	NA	0.0	0.0	0.00	0.00	4.0

Level of Service (LOS) Method: Delay (DITRA-DPT)
Vehicle Included LOS values are based on average delay per movement.
Minor Road Approach LOS values are based on average delay for all vehicle movements.
At Intersection LOS and Major Road Approach LOS values are not applicable for heavy right turned since the average delay is not a good LOS measure due to high turning vehicles with high road movements.
SEPA Simulated Delay Model used.


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SEPA
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Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5


City of Ryde
 Lifestyle and opportunity
 @ your doorstep


Planning and Environment Committee Page 78

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3

Project Name	21 Winbourne Street, West Ryde FOR Mr. H. Moskovian
Project Description	Proposed Child Care Centre AT
Site Address	21 Winbourne Street, West Ryde
Site Area (sq m)	13012
Zoning	DA 1 B
Planning Code	13-012
Date of Decision	13-012
Decision Reference	13-012
Project Status	13-012
Project Manager	13-012
Project Engineer	13-012
Project Architect	13-012
Project Consultant	13-012
Project Surveyor	13-012
Project Planner	13-012
Project Designer	13-012
Project Drafter	13-012
Project Photographer	13-012
Project Artist	13-012
Project Animator	13-012
Project Programmer	13-012
Project Tester	13-012
Project Deployer	13-012
Project Support	13-012
Project Maintenance	13-012
Project Upgrade	13-012
Project Migration	13-012
Project Integration	13-012
Project Decommissioning	13-012
Project Archiving	13-012
Project Restoration	13-012
Project Backup	13-012
Project Recovery	13-012
Project Monitoring	13-012
Project Reporting	13-012
Project Documentation	13-012
Project Training	13-012
Project Handover	13-012
Project Closure	13-012



21 Winbourne Street

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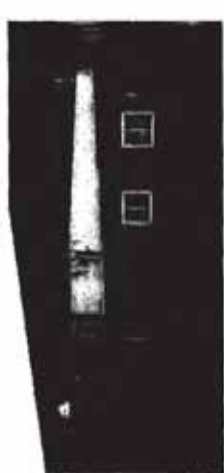
3198

3199

3200

Proposed Child Care Centre AT

21 Winbourne Street, West Ryde FOR Mr. H. Moskovian



Design Date: 13/01/2014
 Design Drawn By: [Name]
 Design Checked By: [Name]
 Design Approved By: [Name]
 Design Date: 13/01/2014
 Design Drawn By: [Name]
 Design Checked By: [Name]
 Design Approved By: [Name]


Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

General Page 73

Agenda of the Planning and Environment Committee Report No. 9/15, dated Tuesday 16 June 2015.

ITEM 3 (continued)

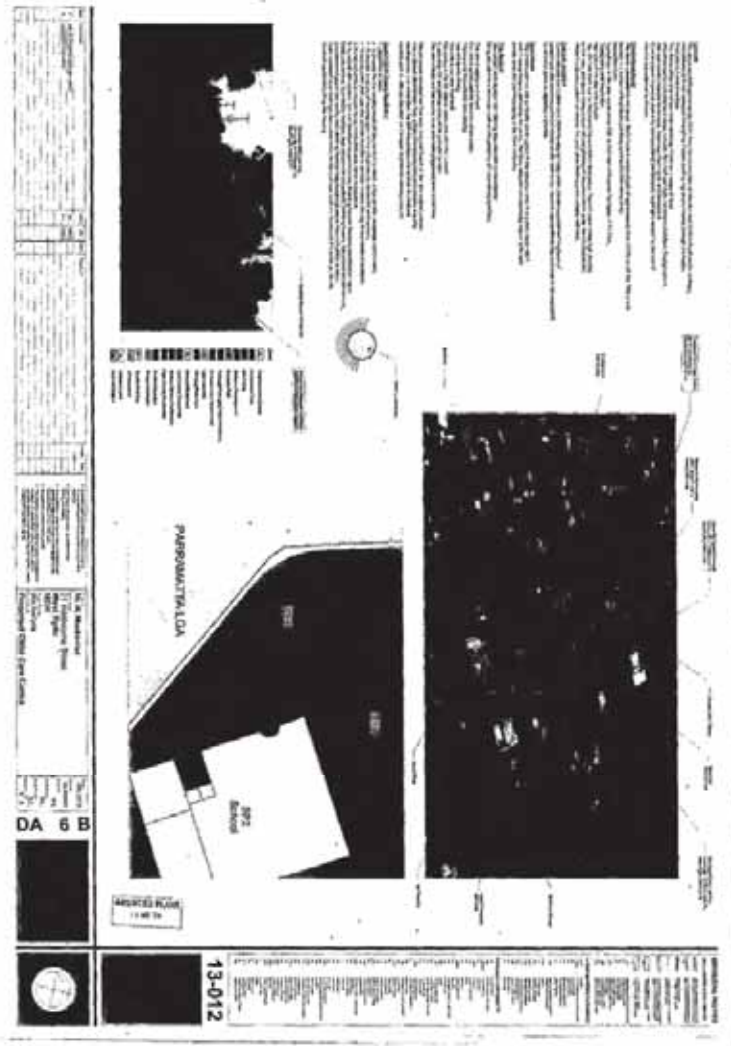
ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
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Planning and Environment Committee Page 79

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3



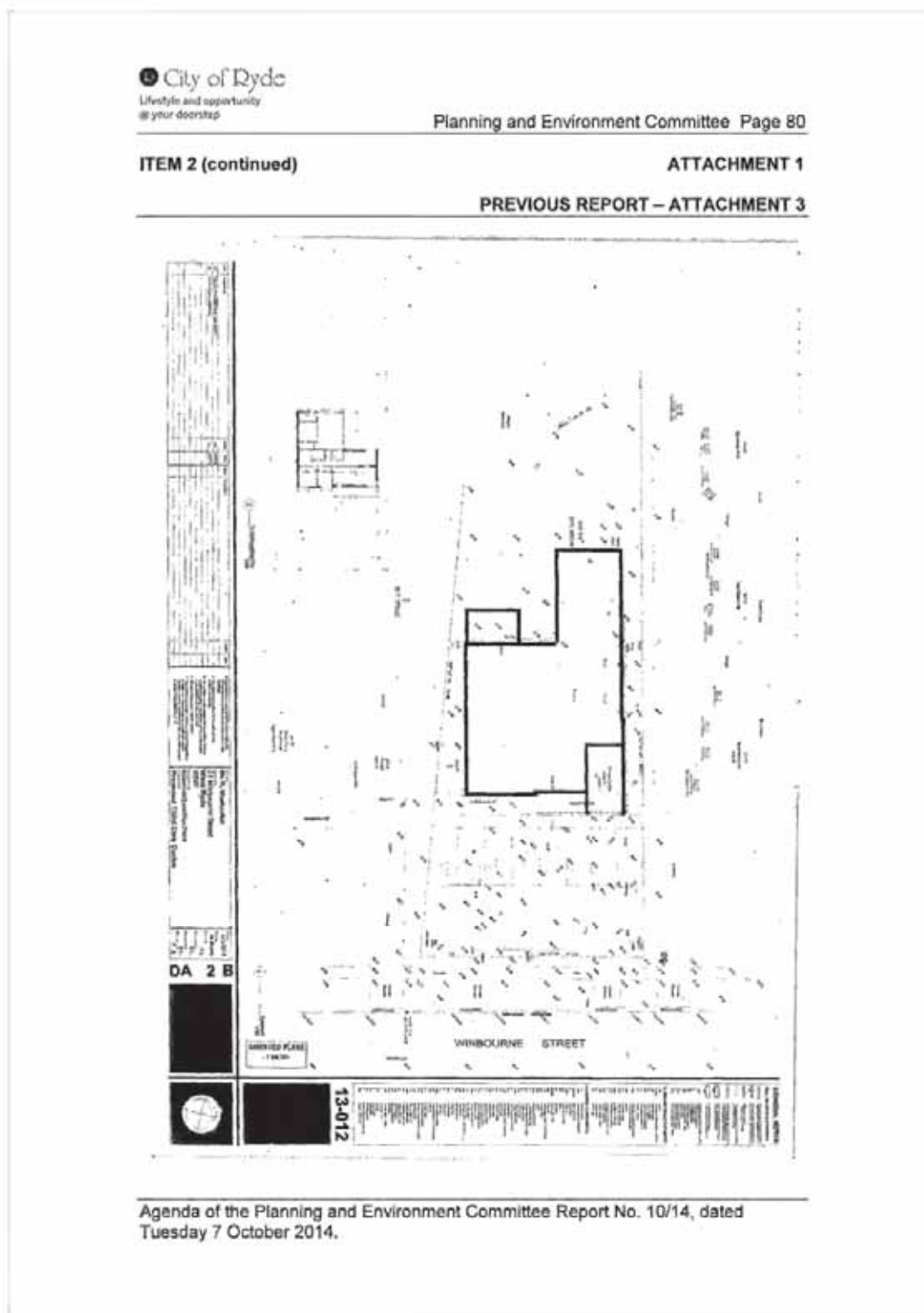
DA 6 B

13-012

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.


ITEM 3 (continued)

ATTACHMENT 5



ITEM 3 (continued)

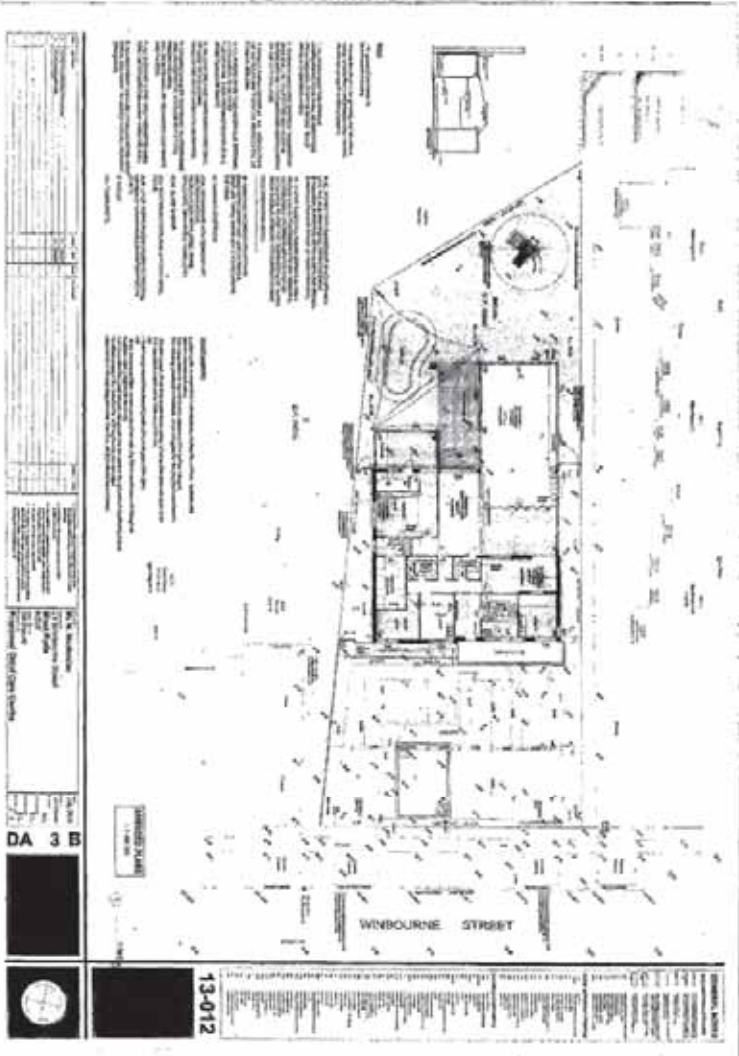
ATTACHMENT 5

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Planning and Environment Committee Page 81

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3




DA 3 B

13-012

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

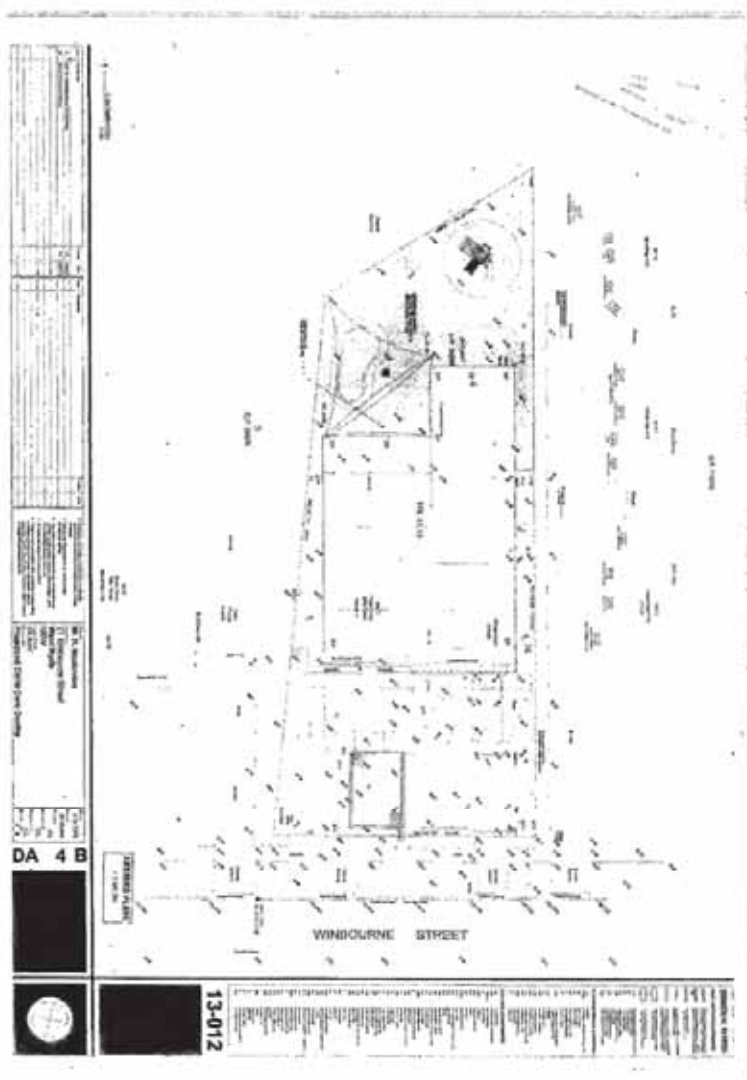
ATTACHMENT 5

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Planning and Environment Committee Page 82

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 3




DA 4 B

13-012

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

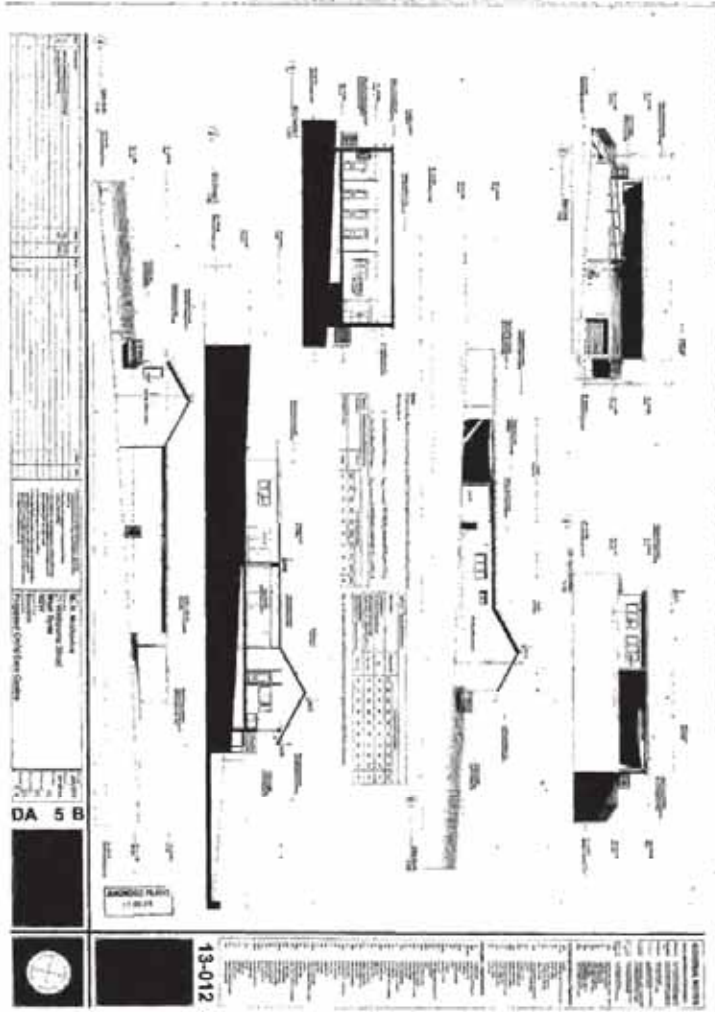
ATTACHMENT 5

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Planning and Environment Committee Page 83

ITEM 2 (continued) **ATTACHMENT 1**

PREVIOUS REPORT – ATTACHMENT 3



DA 5 B

ARCHITECTURAL PLAN 13-012

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4



Address:
P.O. Box 9163
Rushcut NSW 2105

Phone:
(02) 6331 0967

E-mail:
enquiry@trafficsolutions.com.au

Traffic Solutions Pty Ltd

23 June 2014
Reference No. 13.14.092

The General Manager
Ryde City Council
Luskail Way 2009
North Ryde NSW 1570

Attention: Ms Lauren Franks

Dear Lauren

Supplementary Traffic Statement - Proposed Child Care Centre, 21 Warbosne Street,
West Ryde - DA No. L10A70030420

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 7th May 2014.

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

1. Traffic Engineer's Assessment

- The application does not provide SDRBA information 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 applicant does not provide street peak analysis for vehicle entering and exiting the development for the with and without on-street parking on the development's frontage. Data is noted 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" (R3-404 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 plot 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 11 in and 14 out in the evening peak hour.

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

It is recognised that some of the traffic generated by the development may approach and depart the site via Warbosne 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.

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

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 Wirbourse 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 Wirbourse 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	0.137	0.134	0.137
Total Average Delay (s/veh)	0.36	0.36	0.36	0.36
Delay for right turn from the east/west	0%	0%	10.5%	10.3%

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 plot 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 Wirbourse 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 utilize the car park that is proposed.

The preceding assessment has revealed the following:

- The estimated potential traffic generation increase of up to 33 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 20m section of two way roadway on Wirbourse Street which will assist in reducing vehicle conflict and congestion in the vicinity of 21 Wirbourse 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 Huxell
Director

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

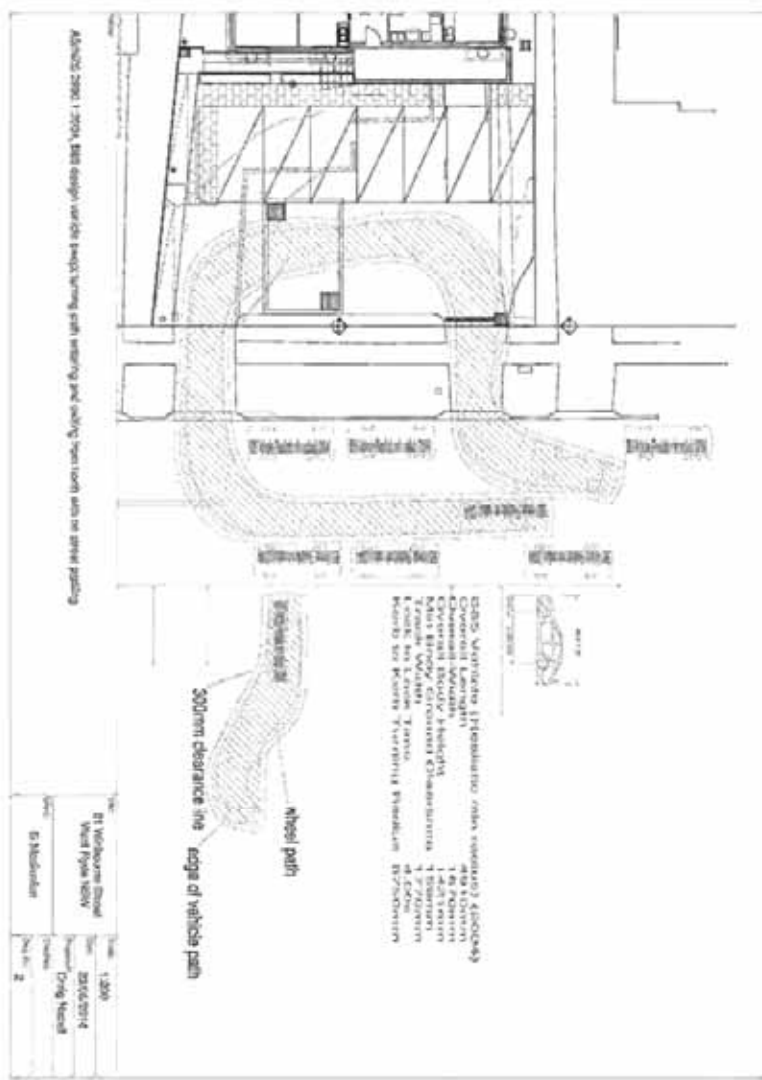

 Lifestyle and opportunity
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Planning and Environment Committee Page 86

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4



ADVISE 2004 : 2004, 800 design under trees showing path existing and paving seen from side on street parking

300mm distance line
 edge of vehicle path
 wheel path


CODE: Variations 1 (residential) urban (standard) (R10000)
 Chapter 4 Land Use
 Chapter 5 Vehicle
 Chapter 6 Vehicle
 Chapter 7 Vehicle
 Chapter 8 Vehicle
 Chapter 9 Vehicle
 Chapter 10 Vehicle
 Chapter 11 Vehicle
 Chapter 12 Vehicle
 Chapter 13 Vehicle
 Chapter 14 Vehicle
 Chapter 15 Vehicle
 Chapter 16 Vehicle
 Chapter 17 Vehicle
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 Chapter 40 Vehicle
 Chapter 41 Vehicle
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 Chapter 43 Vehicle
 Chapter 44 Vehicle
 Chapter 45 Vehicle
 Chapter 46 Vehicle
 Chapter 47 Vehicle
 Chapter 48 Vehicle
 Chapter 49 Vehicle
 Chapter 50 Vehicle

81 Woodburn Drive Ryde NSW 1513		
Site No.	1513	1513
Plan No.	2014/0014	2014/0014
Scale	1:200	1:200
Drawn	Chris Hensell	Chris Hensell
Checked		
Page No.	2	2

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

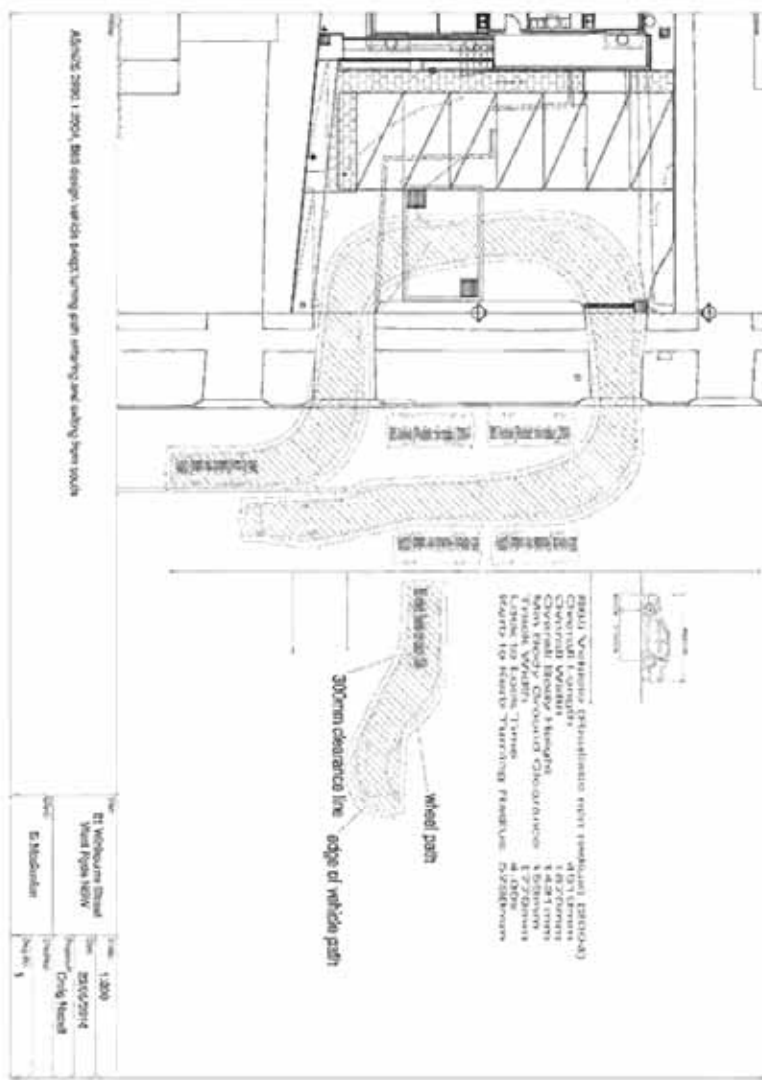

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Planning and Environment Committee Page 87

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4



No.	E1 Middelburg	Date	1/1/14
No.	E1 Middelburg	Date	1/1/14
No.	E1 Middelburg	Date	1/1/14
No.	E1 Middelburg	Date	1/1/14

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
 Lifestyle and opportunity
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Planning and Environment Committee Page 88

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

Site No.	81	1,000
Project Name	81 Wickham Drive	
Client	Vivid Power NSW	
Architect	David Craig Nichol	
Date	23/05/2014	
Scale	1:100	
Sheet No.	3	

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
 Lifestyle and opportunity
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ITEM 2 (continued)

Planning and Environment Committee Page 89

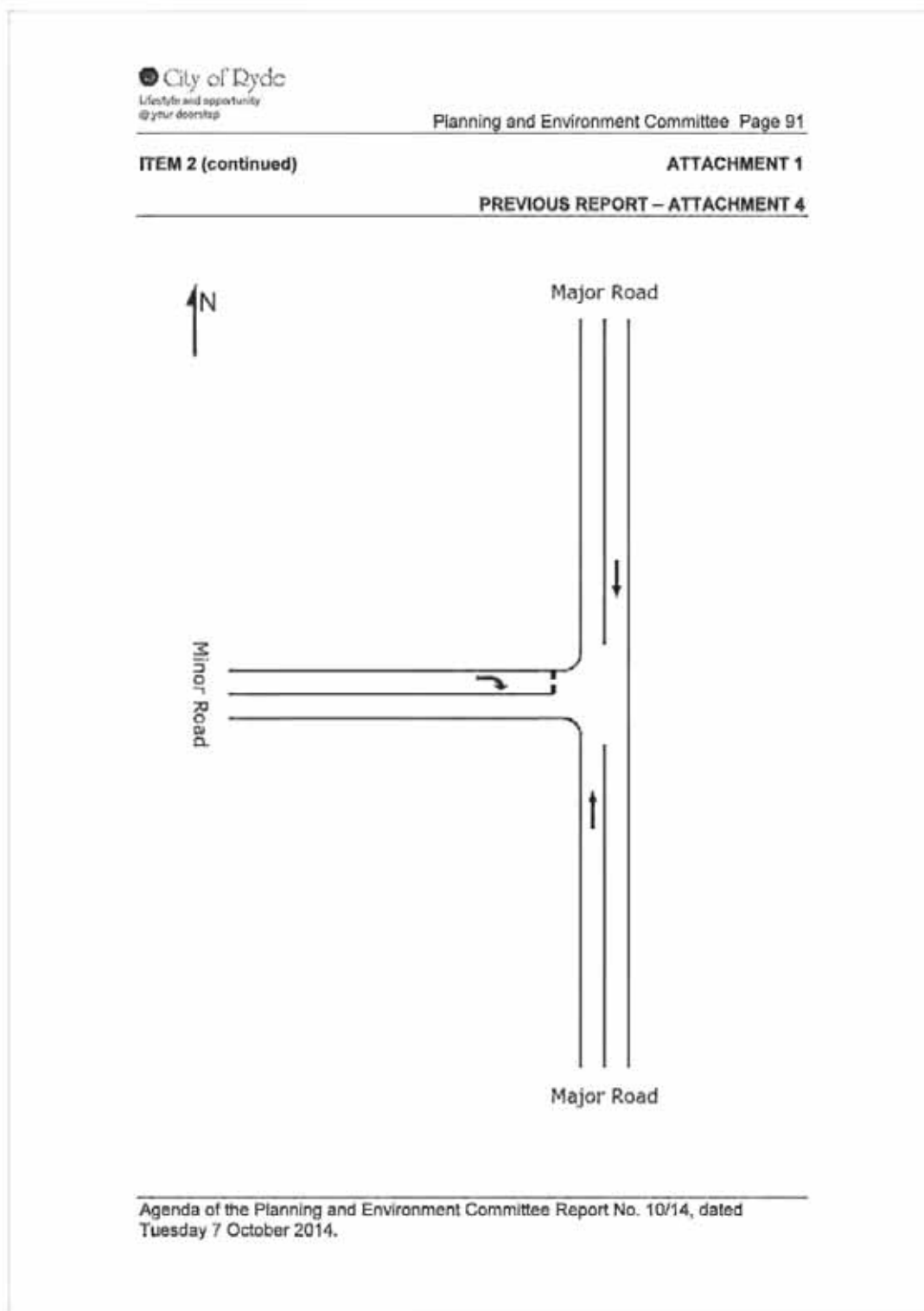
ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

Agenda of the Planning and Environment Committee Report No. 10/14, dated Tuesday 7 October 2014.


ITEM 3 (continued)

ATTACHMENT 5



ITEM 3 (continued)

ATTACHMENT 5



Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 92

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

MOVEMENT SUMMARY Site: Entry Driveway AM peak

Wibourne Street and entry driveway (Give Way control)
Giveway / Yield (Two Way)

Movement Summary											
South Entry Road											
4	L	17	0.0	0.130	0.2	LOS A	0.0	0.0	2.00	1.04	48.0
5	T	241	0.0	0.130	0.0	LOS A	0.0	0.0	0.05	4.00	60.0
Approach		258	0.0	0.150	0.5	NA	0.0	0.0	0.08	0.07	88.1
North Entry Road											
11	T	338	0.0	0.150	0.0	LOS A	0.0	0.0	0.08	0.00	60.0
Approach		338	0.0	0.122	0.0	NA	0.0	0.0	0.02	0.00	60.0
West Entry Road											
1	L	1	0.0	0.001	0.0	LOS A	0.0	0.0	0.31	0.68	47.0
Approach		1	0.0	0.001	0.0	LOS A	0.0	0.0	0.31	0.68	47.0
All Vehicles		407	0.0	0.183	0.5	NA	0.0	0.0	0.40	0.74	98.0

Level of Service (LOS) Method: Delay (RTA MS10)
 Vehicle movement LOS values are based on average delay per movement
 Major 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 delay associated with major road movements.
 SORA Standard Delay Method used.

Document Modified: 21 June 2014 4:35:49 PM
 SORA INTERSECTION 5.1 (3/2008)
 Project: T 2013014202/110-000000 to 01-0404000
 0306/0: TRAFFIC CALCULATION P11 (1): 00002

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SORA
INTERSECTION

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 93

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

MOVEMENT SUMMARY Site: Entry Driveway PM peak

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

MOVEMENT SUMMARY										
Approach	Phase	Vehicle	Volume	LOS	Delay	LOS	Delay	LOS	Delay	LOS
South Entry Road										
4	L	18	0.0	0.007	0.2	LOS A	0.0	0.0	0.00	0.01
5	T	155	0.0	0.007	0.0	LOS A	0.0	0.0	0.00	0.00
Approach		168	0.0	0.007	0.7	NA	0.0	0.0	0.00	0.00
North Entry Road										
11	T	207	0.0	0.117	0.0	LOS A	0.0	0.0	0.00	0.00
Approach		227	0.0	0.117	0.0	NA	0.0	0.0	0.00	0.00
West Entry Road										
1	L	1	0.0	0.001	0.0	LOS A	0.0	0.0	0.00	0.00
Approach		1	0.0	0.001	0.0	LOS A	0.0	0.0	0.00	0.00
All Vehicles		168	0.0	0.117	0.7	0.0	0.0	0.00	0.00	0.00

Level of Service (LOS) Method: Delay (DIA) (2010)
 Vehicle movement LOS values are based on average delay per movement.
 Major 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 delay associated with major road movements.
 SORA Standard Delay Method used.

Document Number: 20 June 2014 4:27:23 PM
 SORA INTERSECTION 5.1 (1/2011)
 Project: T 2013014202/01 Wibourne St 00-0404/00
 00000000 TRAFFIC CALCULATION PPT (17) (04/14)

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SORA
INTERSECTION

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 94

ITEM 2 (continued)

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

MOVEMENT SUMMARY Site: Exit driveway AM peak

Wiboune Street and Exit Driveway (Giro Way street)
Driveway / Yield (Tee Way)

Movement Summary										
South Entry Road										
S	T	241	0.0	0.124	0.0	LOSA	0.0	0.0	0.00	0.00
Approach		241	0.0 <td>0.124</td> <td>0.0</td> <td>NA</td> <td>0.0</td> <td>0.0</td> <td>0.00</td> <td>0.00</td>	0.124	0.0	NA	0.0	0.0	0.00	0.00
North Major Road										
T	Y	238	0.0	0.132	0.0	LOSA	0.0	0.0	0.00	0.00
Approach		238	0.0 <td>0.132</td> <td>0.0 <td>NA</td> <td>0.0 <td>0.0 <td>0.00</td> <td>0.00</td> </td></td></td>	0.132	0.0 <td>NA</td> <td>0.0 <td>0.0 <td>0.00</td> <td>0.00</td> </td></td>	NA	0.0 <td>0.0 <td>0.00</td> <td>0.00</td> </td>	0.0 <td>0.00</td> <td>0.00</td>	0.00	0.00
West Major Road										
S	T	18	0.0	0.019	10.5	LOSA	0.1	0.5	0.45	0.71
Approach		18	0.0 <td>0.019 <td>10.5 <td>LOSA</td> <td>0.1 <td>0.5 <td>0.45 <td>0.71</td> </td></td></td></td></td>	0.019 <td>10.5 <td>LOSA</td> <td>0.1 <td>0.5 <td>0.45 <td>0.71</td> </td></td></td></td>	10.5 <td>LOSA</td> <td>0.1 <td>0.5 <td>0.45 <td>0.71</td> </td></td></td>	LOSA	0.1 <td>0.5 <td>0.45 <td>0.71</td> </td></td>	0.5 <td>0.45 <td>0.71</td> </td>	0.45 <td>0.71</td>	0.71
All Vehicles		587	0.0	0.134	0.0	NA	0.0	0.0	0.00	0.00

Level of Service (LOS) Method: Delay (RTA MSW)
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 stop control since the average delay is not a good LOS measure due to heavy delays associated with major road movements.
SIDRA Standard Delay Model used.

Processed: Monday, 23 June 2014 4:27:17 PM
SIDRA INTERSECTION 9.1.13.002
Project: T:38732714-00021 Wiboune St @ Giro Way site
SIDRA TRAFFIC SOLUTIONS PTY LTD. SH4032

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SIDRA
INTERSECTION

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

City of Ryde
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ITEM 2 (continued)

Planning and Environment Committee Page 95

ATTACHMENT 1

PREVIOUS REPORT – ATTACHMENT 4

MOVEMENT SUMMARY

Wibourne Street and Exit Driveway (Give Way street)
Giveaway / Yield (Tee Way)

Site: Exit driveway PM peak

South Entry Road

S	T	108	0.0	0.479	0.0	LOSA	0.0	0.0	0.00	0.00	80.0
Approach		108	0.0	0.079	0.0	NA	0.0	0.0	0.00	0.00	60.0

North Major Road

T1	T2	227	0.0	0.117	0.0	LOSA	0.0	0.0	0.00	0.00	80.0
Approach		227	0.0 <td>0.117</td> <td>0.0 <td>NA</td> <td>0.0 <td>0.0 <td>0.00 <td>0.00 <td>80.0</td> </td></td></td></td></td>	0.117	0.0 <td>NA</td> <td>0.0 <td>0.0 <td>0.00 <td>0.00 <td>80.0</td> </td></td></td></td>	NA	0.0 <td>0.0 <td>0.00 <td>0.00 <td>80.0</td> </td></td></td>	0.0 <td>0.00 <td>0.00 <td>80.0</td> </td></td>	0.00 <td>0.00 <td>80.0</td> </td>	0.00 <td>80.0</td>	80.0

West Minor Road

S	T1	14	0.0	0.015	10.0	LOSA	0.1	0.1	0.40	0.60	47.0
Approach		14 <td>0.0 <td>0.015 <td>10.0 <td>LOSA</td> <td>0.1</td> <td>0.1</td> <td>0.40</td> <td>0.60</td> <td>47.0</td> </td></td></td>	0.0 <td>0.015 <td>10.0 <td>LOSA</td> <td>0.1</td> <td>0.1</td> <td>0.40</td> <td>0.60</td> <td>47.0</td> </td></td>	0.015 <td>10.0 <td>LOSA</td> <td>0.1</td> <td>0.1</td> <td>0.40</td> <td>0.60</td> <td>47.0</td> </td>	10.0 <td>LOSA</td> <td>0.1</td> <td>0.1</td> <td>0.40</td> <td>0.60</td> <td>47.0</td>	LOSA	0.1	0.1	0.40	0.60	47.0

All Vehicles

96	0.0	0.171	0.0	NA	0.0	0.0	0.0	0.00	0.00	96.0
----	-----	-------	-----	----	-----	-----	-----	------	------	------

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 stop control since the average delay is not a good LOS measure due to heavy delays associated with major road movements.
 SIDRA Standard Delay Model used.

Processed: Monday, 23 June 2014 4:37:07 PM
 SIDRA INTERSECTION 9.1 (1.1.2008)
 Project: 7.20130714.00021 Wibourne St @ Exit Driveway
 8500N, TRAFFIC SOLUTIONS PTY LTD, SH632


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SIDRA
INTERSECTION

Agenda of the Planning and Environment Committee Report No. 10/14, dated
Tuesday 7 October 2014.

ITEM 3 (continued)

ATTACHMENT 5

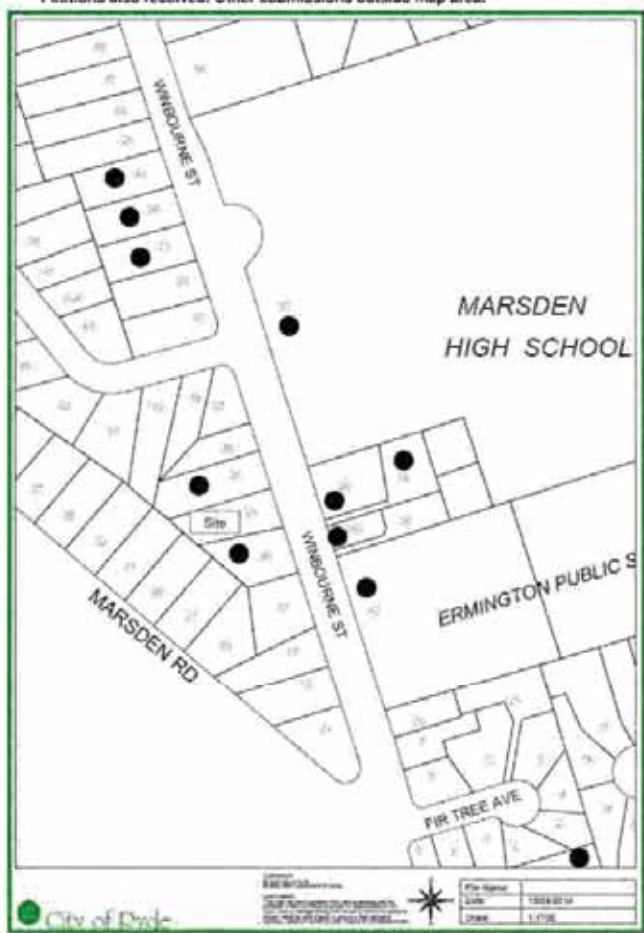
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Planning and Environment Committee Page 96

ITEM 2 (continued) ATTACHMENT 1

PREVIOUS REPORT

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




City of Ryde

File Name: 13024214
Date: 1/1/2015
User: L.F.2015

Tuesday 3 February 2015.

ITEM 3 (continued)

ATTACHMENT 5



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Planning and Environment Committee Page 97

ITEM 2 (continued)

ATTACHMENT 2

Meeting Notes	
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)	
Ground Floor Meeting Room, Ryde Planning and Business Centre. 13 November 2014, 10am	
In attendance:	
<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 Pearse: Senior Development Engineer.
<u>Applicant:</u>	(HM) Harry Moskovian, Relative representing applicant / owner (NW) Nigel White, Planner
SUMMARY OF DISCUSSIONS:	
<u>Introduction</u>	
<p>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.</p> <p>Quoted, the resolution from Council in this matter states:</p> <ul style="list-style-type: none"> <i>(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.</i> <i>(b) That amended plans be submitted to Council and renotified to all adjoining owners and those people who made submissions.</i> <i>(c) That a further report be submitted to the Planning and Environment Committee.</i> <p>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.</p>	

Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.

ITEM 3 (continued)

ATTACHMENT 5

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 – 1st 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.

Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.

ITEM 3 (continued)

ATTACHMENT 5

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 – 2nd 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 – 3rd 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 – 4th 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.

Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.

ITEM 3 (continued)

ATTACHMENT 5

ITEM 2 (continued)	ATTACHMENT 2
<p>  Planning and Environment Committee Page 100 </p>	
<p>NW suggested removing landscaping within the rear outdoor play space as an option to rectify this issue and will look into this further.</p>	
<p><u>Streetscape impacts – 5th reason for refusal</u></p> <p>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.</p> <p>NW advised that it is commonly seen that child care centres contain parking in front of the centre.</p>	
<p><u>Incorrect allocation of parking – 6th reason for refusal</u></p> <p>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.</p> <p>NW advised that altering the dimensions of car spaces would need to be looked into further.</p>	
<p><u>Not in public interest – 7th reason for refusal</u></p> <p>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.</p> <p>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.</p>	
<p><u>Discussion</u></p> <p>NW asked if there were any other issues.</p> <p>MB summarised that the key issues related to traffic generation and parking.</p> <p>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.</p> <p>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</p>	
<p>Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.</p>	

ITEM 3 (continued)

ATTACHMENT 5

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 3 (continued)

ATTACHMENT 5



City of Ryde
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Planning and Environment Committee Page 102

ITEM 2 (continued)

ATTACHMENT 3

21 Winbourne Street West Ryde

Proposed Childcare Centre - 39 Children



Att: Chris Young

I refer to our meeting on Thursday 17th 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 standard. Drop-off and pick-ups 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 8.00AM 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 complementing the 'no parking or load 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 flows 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 density of surrounding residential properties will be unacceptably impacted - in particular the ability to enter and exit their driveways will be unacceptably impacted.



Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 103

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 saw 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 not compliant with external play area and internal car 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 275sqm. To ensure that more space is usable in the rear yard, it is recommended that the landscaping belt 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 provision 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 an 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 5 appears to relate to a deficiency of 200mm in width from 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

Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.

ITEM 3 (continued)

ATTACHMENT 5

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Planning and Environment Committee Page 104

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 nearby.

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 utilize major 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 eventually 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.

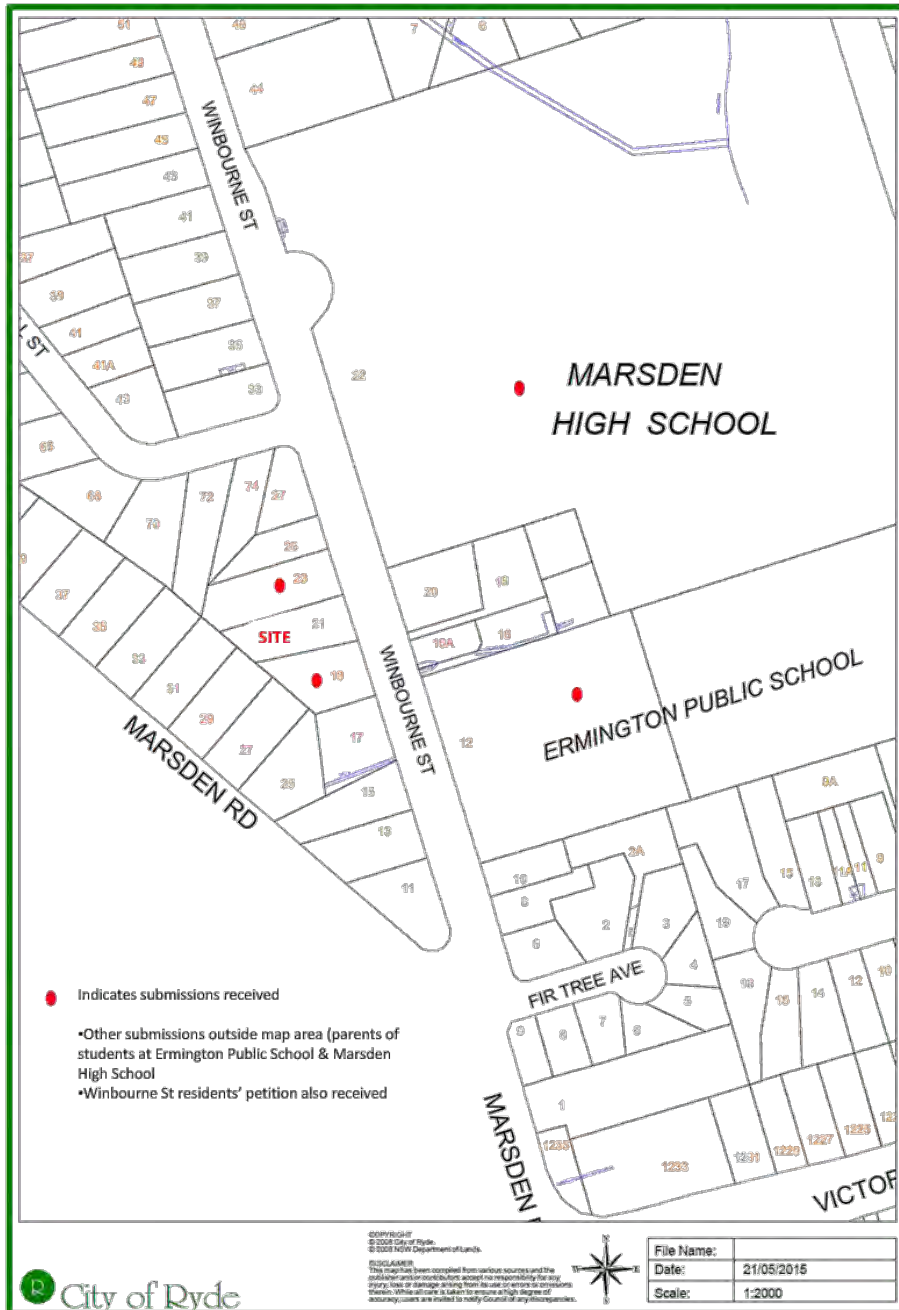
Regards

Nigel White
Bachelor of Applied Science (Environmental Planning)

Agenda of the Planning and Environment Committee Report No. 1/15, dated Tuesday 3 February 2015.

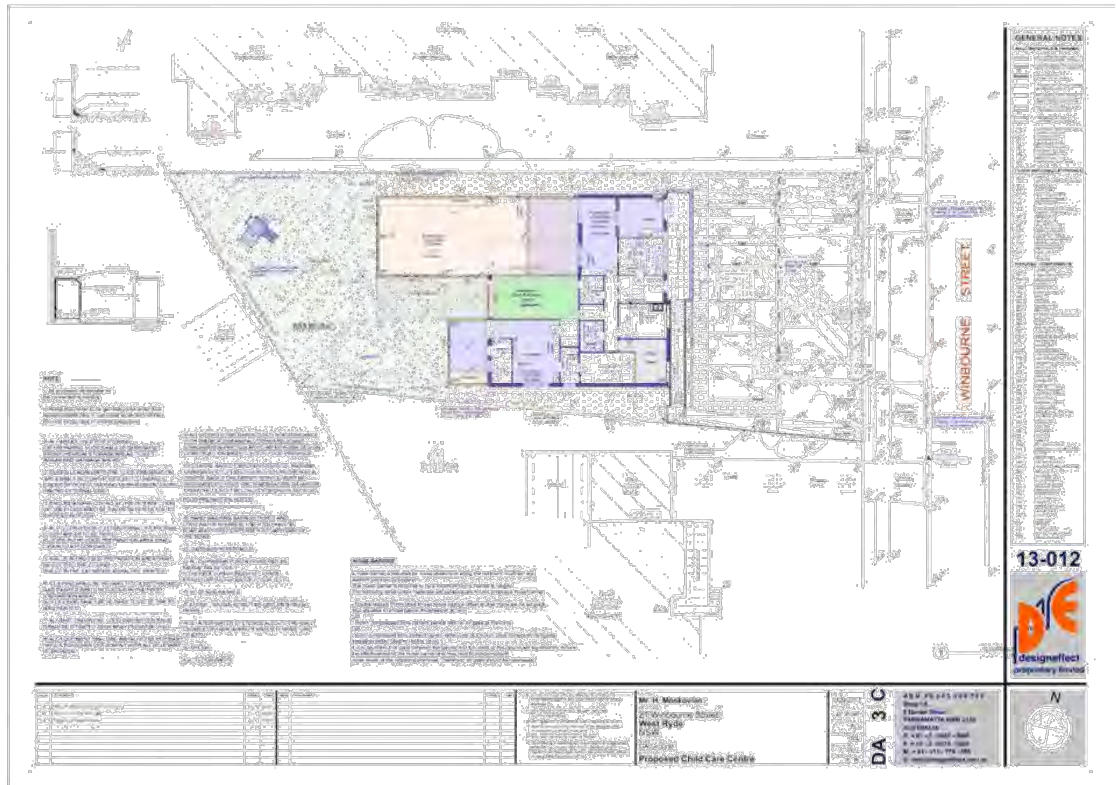
ITEM 3 (continued)

ATTACHMENT 6



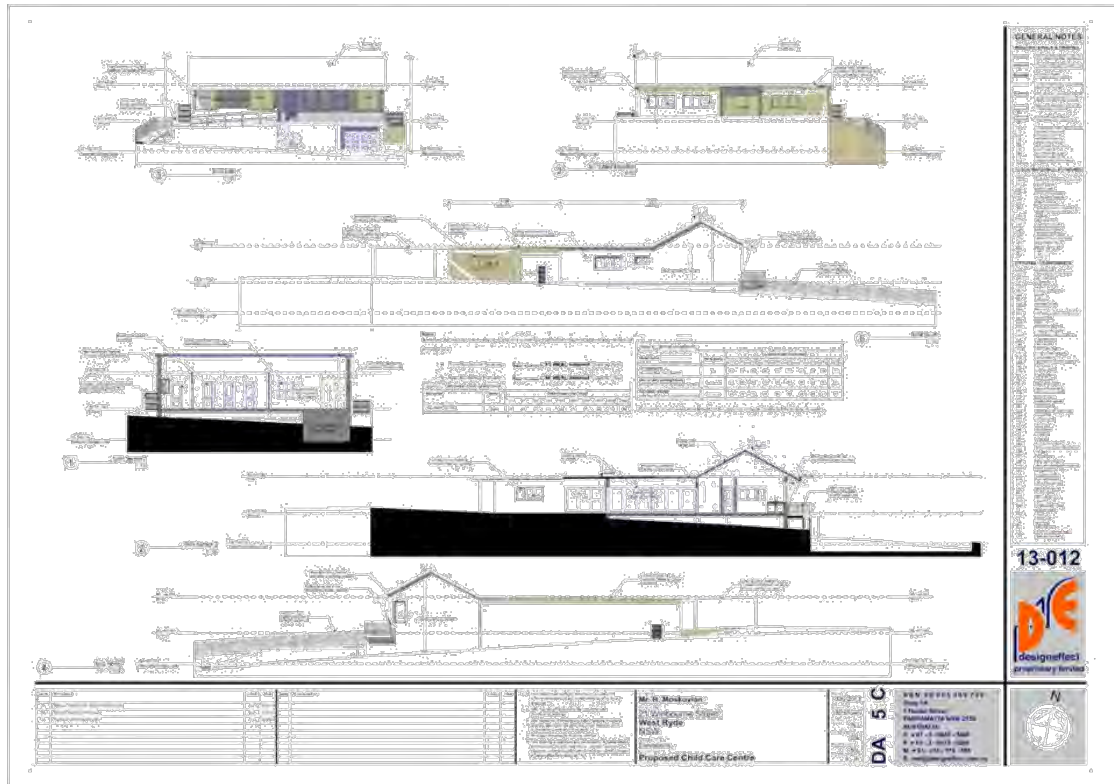
ITEM 3 (continued)

ATTACHMENT 7



ITEM 3 (continued)

ATTACHMENT 7



4 12 RESERVE STREET, WEST RYDE. LOT 1 DP 785091. Local Development Application for a new dual occupancy (attached) and front fence with strata subdivision. LDA2015/0062.

Report prepared by: Assessment Officer

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

Report dated: 25 May 2015

File Number: GRP/09/5/6/2 - BP15/716

1. Report Summary

Applicant: M Tsang.

Owner: S Yeung, M Yeung.

Date lodged: 10 February 2015.

This report considers a proposal for a dual occupancy (attached) and front fence with strata subdivision. The proposed dual occupancy is two storey with each dwelling having a kitchen, dining two (2) living areas, four (4) bedrooms, a home office, laundry, three bathrooms and a single garage.

The subject site is located in an area of Ryde where there is a diversity of residential accommodation types, including residential flat buildings and detached dwelling houses, however becoming increasingly interspersed with dual occupancy and multi dwelling house developments.

The development application lodged (LDA2015/0062) was notified in accordance with Ryde Development Control Plan 2014. In response, a total of four (4) individual submissions were received by Council, objecting to the proposed development. The issues of concern raised in the these submissions related to:

- Overshadowing impacts on 10 and 12A Reserve Street
- Subdivision – under which legislation
- Proposed house numbering
- Proposed Height and requirements
- Easements for services
- Density – impacts on traffic/parking and health
- Proposed Side Setback – requirements
- Privacy – overlooking from two storey
- Front lawn – existing outlook

In regard to concerns raised in resident submissions the proposal complies with the provisions of the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan 2014 with regard to subdivision, density, side setbacks, height, privacy, front lawn/landscaping. The proposed house numbering will not change any existing house numbering in Reserve Street. The proposal is proposing to drain the stormwater to the street, not through any easements on downstream properties. There is a degree of overshadowing on 10 Reserve Street on 21 June. The applicant has amended the plans

ITEM 4 (continued)

and increased the southern side setback from 1.520m to 2.520m to reduce the overshadow impact. This has resulted in a portion of the rear window on the north facing wall having sunlight from 12pm.

It is generally considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2014 and is generally consistent with modern dual occupancy developments throughout the City of Ryde. It is therefore recommended that the DA be approved.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Li

Public Submissions: 4 submissions were received objecting to the development.

Clause 4.6 RLEP 2014 objection required? None required.

Value of works? - \$750,000

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. LDA2015/62 at 12 Reserve Street, West Ryde be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.
- (a) That Local Development Application No.[document number]/[document year] at [property address NPC] being [property title] be approved subject to the following conditions;

ATTACHMENTS

- 1 Draft Conditions
- 2 Ryde DCP 2014 Compliance Table
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright conditions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 4 (continued)

Report Prepared By:

**Jane Tompsett
Assessment Officer**

Report Approved By:

**Liz Coad
Manager Assessment**

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

ITEM 4 (continued)**Site** (*Refer to attached map.*)

- Address** : 12 Reserve Street, West Ryde
- Site Area** : Area 837.7m²
Frontage 26 metres
Depth 31 metres
- Topography and Vegetation** : The site is relatively flat with a minor depression in the centre of the lot. There are no trees existing on the site.
- Existing Buildings** : There is currently a single storey dwelling of brick construction with a tile roof and an attached garage. Site access is via a concrete layback. The crossover and driveway are located parallel to the northern side boundary.
- Planning Controls**
- Zoning** : R2 Low Density Residential under Ryde LEP 2014
- Other** : Ryde Development Control Plan 2014
Section 94 - Development Contributions Plan – 2007
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

ITEM 4 (continued)



Figure 1. Photograph of the front of the subject site taken from Reserve Street.

ITEM 4 (continued)



Figure 2. Aerial image of the subject site and the surrounding development. There were submissions received from the neighbours at 10, 12A, 14 & 15 Reserve Street West Ryde.

ITEM 4 (continued)**3. Councillor Representations**

Name of Councillor: Councillor Li

Nature of the representation: Call up to Planning & Environment Committee

Date: 17 April 2015

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

On behalf of applicant or objectors? Objector at 10 Reserve Street.

Any other persons (e.g. consultants) involved in or part of the representation: None.

4. Political Donations or Gifts

None disclosed in the applicant's development application submission or in any submission received.

5. Proposal

New two storey dual occupancy (attached) and front fence with strata subdivision.

Unit A and B both comprise of a single garage with internal access to the ground floor. The ground floor consists of a home office, bathroom, living and dining/ kitchen area which accesses the rear yard private open space, the laundry area accesses the side yard. The first floor of both units four bedrooms, two bathrooms and a lounge area.

The proposed two storey building is to be constructed in masonry with a tile roof.

The development provides a standard dual occupancy design with each dwelling separated by a common wall. The building provides articulation to Reserve Street through varied street setbacks, single storey porticos and varied hipped roofs.

ITEM 4 (continued)**6. Background**

The following is a brief overview of the development history relating to the proposed attached dual occupancy to be constructed on the subject site.

- DA was lodged on 10 February 2015.
- Following the notification period 4 submissions were received from the neighbouring properties concerning the subdivision, density, house numbering, height, easements, overshadowing.
- Additional information was requested by Council on 25 February 2015 in relation to incorrect Basix, inconsistencies with levels on the plans, incorrect shadow diagrams.
- Amended plans were received 6 March 2015 and included the following amendments:
 - Updated Hydraulic Plan
 - Updated Architectural Plans (including shadows)
 - Updated version of Statement of Environmental Effects (SEE)

The amendments addressed the additional information requested by Council 25 February 2015.

- Amended plans were received by Council 2 April 2015 and included the following amendments:
 - Reduce the overall footprint of the building by 520mm including first floor and ground floor.

The amendments addressed the additional information requested 1 April 2015.

Council emailed the owners of 10 Reserve Street with the amended plans on 13 April 2015. The email advised that the applicant has amended the plans with the correct orientation and provided shadow diagrams to reflect the orientation. In addition the side setbacks have changed from 1500mm (original plans) to 2020mm.

- Council Officers met with the owner of 10 Reserve Street and his consultant 16 April 2015. The amended plans and changes were discussed.
- Councillor Li requested a Call up to Committee via email to Councillor Help Desk 17 April 2015.

ITEM 4 (continued)

- The applicant revised the plans and set the southern side boundary back from 2020m to 2520m and reduce the northern side setback to 1520m on the 19 April 2015.

The amendments addressed a further request from the neighbour at 10 Reserve Street to set the first floor southern side setback to 4-5m from the side boundary.

7. Submissions

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 12 February 2015 until 27 February 2015.

Four submissions were received. The issues raised in the submissions were;

- (i) **Overshadowing** - *Overshadowing concerns are raised over the proposed development overshadowing the neighbouring dwellings at 10 and 12 Reserve Street and reducing the amount of sunlight to private open space and north facing windows during winter*

Assessing Officer's Comment:

Ryde DCP 2014 contains the following requirements in terms of overshadowing of neighbouring properties:

For neighbouring properties ensure:

- sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21, and*
- windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

An assessment of the application reveals the proposed development will have some overshadowing impacts at 9am to the ground level private open space at no.10 & 12 Reserve Street. From 12pm to 3pm at no.10 and 12 Reserve Street the principal private open space is not impacted by shadow from the proposed development and complies with Council's control being *sunlight to at least 50% of the principal area of ground level private open space.*

ITEM 4 (continued)

The north facing windows of 10 Reserve Street will not receive the abovementioned sunlight access requirements for neighbouring properties (see below).

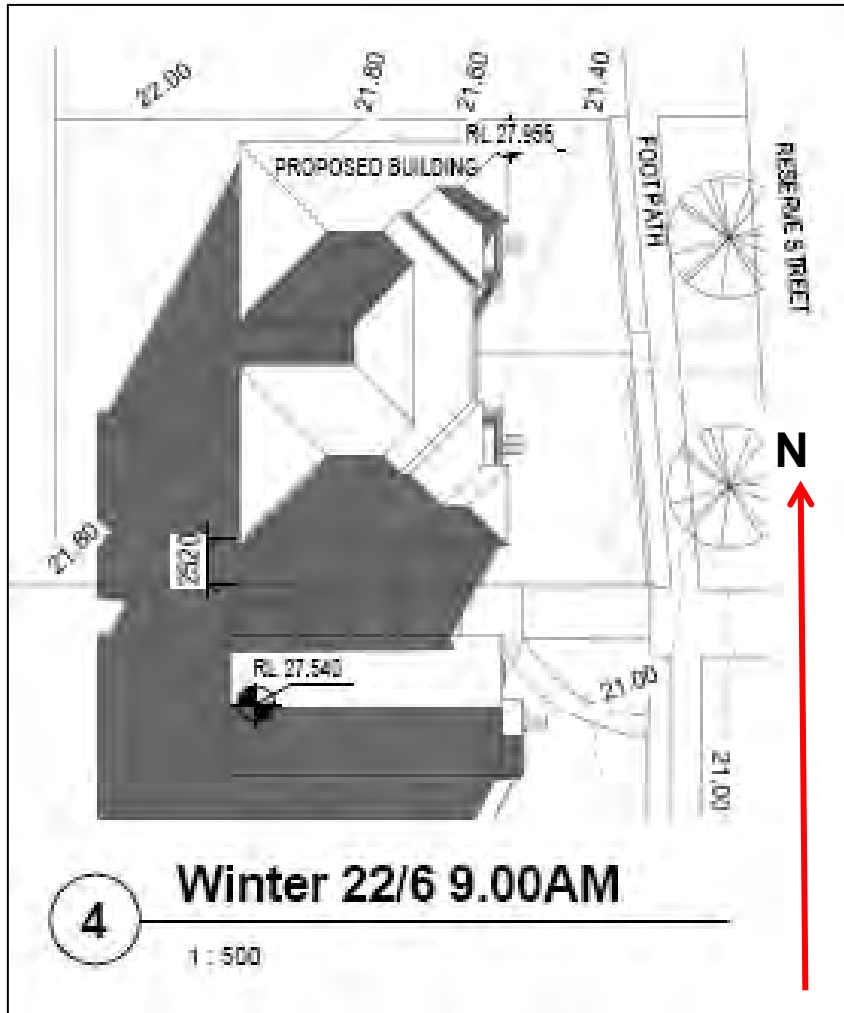


Figure 3: Proposed shadow at 9am

ITEM 4 (continued)

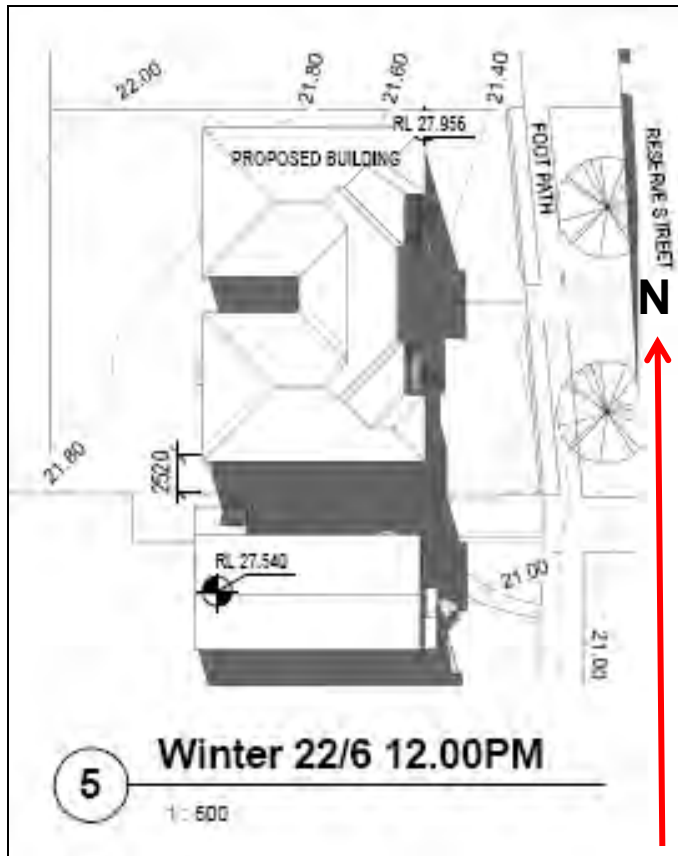


Figure 4: Proposed shadow at 12pm

ITEM 4 (continued)

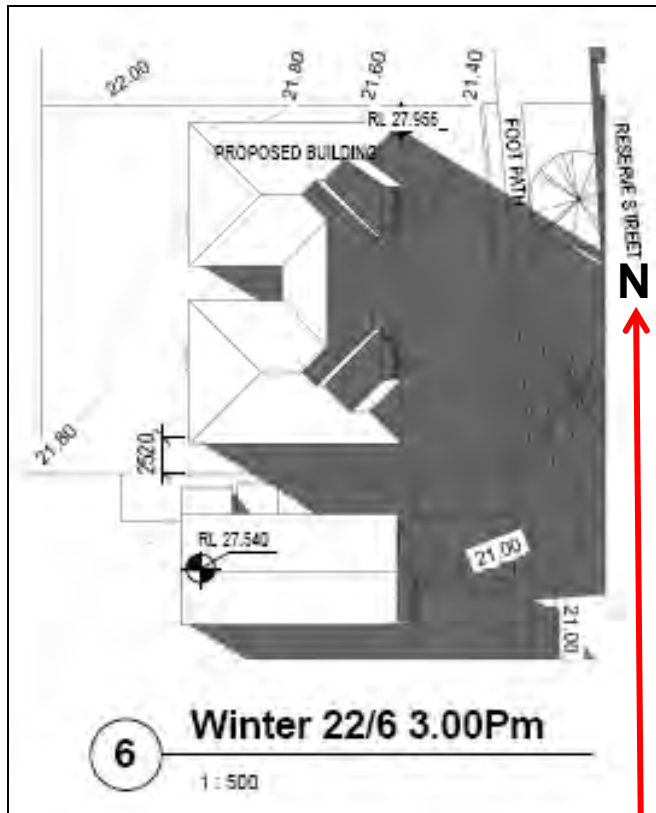


Figure 5: Proposed shadow at 3pm

It is noted that the large window on the northern wall is partially obscured with a lattice enclosure and a laminated awning roof (see below).

ITEM 4 (continued)



Figure 6: 10 Reserve Street (existing north facing windows).

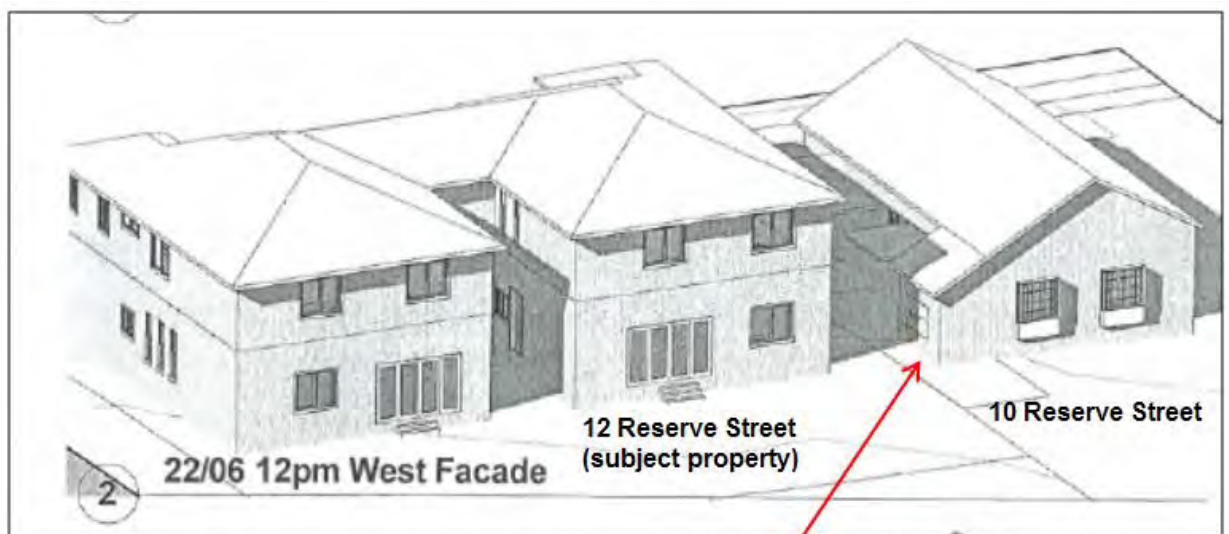


Figure 7: A portion of the rear north facing window has sunlight at 12pm

ITEM 4 (continued)

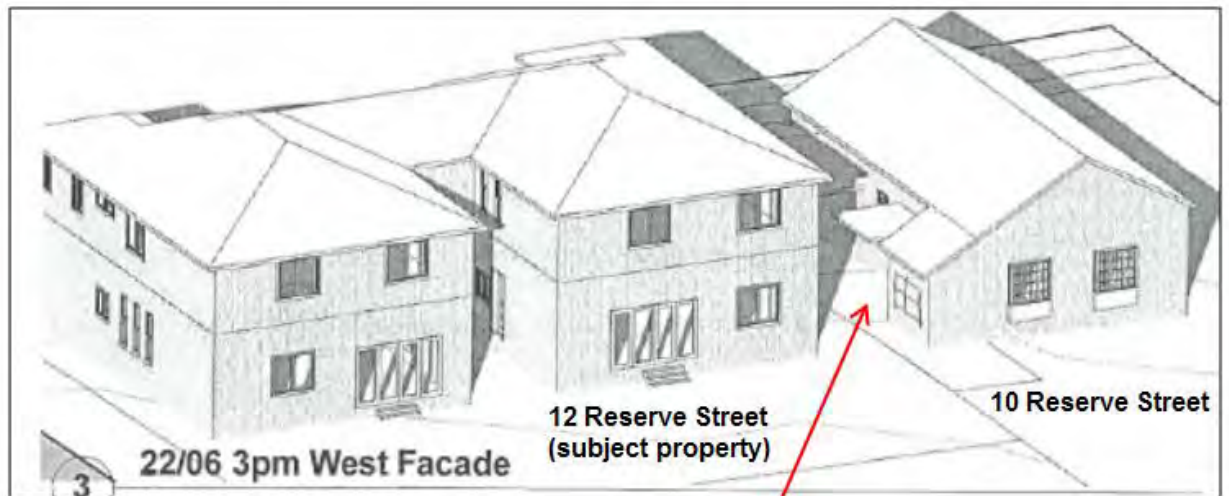


Figure 8: All north facing windows have sunlight at 3pm

ITEM 4 (continued)

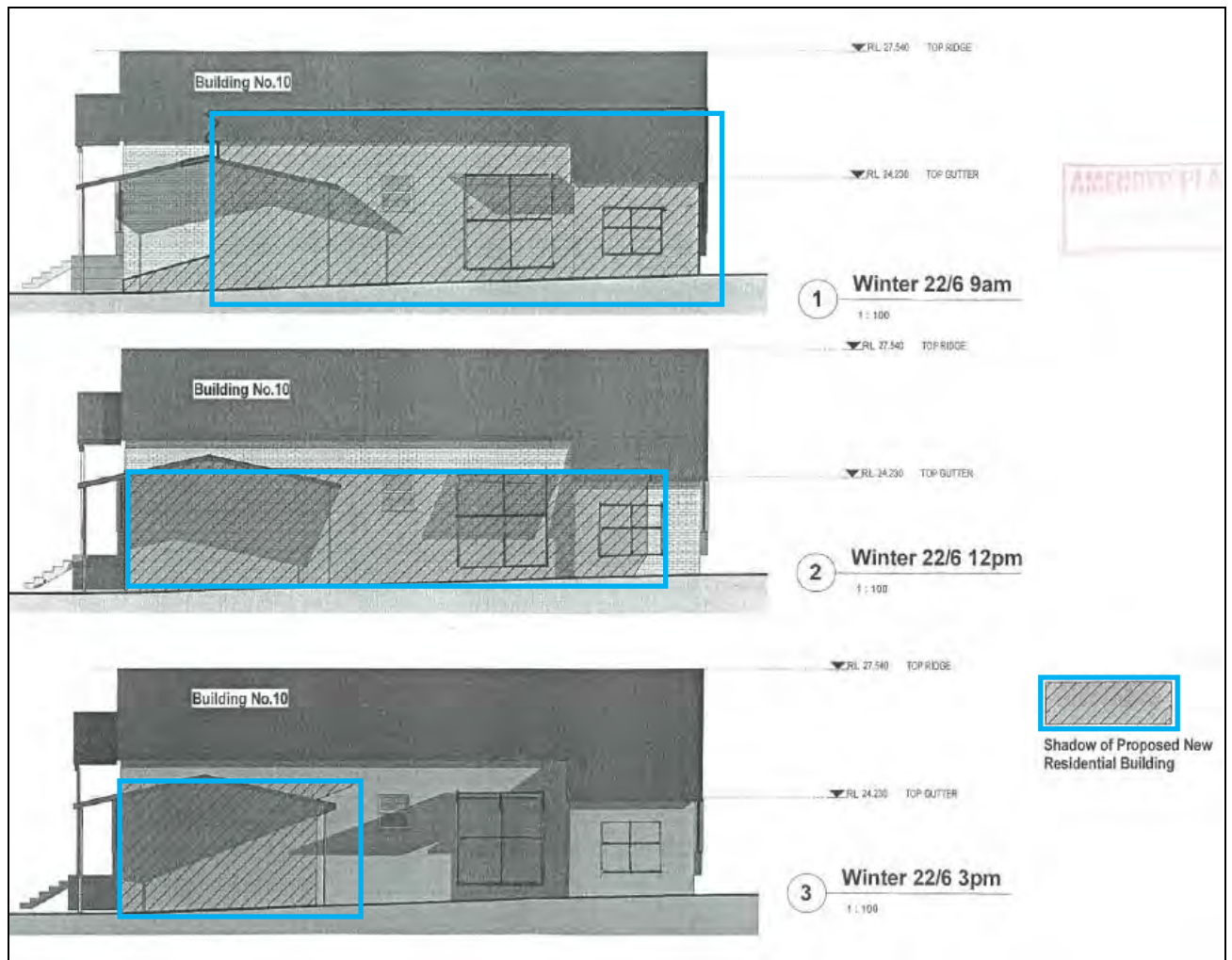


Figure 9: 10 Reserve Street north facing windows

Despite not complying with the controls, the level of overshadowing of the proposed development is supported for the following reasons:

- The controls for sunlight access for neighbouring properties are very difficult to achieve for the proposed development due to the east-west orientation of the subject site combined with the fact the property to the south is a single storey dwelling with a side setback of 3m to the northern boundary. This means that the distance between the two buildings is 5.250m and the shadow to the northern windows still does not comply with Council's control. This is a generous distance between dwellings in the locality. The sunlight to at least 50% of the principal area of ground level private open space to all adjoining dwellings does comply with Council's control.

ITEM 4 (continued)

- The proposed development is fully compliant with the key controls which influence the bulk and overshadowing of a building including building height, FSR and setbacks. An assessment of the proposal against each of these controls as they relate to overshadowing is provided below:
 - An extensive southern side setback is proposed that mostly goes beyond the minimum requirements of 1.5m for two storey components as per Ryde DCP 2014. As demonstrated in **Figure 11**, the setback for two-storey portion building is 2.520m. This large southern side setback is considered to enhance sunlight access for the neighbouring dwelling over and above what the side setbacks of the Ryde DCP 2014 permit.
 - The proposed dual occupancy has a maximum height of 8.4m and is well below the maximum height of 9.5m as per Ryde LEP 2014.
- The FSR of the proposed development will be 0.50:1, and complies with the maximum 0.5:1 development standard under the Ryde LEP 2014.

As confirmed through the NSW Governments 'Electronic Housing Code' website (www.ehc.nsw.gov.au), a complying dwelling house could be developed on the subject site under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. An assessment has been undertaken to determine the overshadowing impact of a complying dwelling house on the subject site. The key provisions of building height, setbacks and FSR have all been considered.

The assessment has revealed that a complying dwelling house could be developed on the site that would have similar or greater overshadowing impacts on the neighbouring properties to the south.

A similar building envelope, with some minor modifications, could be developed as a complying development not requiring Council approval.

Accordingly, since a complying development is one of minimal environmental impact, the proposed development having a similar bulk and siting to a complying development proposal must also be considered to have a minimal environmental impact in terms of overshadowing.

- (ii) Subdivision** - *"This piece of land was subdivided in around 1988. Is this land permissible for further subdivision? If so, under what clause or act?"*

Assessing Officer's Comment:

Torrens and Strata Subdivision of Dual Occupancy developments are now under Clause 4.1A of Ryde LEP 2014.

ITEM 4 (continued)

- (iii) **House Numbering** - *“Presently House is No. 12. With dual occupancy, what will the house number be? Council to ensure there will not be change to my present house no. 14.”*

Officer’s Comment:

There will be no change to house no. 14 or no.12A. The proposed numbering for the dual occupancy will be Unit 1/12 and Unit 2/12 Reserve Street.

- (iv) **Height** - *“What is the base height above Reserve Street?”*

Assessing Officer’s Comment:

Council’s DCP 2014 - Part 3.3: Dwelling Houses and Dual Occupancy (attached) Section 2.8.1 Building Height states:

- A maximum height of 9.5m for Dwelling Houses and Dual Occupancy (attached)

The building height is measured from the existing ground level to the topmost part of the building. The wall plate height is measured to the underside of the eaves. In this diagram the existing ground level and the finished ground level are the same (see below).

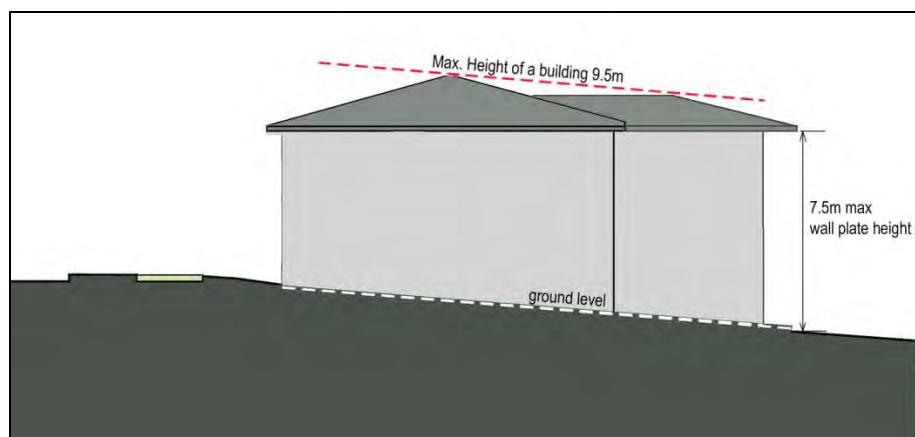


Figure 10: Maximum height 9.5m

The overall maximum height of the proposed dual occupancy is 8.4m above existing ground and is well below Council’s control of a maximum height of 9.5m.

- (v) **Easements** - *The downstream owners raised concerns regarding “easements” referring to stormwater drainage and sewerage.*

ITEM 4 (continued)Assessing Officer's Comment:

The proposed dual occupancy is draining stormwater to the street and not through any adjoining properties. Sydney Water Corporation (not Council) is responsible for sewerage from all new developments. A condition of consent has been imposed requiring the applicant to obtain a Section 73 Compliance Certificate prior to the issue of the construction certificate. The Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation to establish the water and sewer infrastructure requirements.

- (vi) Density/Traffic Congestion** - *“High density of units sprung Anthony Street/Reserve Street, and 6 Reserve Street. These streets are of the same size. There is concern for the environment: traffic congestion as it is, I have difficulty driving out my drive (Reserve St to Miriam Road).
The emission of pollution with high volume of traffic, services, facilities and amenities demanded in this area will result to unknown and new HEALTH ISSUE to residents living peacefully in this area.”*

Assessing Officer's Comment:

The RMS document “*Guide to Traffic Generating Developments*” provides average traffic generation rates for residential development for use in the assessment of such development. Whilst this document does not directly specify a rate for dual occupancy development, the document details a rate for larger units and townhouses (3 bedrooms or more) which would be equivalent to the subject proposal. As such, the specified rate is slightly greater than half that for single residential dwellings, being 5 to 6.5 daily vehicle trips per townhouse compared to 9 daily vehicle trips for a residential dwelling. Accordingly it is acknowledged that whilst there will be an increase in traffic generation and vehicle emissions, the level of traffic generation is not significant such to impact Reserve Street in terms of operation and safety.

The development requires one (1) parking space for each attached dwelling. Each unit provides one (1) car space within the garage, satisfying the parking requirements outlined with Ryde DCP 2014.

In regards to the proposed development, there is provision to stand an additional vehicle in the driveway on the property when required. As such, it is unlikely there will be any long term impact to on street parking. In the event that any visitor were to park fronting the property (as for any other dwelling in the street), it would not present an issue in terms of traffic safety or operation such to warrant refusal of the application.

Council's Senior Development Engineer has reviewed the proposed development with regard to traffic generation changes resulting from the proposal and has raised no objection subject to conditions of consent.

ITEM 4 (continued)

(vii) Side Setback- *“The distance of this dual occupancy is too close to House No.10. This is hazard issue. The present house is 10 metres away from house No.10. Kindly explain under what clause council overlook this matter. Distance from next door house accordingly is at least 10 meters.*

Assessing Officer’s Comment:

Council’s DCP 2014 - Part 3.3: Dwelling Houses and Dual Occupancy (attached) Section 2.9.2 Side Setbacks states:

The outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5 m.

The proposed side setback has been amended and is now 2.520m from the southern side boundary adjoining 10 Reserve Street (see below) and complies with Council’s control.

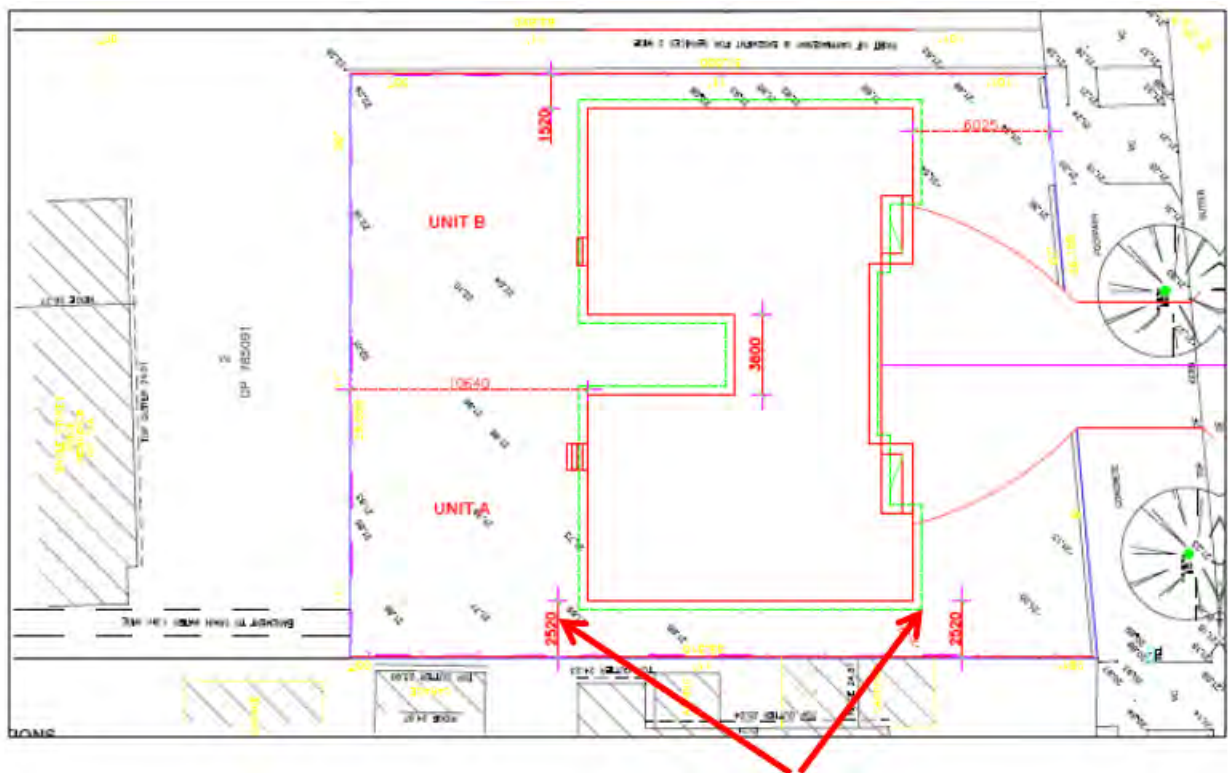


Figure 11: 12 Reserve Street southern **side** setback 2.250m.

(viii) Privacy - Concerns regarding privacy were raised at 12 Reserve Street to the rear of the site.

ITEM 4 (continued)

Assessing Officer's Comment:

Council's DCP 2014 - Part 3.3: Dwelling Houses and Dual Occupancy (attached)
Section 2.9.3 Rear Setbacks states:

Rear setbacks allow separation distances between neighbouring dwellings so as to provide for the visual and acoustic privacy of dwellings. To separate dwellings and to achieve privacy.

The rear of the dwelling is to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8 m, whichever is the greater.

The rear setback is 10.640m to the western rear boundary. The minimum rear setback required is 8.33m. The proposed rear setback complies with Council's controls.

The western rear elevation has four bedroom windows on the first floor (see Figure 12)

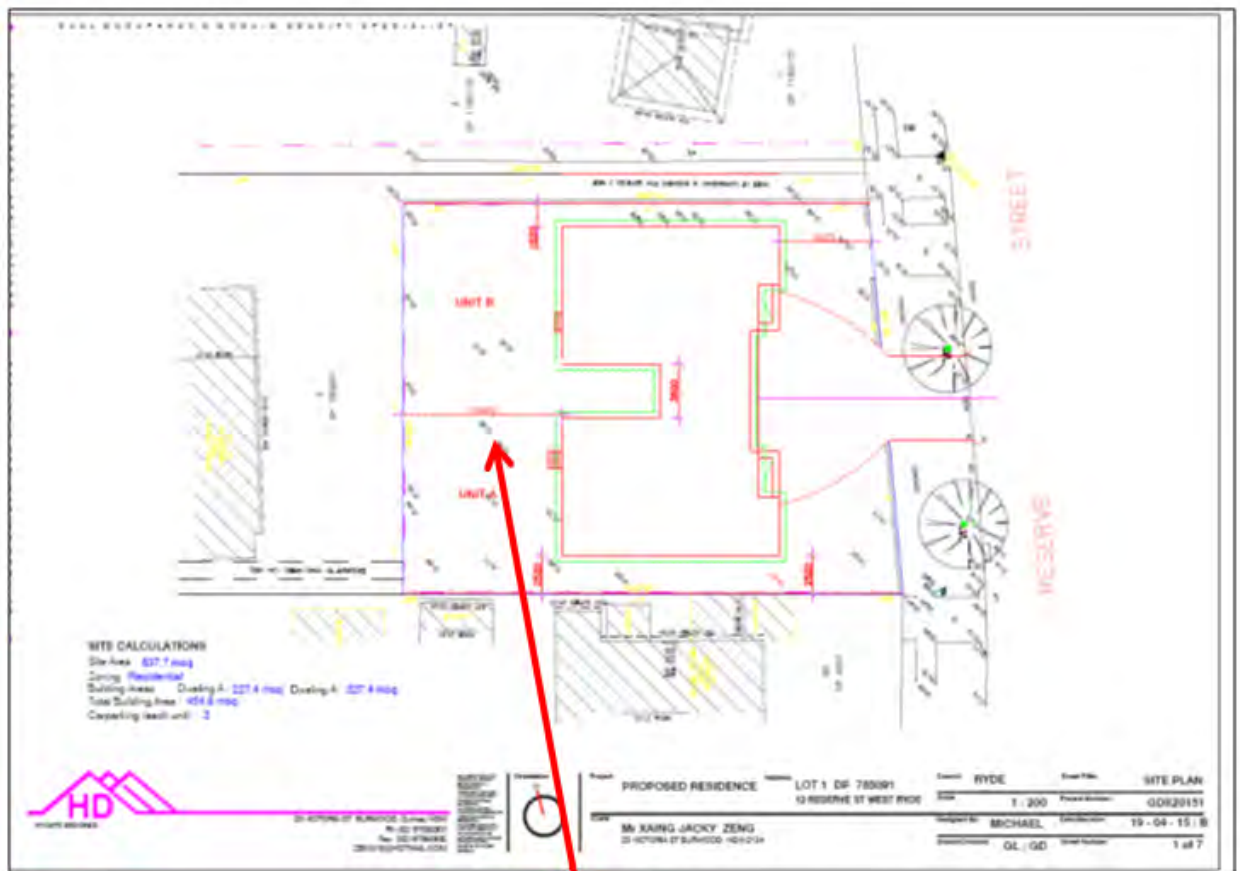


Figure 12: The rear setback is 10.640m

ITEM 4 (continued)

Council's DCP 2014 - Part 3.3: Dwelling Houses and Dual Occupancy (attached)
Section 2.14.2 Visual Privacy states:

Living areas should be located to the front and rear elevations where privacy and outlook are more easily achieved. Locating the majority of living area windows facing towards the street and the rear boundaries means that the windows of ancillary rooms will face the side boundaries. This allows the building to be located closer to the side boundaries as there a fewer privacy impacts.

It is not necessary to provide the same degree of privacy protection to all parts of a neighbouring site. Higher levels of privacy are to be provided to both internal living areas and to the external living area. Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.



Figure 13: The western rear elevation four bedroom windows only on the first floor.

In addition to the rear setback and no living rooms windows only bedroom windows on the first floor the proposed landscape plan shows considerable planting (see Figure 13). In this instance the privacy is considered satisfactory.

ITEM 4 (continued)

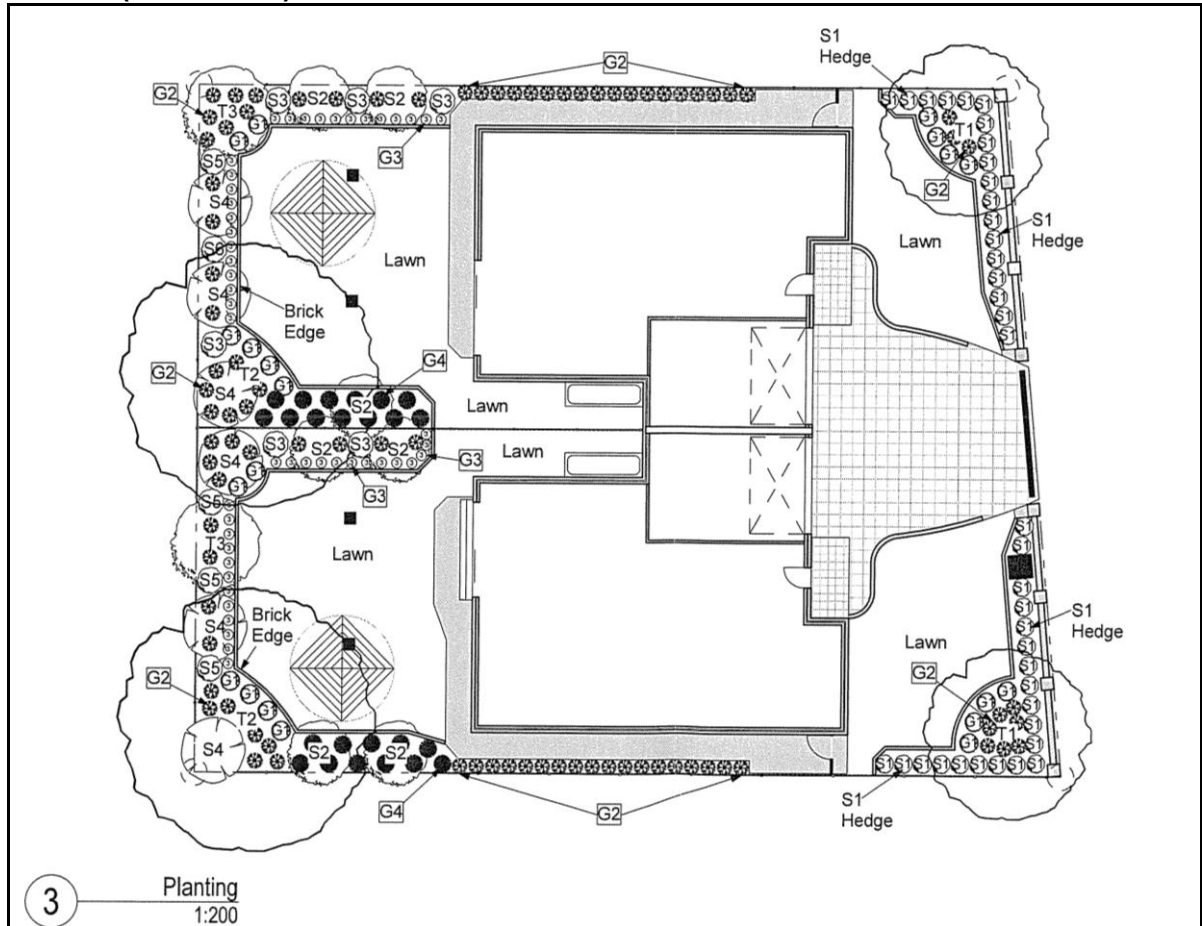


Figure 14: 12 Reserve Street landscape plan.

(ix) Front Lawn

I object to the proposal. I'm objecting because I like the front lawn. It's a nice thing to see from my unit at 15 Reserve Street.

Assessing Officer's Comment:

While the front lawn will be reduced to accommodate the proposed dual occupancy, there will still be front lawn and considerable planting (see landscape plan in Figure 14).

(x) Driveway

I would like to submit a proposal to relocate the driveway to the south side so he can drive directly into his garage.

ITEM 4 (continued)Assessing Officer's Comment:

The driveway is being relocated and the new driveway will be centrally located between the two garages (see above on the landscape plan).

8. Clause 4.6 RLEP 2014 objection required?

Not required.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environment Plan 2014****Zoning**

Under Ryde LEP 2014 the zoning of the subject site is R2 Low Density Residential. The proposed development, being construction of a new two storey dual occupancy (attached) and front fence with strata subdivision.

Aims and objectives for residential zones:

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

The proposed development is considered to satisfy the objectives for residential developments as it will provide a range of housing types for the community within a low density residential environment, and ensures the general low scale of the surrounding area is maintained via compliant building heights, floor space ratio, and satisfactory setbacks.

The proposal is not considered to detract from the streetscape and includes a form and appearance consistent with new and recently approved residential development in the local area.

Principal Development Standards

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

ITEM 4 (continued)

Ryde LEP 2014	Proposal	Compliance
4.1A Dual occupancy (attached) subdivisions		
<p>(1) Despite clause 4.1, development consent may be granted for the Torrens title subdivision of a lot if:</p> <p>(a) before the day <i>Ryde Local Environmental Plan 2014 (Amendment No 2)</i> commences a dual occupancy (attached) has been constructed on the lot or an occupation certificate has been issued for that development, and:</p> <p>(i) the lot to be subdivided has an area of at least 580 m², and</p> <p>(ii) one dwelling will be situated on each lot resulting from the subdivision, and</p> <p>(iii) each resulting lot will have an area of not less than 290 square metres, or</p> <p>(b) on or after the day <i>Ryde Local Environmental Plan 2014 (Amendment No 2)</i> commences a dual occupancy (attached) has been constructed on the lot, and:</p> <p>(i) the lot has an area of at least 580 square metres and a road frontage of at least 20 metres, and</p> <p>(ii) one dwelling will be situated on each lot that has an area of not less than 290 square metres and a road frontage of not less than 10 metres, and</p> <p>(iii) an occupation certificate has been issued for that development.</p> <p>(2) Development consent may only be granted to the strata subdivision of a dual occupancy (attached) on land in Zone R2 Low Density Residential if the land has an area of at least 580 square metres.</p>	<p>837.7m²</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>
4.1B Minimum lot sizes for dual occupancies and multi dwelling housing		
<p>(1) The objective of this clause is to achieve planned residential density in certain zones.</p> <p>(2) Development consent may be granted for development on a lot in Zone R2 Low</p>		

ITEM 4 (continued)

Ryde LEP 2014	Proposal	Compliance
Density Residential for a purpose shown in Column 1 of the table to this clause if: (a) the area of the lot is equal to or greater than the area specified for that purpose and shown opposite in Column 2 of the table, and (b) the road frontage of the lot is equal to or greater than 20 metres. Column 1 Column 2 Dual occupancy (attached) 580 square metres	R2 Low Density Residential Dual Occupancy 26m 837.7m ²	Yes Yes Yes
4.3(2) Height		
9.5m	8.4m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	0.50:1	Yes

(b) Relevant SEPPs

State and Sydney Regional Environmental Planning Policies

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA. A standard condition has been included in the draft conditions of consent requiring compliance with this BASIX certificate.

(c) Any draft LEPs

There are no relevant Draft Environmental Planning Instruments for the subject site.

(c) Any DCP (e.g. dwelling house, villa)
Ryde Development Control Plan 2014

Part 3.3 Dwelling Houses and Dual Occupancy (attached)

ITEM 4 (continued)

The proposal has been assessed using the development controls contained in Ryde DCP 2014 and a full assessment is detailed in the Compliance Check table attached (**Attachment 2**). The following is a detailed assessment of the non-compliances of the subject development application against the key components of the Ryde DCP 2014 that are considered to apply to the development.

Non-Compliances:**1. Fill**

Council's DCP 2014 - Part 3.3: Dwelling Houses and Dual Occupancy (attached) Section 2.6.2 Topography and Excavation states:

- *The area under the dwelling footprint may be excavated or filled so long as: the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling; the maximum height of fill is 900 mm.*
The proposed fill is 160mm at the rear northern corner of the building up to a maximum of 980mm to the front southern corner. This very minor encroachment of 80mm of fill to the front southern corner of the dwelling is considered satisfactory.

2. Overshadowing

As stated previously in the submission section of this report. The sunlight to the north facing windows of 10 Reserve Street does not comply with Council's control. In this instance it is unreasonable to refuse the application due to the orientation of the lots "East- West" all properties on Reserve Street will be similarly affected by shadowing from their northern neighbour with future development.

Section 94 - Development Contributions Plan – 2007

Council's current Section 94 Development Contributions Plan 2007 (2010 Amendment) (adopted 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal.

The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

ITEM 4 (continued)

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000.00

Condition on the payment of Section 94 Contribution of \$20,000.00 has been included in the draft conditions of consent attached to this report.

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 in terms of DCP 2014 Compliance and in terms of the submissions received.

The resultant impacts of the proposed dual occupancy on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential areas, and consistent with the nature of development in Ryde Local Government area.

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

(b) Natural Environment

Given the nature of the proposed development being for the construction of a new dual occupancy that replaces an existing dwelling on site, and the development includes no excavation and limited fill. Several trees and substantial landscaping is proposed. It is considered there will be no significant impact upon the natural environment as a result of the proposal.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the following constraints affecting the subject property:

Overland Flow: See Senior Development Engineer's referral below.

ITEM 4 (continued)**12. The Public Interest**

It is considered that approval of this DA would be in the public interest. The development substantially complies with Council's current development controls, and includes a contemporary built form that is in keeping with the existing and desired future of the low density residential area, and maximises housing choice.

13. Consultation – Internal**Internal Referrals**

Senior Development Engineer: Council's Senior Development Engineer has assessed the proposal and advised that it is satisfactory subject to conditions. With respect to overland flow there is a low level footpath fronting the site which is susceptible to inundation from overland flows. Council's recently modelled flood levels for the area indicate that the 100yr ARI depicts flows less than 300mm in depth and therefore with the floor levels elevated well above this, do not present any further concern.

Drainage Team: Council's Stormwater Integration Coordinator has assessed the proposal and advised that it is satisfactory subject to a condition. The site is affected by flood at the front fence area. The dwellings' building footprint is located away from the 100 year flood extent. According to Council's Flood Study report, the 100 year ARI flood level is approximately 21.37m AHD. The proposed floor level is 22.20m AHD. Free board of 800+ mm is achieved at the front of the dwellings.

The site is affected by the PMF (Probable Maximum Flood) event. The impact from the PMF is negligible. Therefore a Flood Study is not required.

Open Space: Council's Urban Forest Officer has assessed the proposal and advised and advised that it is satisfactory subject to conditions. The proposal will necessitate the removal of one significant Council street tree, a bottle brush (*Callistemon viminalis*) located on the nature strip, on the right side of the proposed driveway crossover. This is a major encroachment to the structural root zone of the street tree (within 0.3m) and will cause stability concerns for the street tree. The current tree provides a high amount of landscape value and amenity to the surrounding area and is part of avenue planting. Therefore the landscape plan should be amended to show the removal of the existing tree and include a replacement tree adjacent to the right side of the driveway cross over. The tree will be replaced with the same species (*Callistemon viminalis*) with a pot size of 75lt and shall be in accordance with the recommended conditions.

External Referrals

None

ITEM 4 (continued)**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 against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and the following has been determined:

- The proposal can comply with the mandatory requirements and objectives of the relevant environmental planning instruments pertaining to the subject site, Ryde LEP 2014;
- The proposal is satisfactorily complying when assessed against the provisions and objectives of the Ryde Development Control Plan 2014;
- The likely environmental impacts of the proposed development have been considered and determined to be satisfactory when having regard to both the natural and built environment, and social and economic impacts in the locality;
- The proposed dual occupancy development is considered to be suitable for the site on which it is to be constructed; and
- The proposed development is considered to be in the public interest, subject to the recommended conditions of consent as outlined in the recommendation.

On this basis, the subject development application is recommended for approval, subject to conditions.

ITEM 4 (continued)

ATTACHMENT 1

City of Ryde
Civic Centre, Devlin Street, Ryde
Locked Bag 2069, North Ryde NSW 1670
Facsimile 9952 8070
Telephone 9952 8222



Draft only

Development Consent

Applicant: M Tsang
23 Victoria Street
BURWOOD NSW 2134

Consent No: LDA2015/0062

Consent Date: XXXXXXXX **Valid until: XXXX**

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 12 Reserve St West Ryde Lot 1 DP 785091

Development: New dual occupancy (attached) and front fence with strata subdivision.

subject to the conditions 1 to 71 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 97 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

Jane Tompsett
Assessment Officer – Building Surveyor

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

ITEM 4 (continued)

ATTACHMENT 1

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:

Document Description	Date	Plan No/Reference
Architectural Plans	19/05/2015 20/05/2015	Project No. GDS20151 Sheet 1 of 7, 4 of 7, 5 of 7, 6 of 7 2 of 7, 3 of 7, 4/7 of 7
Landscaping Plans	22/01/2015	Drawing No. LC14 1 Sheet 1 of 4 as amended in red by Council, Sheet 2 of 4, Sheet 3 of 4 (all First issue)
Stormwater Concept Plans	1/02/2015	ING Consulting Engineers Pty Ltd. (Refer to Dwg No. 001012015DA Sheets 1&2 Rev A) submitted in compliance to the condition labelled "Stormwater Management."

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) The Stormwater Plan is to be amended to match the footprint and floor levels as approved on the architectural plans including stormwater conditions of this consent.
- (b) The Landscape Plan is to be amended to match the footprint and levels of the approved architectural plans and include the following.
 - (i) The bottle brush (*Callistemon viminalis*) located on the right hand side of the proposed driveway is to be removed including the stump and disposed of at the cost of the applicant.
 - (ii) That all relevant legislation and WHS regulations be adhered to whilst undertaking the tree removal works.
 - (iii) That one bottle brush (*Callistemon viminalis*) be planted on the nature strip as illustrated on amended landscape plan.
 - (iv) That the pot size of the tree shall be 75lt at the time of planting.
 - (v) That the tree be planted in such a way as to ensure the long term survival.

ITEM 4 (continued)

ATTACHMENT 1

- (vi) That a bond of \$1500 is paid to Council prior to the issue of a Construction Certificate. The bond will be held by Council for a period of no less than 12 months from the issue date of the Occupation Certificate.
 - (vii) Council shall release the bond upon:
 - a. The bond payer requesting refund no sooner than 12 months after issue of the Occupation Certificate
 - b. Council Urban Forest Officer inspects the tree & the Officer is satisfied with the condition of the tree at the time of inspection.
 - (viii) Should the tree fail to survive or Council Urban Forest Officer be dissatisfied with the condition of the tree the bond and associated time frame will be restarted.
 - (ix) Existing Trees are to be protected in accordance with AS4970 "Protection of Trees on Development Sites".
2. **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.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 602881M, dated 22 January 2015.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **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.
6. **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.
7. **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.

ITEM 4 (continued)

ATTACHMENT 1

8. **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.
9. **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.
10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **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.
12. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
14. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
15. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

ITEM 4 (continued)

ATTACHMENT 1

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

16. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B- Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000.00

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

ITEM 4 (continued)

ATTACHMENT 1

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

17. **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**.
18. **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**.
19. **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: dwelling houses with delivery of bricks or concrete or machine excavation)
20. **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
21. **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**.
22. **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**.
23. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

ITEM 4 (continued)

ATTACHMENT 1

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

24. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling House and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**. **Note:** The fence piers are to be a maximum of 350mm x 350mm.
25. **Tree planting – location.** The proposed trees are to be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
26. **Construction near Pipeline in Drainage Easement.** The footings for buildings and other structures adjacent to the drainage easement shall be taken a minimum of 100 mm below the invert of the existing pipeline. The existing location and depth of the stormwater pipe, along with the design of the footings, must be submitted to the Accredited Certifier for approval, with the application for a Construction Certificate.
27. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
28. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
29. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

ITEM 4 (continued)

ATTACHMENT 1

With respect to this, the following measures must be undertaken;

- a) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearance, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate to demonstrate compliance with this condition.

30. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb in Reserve Street generally in accordance with the plans by ING Consulting Engineers Pty Ltd. (Refer to Dwg No. 001012015DA Sheets 1&2 Rev A dated 1 February 2015) subject to the following variation(s);

- All levels are to be adjusted such to be consistent with the approved architectural plan.
- To prevent the backflow of stormwater runoff entering the property from the roadway, the boundary pit prior to discharge must have an elevated surface grate coinciding with the level of the immediate kerb at the point of discharge, which approximates to RL 21.25m.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2014 Part 8.2 (Stormwater Management).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

ITEM 4 (continued)

ATTACHMENT 1

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.

31. 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.

32. Residential building work – insurance. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

33. Residential building work – provision of information. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

ITEM 4 (continued)

ATTACHMENT 1

34. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

35. 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.

36. 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. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

37. Footpath Paving Construction. The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

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.

38. 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*.

39. Survey of footings/walls. All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

40. Sediment/dust control. No sediment, dust, soil or similar material shall leave the site during construction work.

ITEM 4 (continued)

ATTACHMENT 1

41. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
42. **Construction materials.** All materials associated with construction must be retained within the site.
43. **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.
44. **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.
45. **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".
46. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
47. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
48. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
49. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.
50. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by ING Consulting Engineers Pty Ltd.

ITEM 4 (continued)

ATTACHMENT 1

(Refer to Dwg No. 001012015DA Sheet 2 Rev A dated 1 February 2015) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

51. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by ING Consulting Engineers Pty Ltd. (Refer to Dwg No. 001012015DA Sheets 1&2 Rev A dated 1 February 2015) submitted in compliance to the condition labelled “Stormwater Management.”.

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.

52. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s).
53. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
54. **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 any **Occupation Certificate**.

ITEM 4 (continued)

ATTACHMENT 1

55. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

56. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
57. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
58. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
59. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of the Final Occupation certificate.

ITEM 4 (continued)

ATTACHMENT 1

60. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014, Part 8.2, “Stormwater Management” and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of *AS 3500.3 - 2003* (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2014, Part 8.2 “Stormwater Management” and associated annexure.
 - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 “Construction Activities”.
 - e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.
61. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

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.

62. **Dual Occupancy only.** The dwellings are not to be used or adapted for use as a boarding house.

ITEM 4 (continued)

ATTACHMENT 1

PRIOR TO SUBDIVISION CERTIFICATE

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

63. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
64. **Removal of encroachments.** All structures, services etc. are to be wholly contained within the legal property boundaries of each lot. All existing structures and services etc are either to be demolished, relocated and/or have appropriate easement/s registered over the encroachment to ensure their legal operation. Prior to issue of Subdivision Certificate, a certificate shall be obtained from a registered surveyor and submitted to the Principal Certifying Authority to confirm this requirement has been met.
65. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at the Land and Property Information.
66. **Provision of Services.** To ensure satisfactory effluent disposal and utility services are available to all proposed lots, the applicant is required to submit to Council the following certificates from the following public authorities
 - I. S73 Certificate from Sydney Water indicating reticulated sewer has been made available to each lot
 - II. Integral Energy indicating satisfactory arrangements have been made for the provision of underground electricity supply to lot 2
 - III. A telecommunication service provider stating that satisfactory arrangements have been made for the provision of underground telephone services to each lot
67. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.
68. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.

ITEM 4 (continued)

ATTACHMENT 1

69. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
70. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.LDA2015/0062 dated **XXXXXXXX** must be in force.
71. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).

End of consent

ITEM 4 (continued)

ATTACHMENT 2

Compliance Check - Quality Certification

Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development.

LDA No: LDA2015/0062	Date Plans Rec'd: 10/2/2015
Address: 12 Reserve St West Ryde	
Proposal: New dual occupancy (attached) and front fence with strata subdivision.	
Constraints Identified: Flood Prone	

COMPLIANCE CHECK

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses & Dual Occupancy (attached)		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	Two storeys	Yes
- Dwellings to address street	Dwellings present to Reserve Street	Yes
- Garage/carports not visually prominent features.	Garage is not a prominent feature as setback in front elevation of building.	Yes

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Yes
- Single storey entrance porticos.	Single entrance portico.	Yes
- Articulated street facades.	Articulated street façade.	Yes
Public Views and Vistas		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm.	There is no water views from the property	N/A
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	- Car parking is located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Yes
- Fencing that blocks sight lines is to be splayed.	- Fencing does not block sight lines is to be splayed	Yes
Site Configuration		
Deep Soil Areas		
- 35% of site area min.	Permeable (deep soil) area: 400.38m ² approx (47% of site area).	Yes
- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Front DSA: 100% permeable area in front yard= 119.5m ² = 69%. Hard surface areas have been kept to a minimum in the front	Yes

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally). 	yard. Rear DSA dimensions: 8m x 8m provided.	Yes
Topography & Excavation		
Within building footprint: <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	Within BF Max cut: none Max fill: 160mm to 980mm Rear northern corner to front southern corner Outside BF Max cut: none Max fill: 500mm (driveway) -No fill between side of building and boundary or close to rear boundary. No retaining walls proposed	Yes No(1) Yes Yes Yes Yes
Floor Space Ratio		
Ground floor	238.91m ²	
First floor	216.85 m ²	
Total (Gross Floor Area)	455.76m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	419.76m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.50:1	Yes
Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL). 	Height of any basement ceiling (above EGL) that is located below two storeys above: two storey maximum	Yes

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - 1 storey maximum above attached garage incl semi-basement or at-grade garages. 	One storey above the garage	Yes
Wall plate (Ceiling Height) <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 28.10 FGL below (lowest point): RL:21.22 TOW Height (max)= 6.88m	Yes
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 30.11 EGL below ridge (lowest point): RL: 21.71 Overall Height (max)= 8.4m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.6m min room height.	Yes
Setbacks		
SIDE Two storey dwelling <ul style="list-style-type: none"> - 1500mm to wall - Includes balconies etc 	To wall min South 2520mm North 1520mm	Yes
Front <ul style="list-style-type: none"> - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C 	6.025m 1.72m Wall above is to align with outside face of garage below Underground tanks	Yes Yes Yes Yes
Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the 	10.64m	Yes

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
site, whichever is greater. Note: 8.33m is 25% of site length.		
Car Parking & Access		
General <ul style="list-style-type: none"> - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	Number/location of car spaces: 1 space each Access from: Reserve Street External width: 2.5m each Behind the building facade	Yes Yes Yes Yes
Garages <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. 	Setback from façade: >1m Width of opening: 2.5m each Door setback: <300mm Windows: N/A Setback: N/A	Yes Yes Yes Yes
Parking Space Sizes (AS) <ul style="list-style-type: none"> o Single garage: 3m w(min) o Internal length: 5.4m (min) 	Internal measurements: 3m 5.5m	Yes
Driveways Extent of driveways minimised	Minimised	Yes
Landscaping		
Trees & Landscaping <ul style="list-style-type: none"> - Major trees retained where practicable 	No major trees on site Stair connection	Yes Yes

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	<p>Obstruction free pathway</p> <p>2 x 10m trees in front yard</p> <p>2 x 15m trees in the rear yard</p> <p>2m high</p> <p>OSD is located in the front setback under the driveway</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving 	<p>Hard Paving: 31 %</p>	<p>Yes</p>
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of 	<p>Living areas face North and South</p> <p>Next to a battle-ax driveway</p> <p>N facing windows:</p> <p>Min 3 hours</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<p>sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>POS:</p> <p>3 hours from 12-3pm</p> <p>Hours of sunlight to adjoining principal open space:</p> <p>3 hours from 12-3pm</p> <p>Hours of sunlight to adjoining living area windows:</p> <p><3hours</p>	<p>Yes</p> <p>Yes</p> <p>No(2)</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<ul style="list-style-type: none"> - Orientation of windows of living areas, balconies and outdoor living areas are to the front and rear of dwelling. - Windows of living, dining, family etc are placed so there are no close or direct views to adjoining dwelling or open space. - Side windows are offset from adjoining windows. Terraces, balconies etc do not to overlook neighbouring dwellings/private open space. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Acoustic Privacy Layout of rooms in dual occupancies (attached) are to minimise noise impacts</p>	<p>The layout of the rooms in minimise noise impacts</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.	between dwellings as bedrooms and garages adjoining each other.	
View Sharing - The siting of development is to provide for view sharing.	The siting of development is to provide for view sharing.	Yes
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies with Basix	Yes
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Articulated. - 450mm eaves overhang minimum. - No trafficable Terrace. - No skylights or dormer windows	Yes Yes Yes Yes
Fencing		
Front/return: - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling	<u>Front fence</u> Description: masonry maximum 1100mm <u>Return fence</u> Description: none proposed 900mm solid piers 1100mm 1100m 50% open N/A No colorbond or paling	Yes Yes Yes Yes Yes(1)

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Max width of piers 350mm.	Condition of consent piers maximum width 350mm x 350mm	
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Yes
Part 9.6 – Tree Preservation		
<i>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</i>	Are trees (including neighbouring trees) addressed in SEE or in a report prepared by a suitably qualified person (where necessary)? Street tree to be removed and	Yes

ITEM 4 (continued)

ATTACHMENT 2

BASIX		
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 602881M_02 dated 26 February 2015</p> <ul style="list-style-type: none"> • Thermal Comfort Commitments – Construction. • TCC – Glazing. • HWS Gas Instantaneous 5 star. • 2 x 1000L rainwater tanks 	Shown on plans	Yes
<p>Water Target 40 Energy Target 40</p>	<p>Water: 42 Energy: 46</p>	<p>Yes Yes</p>
<p>Correct description of property/proposal on 1st page of Certificate.</p>	<p>correct details: -</p>	<p>Yes</p>

ITEM 4 (continued)

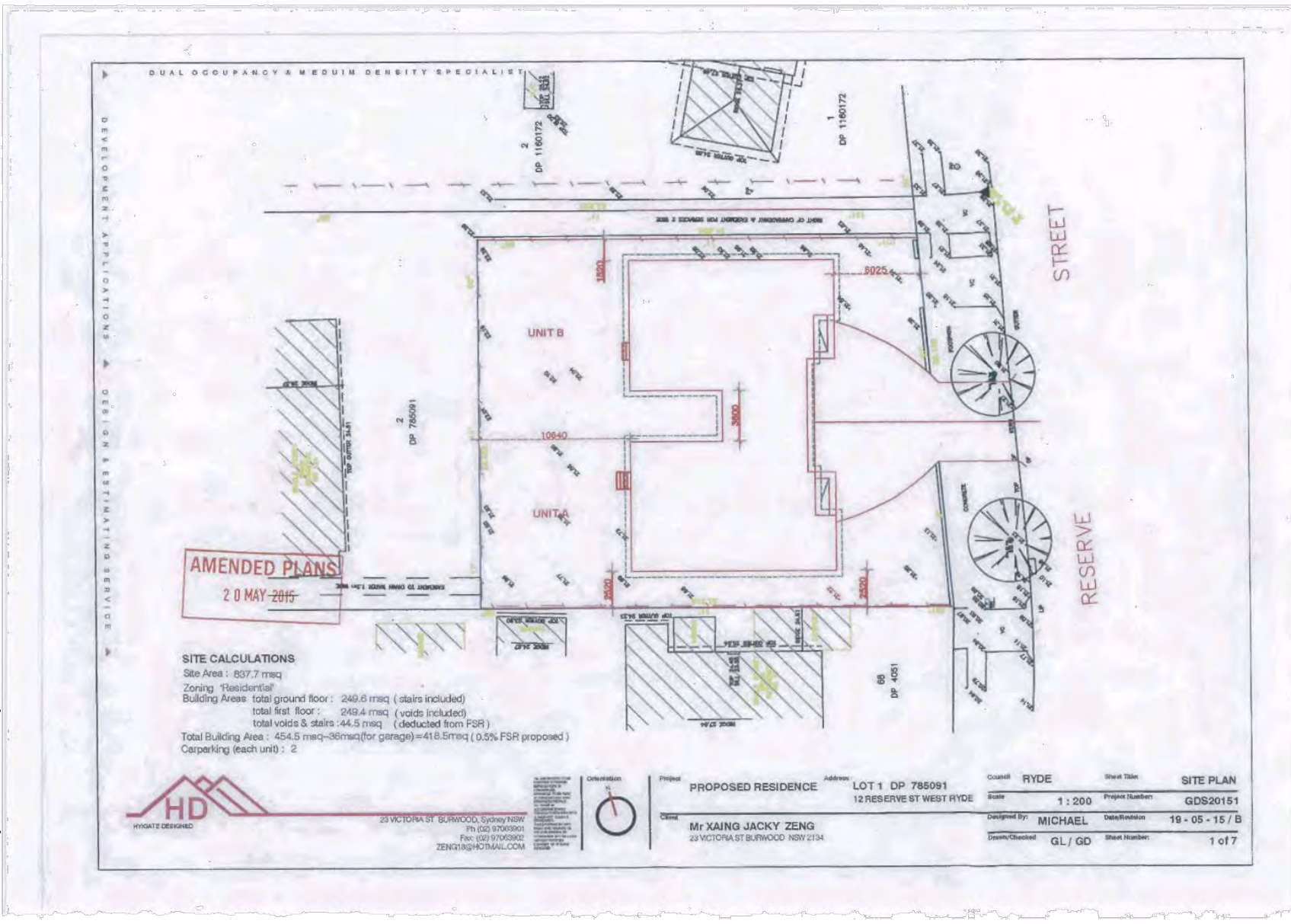
ATTACHMENT 3

● Indicates submissions received



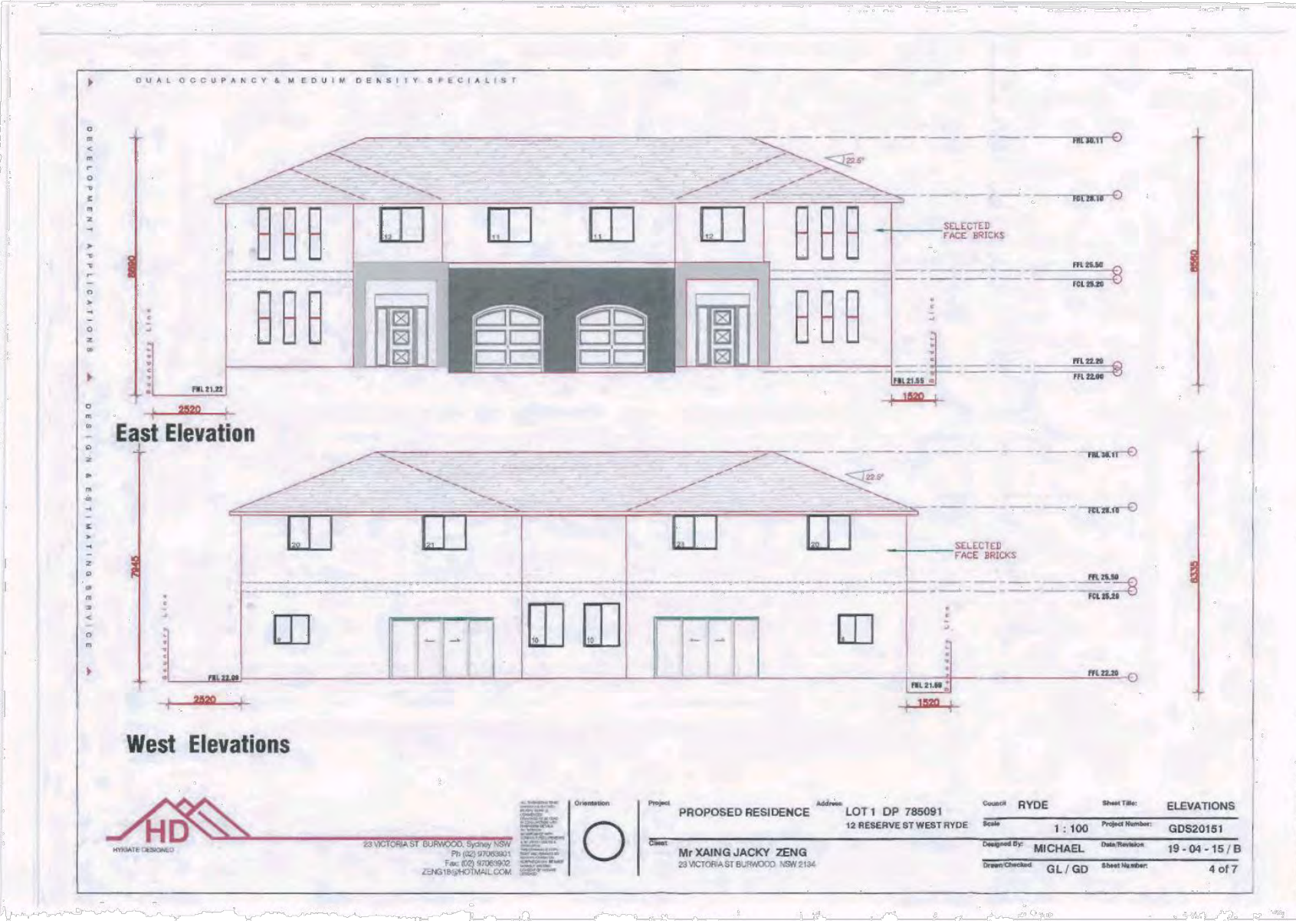
ITEM 4 (continued)

ATTACHMENT 4



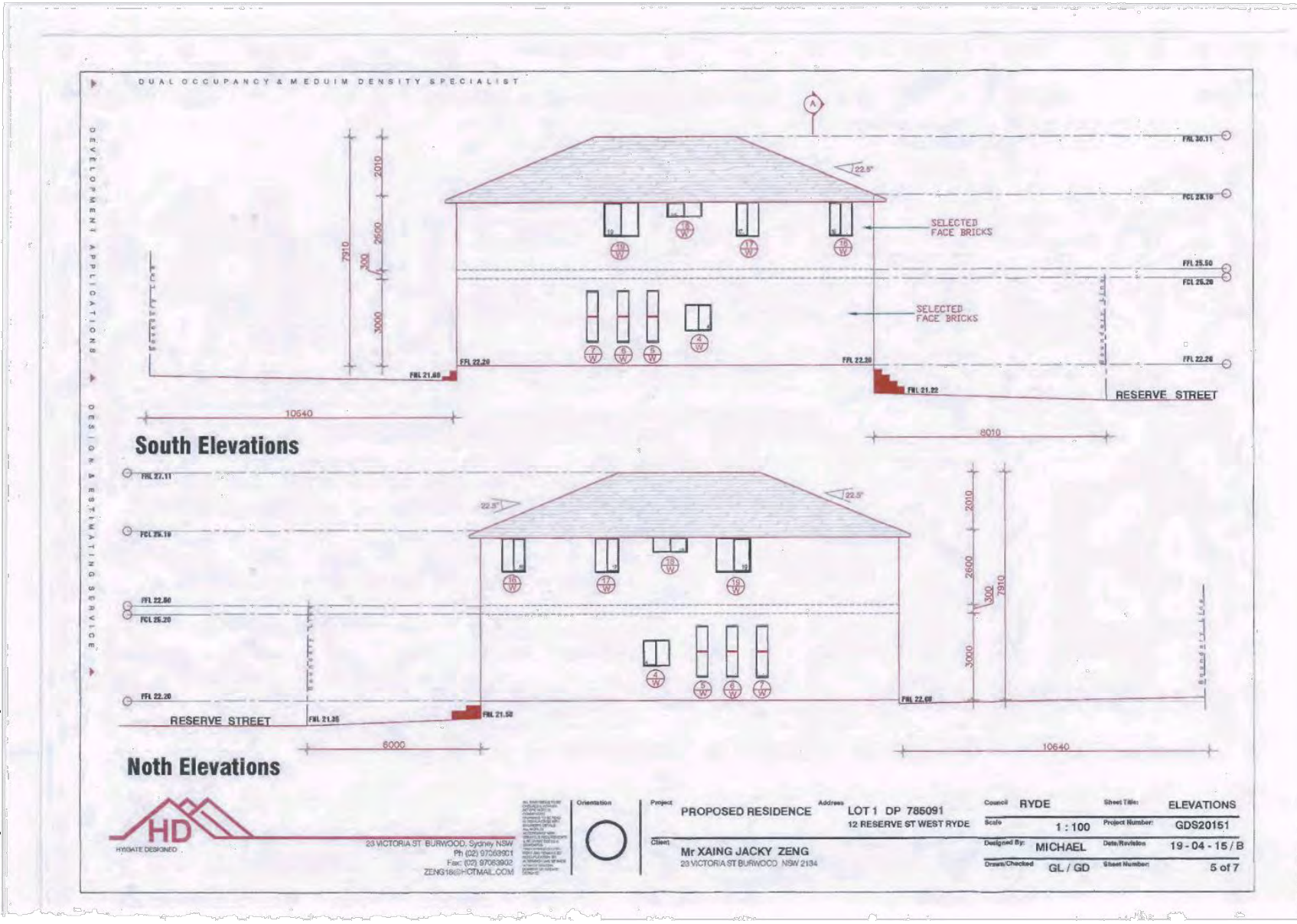
ITEM 4 (continued)

ATTACHMENT 4



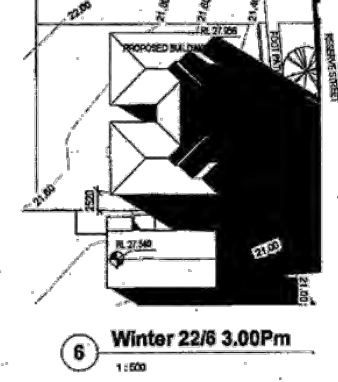
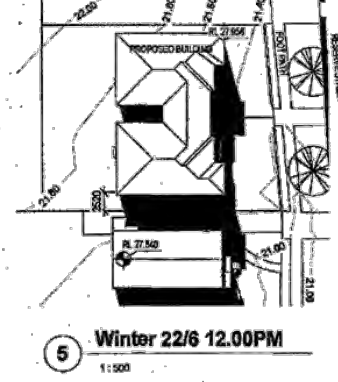
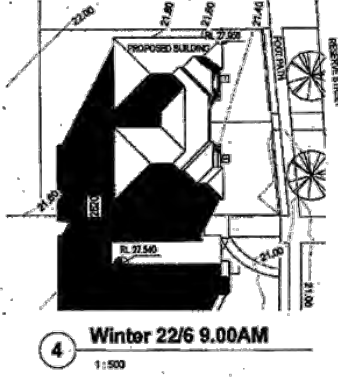
ITEM 4 (continued)

ATTACHMENT 4



ITEM 4 (continued)

ATTACHMENT 4



	Project: 2-Storey Residential Building Address: 12 Reserve Street West Ryde NSW		Sheet Name: Shadow Diagrams - Plan	Project Number: GDS20151
	Legal description: Lot 1 DP785081 Client: Mr Michael Zeng		Council: Ryde	Designed by: Drawn by: Sophie Xue Checked by: Scale: 1:500