

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

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| PANEL REFERENCE & DA NUMBER | PPSSEC-196 DA/199/2022 |
| PROPOSAL | Alterations to existing educational establishment to expand educational facilities, introduce a new childcare centre and provide ancillary signage. |
| ADDRESS | Lot 1 DP1276754 509-511 Bunnerong Road, Matraville |
| APPLICANT | Sydney Catholic Schools Ltd |
| OWNER | Trustees for the Roman Catholic Church in the archdiocese in Sydney |
| DA LODGEMENT DATE | 27 April 2022 |
| APPLICATION TYPE | Development application – Educational Establishment |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private infrastructure and community facilities over \$5 million. |
| CIV | \$15,378,194.55 (excluding GST) |
| CLAUSE 4.6 REQUESTS | Nil |
| KEY SEPP/LEP | <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • SEPP (Transport and Infrastructure) 2021 • SEPP (Industry and Employment) 2021 • SEPP (Resilience and Hazards) 2021 • Randwick LEP 2012 • Randwick DCP 2013 |
| TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS | <p>Fifteen (15) Submissions</p> <ul style="list-style-type: none"> • Traffic generation. • Obstruction to residential and commercial driveways, including two way and emergency vehicle access • Narrow lane width and constrained access • Parking loss • Traffic and pedestrian safety • Lack of green travel options and traffic management solutions • Sleep disturbance • CDC construction impacts |

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| | <ul style="list-style-type: none"> • Maintenance of crown carpark • Accessibility of church forecourt |
| KEY DOCUMENTS SUBMITTED FOR CONSIDERATION | Statement of Environmental Effects Architectural Plan Set Traffic Impact Assessment Submission List |
| RECOMMENDATION | Refusal |
| DRAFT CONDITIONS TO APPLICANT | N/A |
| SCHEDULED MEETING DATE | 29 June 2023 |
| PLAN VERSION | Plan revision – Amendments received by Council 29/03/2023. |
| PREPARED BY | Ferdinando Macri |
| DATE OF REPORT | 16 June 2023 |

EXECUTIVE SUMMARY

Council is in receipt of a development application seeking consent for alterations to an existing educational establishment to expand educational facilities, introduce a new childcare centre and provide ancillary signage, including:

- Construction of a three-storey building extension (Block B) with building comprising 42 at-grade parking spaces, three classrooms, art, science and technology rooms, a learning hub area and associated seminar spaces and a new Child Care Centre (60 children) with terrace outdoor space.
- Demolition and refurbishment of the church building (Block E) for the purpose of school administration functions and school-based childcare facilities.
- Construction of a two-storey classroom and learning hub addition to under construction Block A (approved under CDC), with attached covered outdoor space.
- Removal of 4 trees and provision of additional landscaping along southern Norfolk Lane boundary.
- Provision of a new kiss and ride area on Norfolk Lane.

The increase in student numbers from 210 (currently operating at 60% capacity or 125 students) to 420 students (plus 60 childcare placements) after the completion of Block B and to 630 students after the completion of Block A.

The subject site currently comprises the St Agnes Primary School (recently renamed Sacred Heart Matraville) and is located at 509-511 Bunnerong Road, Matraville. The site is bounded by mixed use development to the north, low density residential development to the east, Bunnerong Road to the west and Norfolk Lane and the Matraville RSL to the south, and has a total site area of 9,629m². The Block B building is located within the south-western portion of the site and is orientated with a frontage to Bunnerong Road. The Block A building extension is to the eastern elevation of the under-construction classroom building (CDC approved) adjacent to the southern Norfolk Lane boundary. St Agnes is identified as a key site under the Randwick Local Environmental Plan 2012.

The school has proposed to relocate their kiss and ride area from Bunnerong Road to Norfolk Lane. Norfolk Lane is currently a Crown land (State owned) road reserve that transitions into a Crown land carpark, which is licensed to the Matraville RSL. This adjoining carpark and the curtilage of the RSL is also identified under the Section D5 Matraville Centre Development Control Plan as a future mixed use precinct that supports residential development, public open space and carparking, community uses and leisure facilities. Councils recently exhibited Matraville Public Domain masterplan also illustrates the site as a part of the southern gateway, with landscaping and infrastructure embellishments identified along the Bunnerong Road frontage and a potential redevelopment of the crown land carpark for community use.

The Sydney Eastern City Planning Panel (SECPP) is the consent authority for the Development Application (Panel reference PPSSEC-196) pursuant to Section 4.7 of the *Environmental Planning and Assessment Act 1979* and schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* as the development is an Educational Establishment with a capital investment value in excess of \$5 million and is defined as Regionally Significant Development.

The subject application (original proposal) was advertised and notified from 5 May to 19 May 2022 in accordance with Council's Community Participation Plan. Fifteen (15) submissions were received in response to the proposal by way of objection and were predominantly related to potential traffic generation and congestion within Norfolk Lane.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Ausgrid and Transport for NSW pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') were sent and raised no objections. NSW Crown lands were also consulted with no concerns raised subject to the applicant entering into an agreement to formalise use of the public carpark and to repair damage resulting from the current CDC Block A construction works.

Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported for the following reasons:

- Traffic generation and congestion impacts have not demonstrated compliance with Section B7 of the Randwick DCP 2013.
- The proposal was not supported by the Design Excellence Panel.
- Insufficient landscaping information provided to satisfy Section B4 Landscaping and Biodiversity and Section B6 Recycling and Waste Management of the Randwick DCP 2013.
- Incompatibility with the future community facility and infrastructure development envisioned by Section D5 (Matraville Centre) of the Randwick DCP 2013 and the draft Matraville Public Domain Masterplan.
- Non-compliance with the matters for consideration related to centre based child care centres and schools under the SEPP (Transport and Infrastructure) 2021, including:
 - The provisions of the Child Care Planning Guideline; and
 - The School Design Quality Principles.
- Non-compliance with the applicable aims and (SP2 and E2) zone objectives of the Randwick LEP 2012.

The proposal has not satisfied the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, is contrary to the public interest and will result in substantial environmental amenity impacts to the locality related to traffic congestion,

infrastructure and public upgrade compatibility, design excellence, landscaping and design considerations for schools and centre based child care facilities. Accordingly, the proposal is recommended for refusal subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is legally referred to as Lot 1 in Deposited Plan 1276754, and is known as 509-511 Bunnerong Road, Matraville. The site has a total area of 9,629m² and is irregular in shape. The site is occupied by the St Agnes Catholic Primary School (now known as Sacred Heart Matraville) and Church and is situated within the eastern portion of the Matraville town centre. An aerial view of the site is shown in **Figure 1** below.



Figure 1: Aerial view of site (Source: Applicant's SEE)

The site has a dual street frontage with Bunnerong Road to the west and Norfolk Lane to the south. Each of the respective frontages are illustrated in the **Figure's 2 and 3** below. The site exhibits a slope of approximately 3 metres from east to west. The Block B Building is located within the south-western portion of the site on Bunnerong Road. The Block A building extension is situated centrally along the southern boundary with frontage to Norfolk Lane and the crownland carpark.



Figure 2: Existing Bunnerong Road frontage (Source: Google Maps)



Figure 3: CDC approved Block A development along southern Norfolk Lane boundary (Source: Site Inspection).

1.2 The Locality

The site is surrounded by residential developments to the north and east, with the Matraville town centre located to the west and the Matraville RSL Club and Crown land carpark directly to the south. The subject site is zoned part SP2 for the purpose of an Educational Establishment and E1 Local Centre pursuant to RLEP 2012. The surrounding sites are predominantly zoned R2 Low Density Residential to the south and east, R3 Medium Density Residential to the north-east and E1 Local Centre along the Bunnerong Road frontage. Development forms along the classified road frontage

transition from 3 storeys along the classified road to 2 storeys adjacent to the eastern boundary interface.

Bus services are provided to the Matraville town centre along the classified Bunnerong Road corridor. The Norfolk Parade Crown land carpark directly adjoins the site to the south-east. See Zoning Map in **Figure 4** as follows.

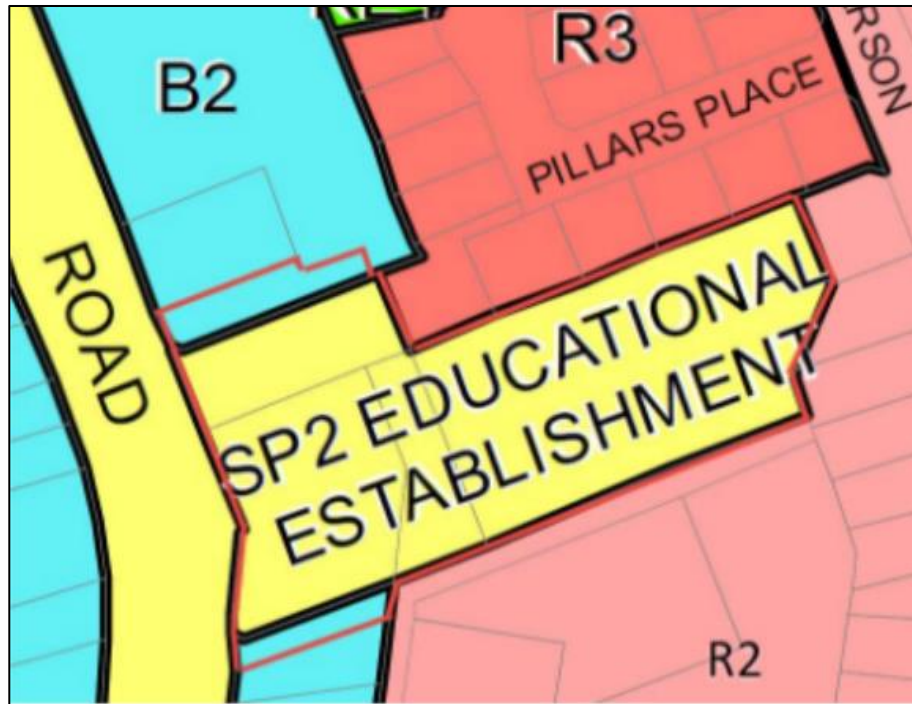


Figure 4: Land Zoning Map RLEP 2012, subject site highlighted in red.

The subject site is mapped within the application areas of the Matraville DCP Part D5, and the draft Matraville Public domain masterplan as illustrated in **Figure's 5 and 6** below. The school and Crown land carpark are identified for potential community infrastructure uses, basement parking and public open space landscaping as a part of any future redevelopment.



Figure 5: Matraville DCP Part D5



Figure 6: Draft Matraville Public Domain Masterplan.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Alterations to existing educational establishment to expand educational facilities, introduce a new childcare centre and provide ancillary signage. In accordance with the following proposed staging:

Stage 1A

Construction of a 3 Storey building extension (Block B) building comprising:

- **Ground** - At-grade parking area (42 car spaces) accessed from Norfolk Lane.
- **Level 1** – Three new classrooms, art, science, and technology rooms, learning hub area and associated seminar spaces.
- **Level 2** – New Child Care Centre (60 children), including simulated outdoor space.

Stage 1B

Demolition and refurbishment of ground floor of church building (Block E) for the purpose of school administration functions and School-based childcare facilities

Stage 2

Construction of a two-storey classroom and learning hub addition to the under-construction Block A, with attached covered outdoor space. Removal of 4 trees and provision of additional landscaping along southern street boundary.

The proposal also includes the provision of eleven (11) educational identification signage emplacements in accordance with the following:

- (3x) Illuminated LED pylon identification signs on the Bunnerong Road (2) and Norfolk Lane (1) frontages.
- (2x) Flush wall building identification signs on Block A (1) and Block B (1) facing each street frontage.
- (5x) Flush wall street address, vehicular, pedestrian and OOSH entrance signs affixed to boundary fencing along both street frontages.
- (1x) LED flush wall sign affixed to carpark screen on Bunnerong Road.

Refer to **Figure 7** below for proposed site configuration.

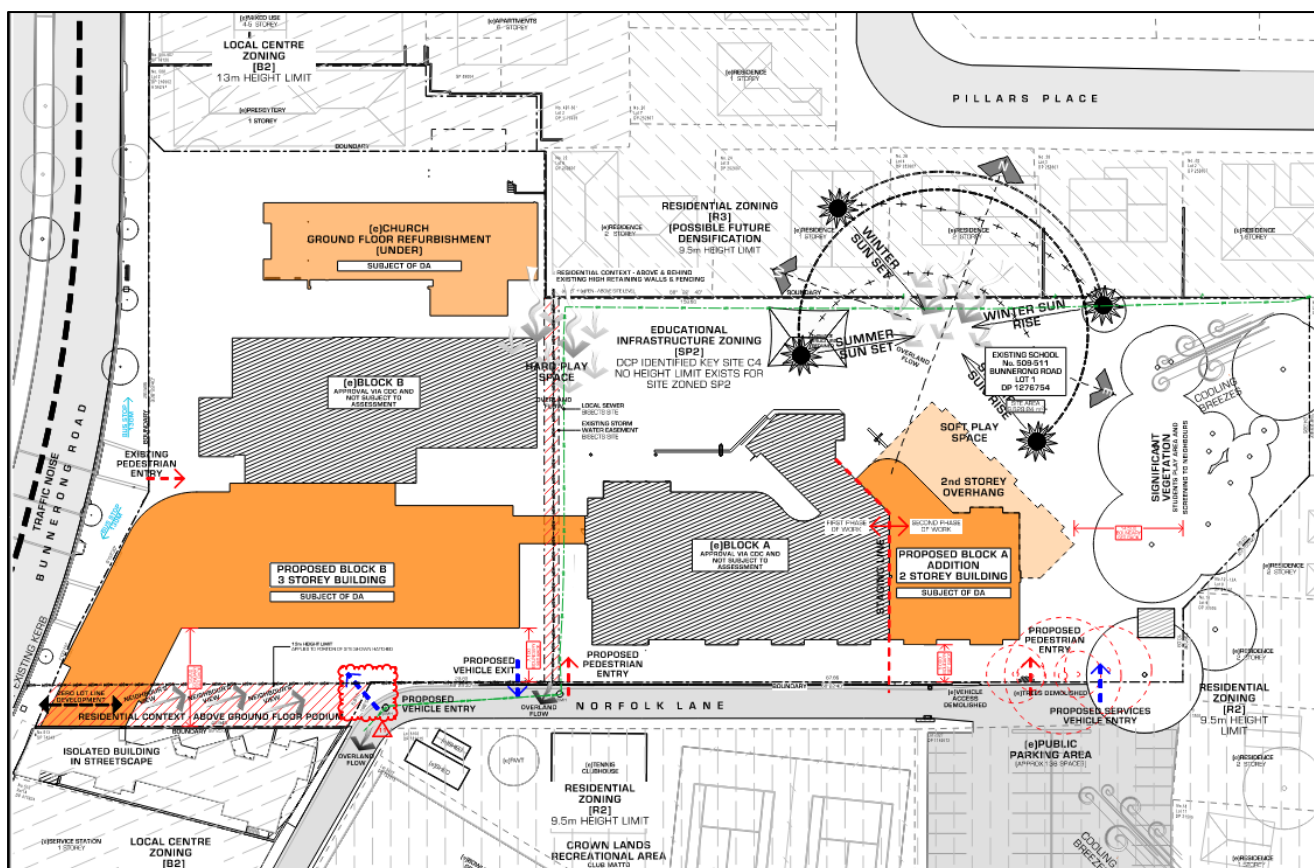


Figure 7: Proposed Site Plan (Source: QOH Architects)

Table 1: Development Data

| Control | Proposal |
|---------------------|---|
| Site area | 9,629m ² |
| Clause 4.6 Requests | N/A |
| Max Height | 13m height limit applicable to E1 portions along Bunnerong Road. Maximum height proposed 12.5m Block B building and 8m Block A building extension. |
| Landscaped area | Approximately 3,250m ² over the eastern site portion. |
| Car Parking spaces | 42 spaces onsite below Block B to predominantly service ELC. |
| Setbacks | <u>Block B:</u> Nil – 13.3m setback to southern boundary / Nil – 300mm setback western boundary (Bunnerong Road) Block A: 5m setback to southern boundary (Norfolk Lane) / 18.2m eastern boundary setback. |

2.2 Background

The site has been utilised for the purpose of an Educational Establishment and church, being the St Agnes Primary School (now known as Sacred Heart Matraville) and Parish for an extended period. The Applicant's Statement of Environmental Effects states that a school has occupied the subject site since 1940. The site has been subject to numerous development applications, including complying development certificate 20/0156-01 (Council ref: CDC/229/2021) approved for the construction of a new school classroom building (Block A) on 13 July 2021. These previous applications have never included an operational student or staff capacity limitation.

PL/55/2019

Pre-lodgement development application PL/55/2019 for proposed school alterations assessed from December 2019 to December 2021. The meetings held during this period included consultation with the Randwick Design Excellence Advisory Panel on 3 February 2020. The application proposed a 3 storey classroom and childcare building in the south-western portion of the site and a smaller classroom building along the Norfolk Lane frontage, as shown in **Figure 6**.



Figure 6: PL Site Configuration (Source: QOH Architects)

When compared with the subject DA, the PL scheme had a reduced built form extent clustered to the west and provided additional landscaping / outdoor play space within the east to enable a buffer along the lower density residential development interface. In addition, the proposed kiss and ride area was shown within the school site carpark and not accommodated within the public road reserve as configured under the current proposal. The issues raised included:

- Bulk and scale, building height and consistency with the existing streetscape;
- Amenity impacts including solar access, visual and acoustic privacy, visual amenity and view loss;
- Aesthetics and materiality;
- Restricted ELC lift access and play area design;
- CPTED;
- Bunnerong Road public domain enhancements;

- Basement parking recommended;
- Substation location;
- Roof form design;
- Acoustic impacts, plan of management and complaints handling;
- Land contamination;
- Food safety regulations;
- Concerns from the Design Excellence Panel regarding bulk and scale, building height, sustainability, internal amenity, building separation and privacy, landscaping, carpark screening, site access and traffic.

Subject Development Application DA/199/2022

The subject application was lodged with Council on 27 April 2022. The application was externally referred to Transport for NSW, Roads and Maritime Services and Ausgrid, and was internally referred to Council's Development Engineer, Environmental Health Officer, Landscape Officer, Integrated Traffic Management and the Randwick Design Excellence Panel.

Assessment staff completed a preliminary assessment and wrote to the applicant on 25 August 2022 to request amended plans and/or additional information. The matters raised included:

- Concerns regarding traffic generation and the proposed student capacity.
- Concerns regarding the built form façade and roof form treatment.
- Concerns regarding the coordination of works within the wider Matraville Centre DCP Part D5 in terms of public infrastructure and future strategic redevelopment considerations.
- Concerns regarding the childcare location and acoustic / odour impacts to the outdoor play terrace facing Bunnerong Road.
- Comments from Council's Landscaping officer in relation to species selection and design refinements.
- Concerns regarding the amenity of the proposed classrooms, noting that there were minimal window openings proposed.
- Comments of DEAP from the previous PL Stage relating to ESD measures, landscaping, and streetscape presentation.
- Comments from Council's Integrated Traffic team which raised concerns regarding traffic and laneway obstruction implications, including the lack of sufficient information to undertake a proper assessment of waste management, minimal assessment of construction vehicles, pedestrian safety, traffic calming and green travel options.

Randwick's Design Excellence Panel considered the application at its meeting on 9 December 2022. The panel raised concern with the proposal in relation to the following:

- The reliance on at-grade parking that contributes to limited outdoor play space and vehicular access obstructions.
- Further investigation into providing additional rooftop play space.
- Concerns regarding the street activation and presentation to Bunnerong Road.
- Refinement of the Block B building separation and/or building datums that are more responsive to the bulk and scale of residential development further to the south.

On 21 September 2022 and 29 March 2023, amended plans and additional information were submitted to Council in response to the assessment concerns, which involved the following:

- Amended/updated associated reports as follows:
 - Traffic Report;
 - Façade Design Correspondence;
 - Odour Report;
 - Outdoor play area statement; and
 - NSW Crown Lands correspondence.

The amended plans / information was re-referred to relevant Council Officers for comment and/or recommendation.

A chronology of the development application since lodgement is outlined below in **Table 2**, including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

| Date | Event |
|--------------------------|---|
| 27 April 2022 | DA lodged |
| 29 April 2022 | DA referred to external agencies |
| 5 May 2022 | Exhibition of the application |
| 25 August 2022 | Request for Information from Council to applicant in relation to student capacity concerns, traffic generation impacts, built form elements, Design excellence considerations at the PL stage, strategic and infrastructure planning within the wider Matraville centre, odour control and landscaping. |
| 21 September 2022 | Amended information submitted to address RFI. Meetings were also held between the applicant and Council prior to the lodgement of the amendments. |
| 6 October 2022 | Panel briefing on remaining RFI concerns for crown land management, traffic generation, built form and design excellence, the availability of outdoor play space, public domain coordination, and landscaping. |
| 9 December 2022 | Design excellence panel meeting held. |
| 29 March 2023 | Further amended plans and information lodged to address concerns raised at the Panel briefing. |

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered development requiring concurrence/referral (s4.13) (which is addressed further in this report).

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Randwick Local Environmental Plan 2012*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

| EPI | Matters for Consideration | Comply (Y/N) |
|---|--|---------------------|
| State Environmental Planning Policy (Industry and Employment) 2021 | Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.1 - objectives • Section 3.6 – granting consent to signage • Section 3.11(1) – matters for consideration • Schedule 5 – assessment criteria | Y |
| State Environmental Planning Policy (Planning Systems) 2021 | Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises private infrastructure and community facilities over \$5 million. | Y |
| SEPP (Resilience & Hazards) | Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. | Y |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. • Section 2.118(2) - Development with frontage to classified road - the proposal was reviewed by Transport for NSW and no concerns were raised subject to conditions. Chapter 3: Educational Establishments <ul style="list-style-type: none"> • Sections 3.22 and 3.23 - Centre-based childcare facility—matters for consideration by consent authorities. • Section 3.36 – Schools - matters for consideration by consent authorities. | N |
| Proposed Instruments | No compliance issues identified. | Y |
| Randwick LEP 2012 | <ul style="list-style-type: none"> • Clause 2.2 & 2.3 – Permissibility and zone objectives • Clause 4.3(2) - Height of buildings • Clause 4.4(2) - FSR • Clause 6.1 - Acid sulfate soils • Clause 6.3 - Flood planning • Clause 6.4 - Stormwater Management • Clause 6.11 - Design excellence • Clause 6.12 - Development requiring the preparation of a development control plan | N |
| Randwick DCP 2013 | <ul style="list-style-type: none"> • Section B4 Landscaping and Biodiversity • Section B6 Recycling and Waste Management • Section B7 Transport, Traffic, Parking and Access • Section D5 Matraville Centre • Part D11 Childcare centres | N |

Chapter 3: Advertising and Signage

The provisions of chapter 3 have been considered in the assessment of the proposed ancillary building identification and wayfinding signage emplacements. Under Section 3.6 - Granting of consent to signage, the consent authority must take into consideration the objectives of the chapter and the assessment criteria. The proposed building identification and entrance signs are considered to satisfy the Section 3.1 Objectives in accordance with the following provisions:

- the design is compatible with the desired amenity and visual character of the Matraville centre and adequately offset from sensitive residential receivers;
- the proposed configuration provides effective communication in suitable locations to each street frontage and adjacent to pedestrian and vehicular entrances; and
- the proposed emplacements are typical of the design and finishes anticipated for educational establishments.

An assessment against the Schedule 5 assessment criteria is outlined below.

1 Character of the area

The proposed signage configuration and emplacements are not considered contrary to the existing or desired future character of the Matraville commercial centre and will facilitate building identification and wayfinding for the educational use.

2 Special areas

Signage locations are predominantly located within the ground plane of Bunnerong Road and Norfolk Lane to mitigate amenity impacts to surrounding mixed use residential receivers to the south of the site. All illuminated signs can also comply with relevant Australian standards to regulate curfews and lighting levels if the application is approved.

3 Views and vistas

All sign emplacements are affixed to building facades, boundary fencing or within the front setback of street frontage and will not protrude from building envelopes. As such, it is not considered that signage design would obscure views or dominate the skyline.

4 Streetscape, setting or landscape

The proposed scale of signs would remain in proportion to the proposed 3 storey educational building and have been rationalised to provide building identification and wayfinding information to each of the site's dual street frontages. It is therefore not considered that the proposal will result in visual clutter or detract from the predominantly commercial and infrastructure nature of the immediate locality directly opposite each sign.

5 Site and building

The proposal has adequately integrated signs as a part of building facades and fencing design. Accordingly, the signage emplacements will not obstruct views to building features and are not considered excessive in size.

6 Associated devices and logos with advertisements and advertising structures

School name and logo included within identification signs.

7 Illumination

The proposed LED illumination is limited to smaller sign emplacements along the ground plane of street frontages and can be conditioned to comply with relevant Australian standards for lighting levels and curfews.

8 Safety

Signs are located within the school grounds or affixed to buildings and would not obscure sight lines for motorists and pedestrians. In addition, all illumination components will comply with relevant standards if approved to mitigate potential impacts for road safety.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for private infrastructure and community facilities over \$5 million. Accordingly, the Sydney Eastern City Planning Panel (SECPP) is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP')* have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Detailed Site Investigation ('DSI') and draft Remediation Action Plan (RAP) has been prepared for the site.

Council's Environmental Health Officers have reviewed the development application and it is considered that subject to the recommendations of the submitted reports and further onsite investigations, the site can be made suitable for its intended purpose. Relevant conditions of consent shall be imposed should the application be approved.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3: Educational establishments and child care facilities

The SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities by establishing consistent assessment criteria and design considerations.

Part 3.3 Early education and care facilities—specific development controls

Section 3.22 requires that the consent authority does not grant development consent except with the concurrence of the Regulatory Authority (Regulatory Authority for New South Wales).

Section 3.22 (1) states:

- (1) *This clause applies to development for the purpose of a centre-based child care facility if:*
- (a) *the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*
- (b) *the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

Regulation 107 and 108 requires 3.25m² indoor space per child and 7m² outdoor space per child respectively. The proposed 60 child capacity would require 195m² of indoor space and 420m² of outdoor space. The proposed facility has a calculated area of approximately 269m² indoor space and approximately 504m² outdoor space, which complies with the minimum space requirements under Clause 107 and 108 of the Regulations.

Section 3.23 of the SEPP requires Council to take into consideration any applicable provisions of the *Child Care Planning Guideline* (Guideline). The Guideline contains matters for consideration in Council's assessment of the DA, including site selection, local character, and streetscape, building design, landscaping, acoustic and visual privacy, hour of operation and traffic, parking and pedestrian circulation. A compliance assessment against the Child Care Planning Guidelines has been undertaken in Appendix B. The proposal has not demonstrated compliance with the following guidelines:

- **3.2** Local character, streetscape and the public domain interface
- **3.3** Building orientation, envelope, building design and accessibility
- **3.4** Landscaping
- **3.8** Traffic, parking and pedestrian circulation

Accordingly, the requirements of Section 3.23 of the SEPP (Transport and Infrastructure) 2021 have not been satisfied by the current design.

Part 3.4 Schools—specific development controls

Pursuant to Section 3.36 of the SEPP, the proposed development is located within a prescribed zone, being a SP2 zone, and therefore development for the purpose of a school is permitted with consent. In accordance with subsection (6) of section 3.6 of the SEPP, before determining the development application, the consent authority must take into consideration:

- (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*
- (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

In response to (b), the school has not proposed use of school facilities to be shared with the community and further concern is raised for the proposed traffic generation being incompatible with community facilities and open space embellishments identified to the adjacent Crown land carpark under Part D5 – Matraville Centre of the Randwick DCP and the draft Matraville Public Domain Masterplan.

In accordance with (a), Schedule 8 provides seven (7) design principals, which are addressed below:

Principle 1—context, built form and landscape

- *Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*
- *Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*
- *School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

The current site configuration is not constrained by existing buildings or heritage conservation and as such any new additions should seek to retain the abundance of landscaped area within the site and enhance vegetation to maintain on-site amenity and improve the visual interface with the public domain particularly along the primary Bunnerong Road frontage. It is noted that the current design is a comparative improvement, however further refinement of landscaping is required adjacent to the proposed at-grade carpark.

Principle 2—sustainable, efficient and durable

- *Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*
- *Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

The proposed design seeks to maximise natural light and solar access into the building by providing glazing and terrace areas to the northern elevation, incorporating windows on all building facades and skylights within the terrace awning, along with utilising shading devices to minimise solar heat gain into the building and provide a balance between natural light and heat gain along the western elevation. The development also proposes the use of PV panels on the roof for power generation of Block A and rainwater harvesting as a part of the previously approved CDC stage.

The applicant has submitted amended information to demonstrate the school would attain compliance through the wider campus incorporating systems as a part of the CDC approved Block A classroom development. However, no documentation has been provided in relation to a Green Star or an equivalent rating for educational development. In addition, the CDC plans demonstrate the provision of a rooftop photovoltaic array for sustainable energy and rainwater tanks for water saving in Block A, but no measures appear to have been incorporated as a part of the subject DA for Block B to at least manage sustainable water practices and rainwater harvesting.

All new drainage on the site should be updated where appropriate to facilitate rainwater re-use. The applicant shall also provide evidence of the incorporation energy efficient fixtures, fittings, building materials and lighting to further minimise energy consumption.

Principle 3—accessible and inclusive

- *School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

Note—

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space. Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

The proposed development involves alterations and additions to provide an extension to Block A and the construction of a new Block B building comprising at-grade parking, classrooms and a new child care centre. The proposal includes wayfinding signage at the proposed new vehicular and pedestrian entrances to assist with internal site navigation. Each of the proposed entrances has been designed to maintain school safety, security, and equitable access. The Block B building will also improve internal site access with interbuilding bridge connections between the administration block and the CDC approved Block A.

Principle 4—health and safety

- *Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

As outlined above, the proposed development seeks to facilitate natural light and ventilation into Block A and B through a northern orientation and the incorporation of glazing to all aspects to optimise the health and well-being of occupants. It is considered that the proposed development provides a balance between the safety and security of the school, the amenity of students and internal accessibility.

Principle 5—amenity

- *Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*
- *Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*
- *Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

The proposed development seeks to improve the amenity of the existing school by providing additional educational and administration spaces with associated amenities and internal access. Outdoor areas have been maintained within the eastern portion of the site to create a buffer with lower density residential properties along this boundary, however significant reductions are proposed to outdoor space on site with increased student density.

The NSW Department of Education Educational facilities design standard recommends 10m² of play space per student. The current school capacity of 210 students provides for more than double the minimum requirement and will be reduced to approximately half the minimum standard once the proposed 630 student capacity commences operation.

In response, the applicant outlined that internal Block A hall and multi-function areas are provided to students during lunchtime and that outdoor play space embellishments are an improvement on existing facilities to address concerns raised by staff. It is agreed that the internal areas and new proposed play areas are generally an improvement compared to existing facilities offered to students. However, concerns remain that an improved outcome would instead be facilitated through the removal of the Block A extension to provide additional open space with a reduced overall student capacity that more closely aligns operations to 10m² design standard. It is also noted that the examples cited as precedent are in part related

to historic developments that predate the standard, which was adopted for new educational development post 2016.

As such it is considered that the amenity of the site would be compromised by the proposed development.

Principle 6—whole of life, flexible and adaptive

- *School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

A masterplan or site specific DCP was not prepared to project the future strategic and spatial planning requirements of the site. The proposal has not incorporated multi-use facilities as a part of the subject DA. The significant increase in student numbers from 125 to 630 (plus 60 childcare placements) has not demonstrated a suitable outcome in the site context or the consideration of potential impacts to internal site amenity through the reduction of outdoor space.

Principle 7—aesthetics

- *School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*
- *The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

Due to the SP2 zoning and nature of the development, being an Educational Establishment, there are no applicable height and FSR development standards for a majority of the subject site, however the proposal has incorporated a three-storey height limit along Bunnerong Road to ensure compliance with the partial 13m height limit in the southern western site corner and is consistent with the emerging height of mixed use development of the classified road frontage. The remaining structures within the center of the site have adopted a two storey height limit that is more sympathetic to the lower density residential character to the east of the site. It is considered that the proposal is generally compatible with the existing streetscape, subject to further refinement of height datums to respond to adjoining mixed use development and provide an outcome that is consistent with the desired future character of the local area. In addition, the Randwick Design Excellence Panel also sought additional refinement of the scheme to address the visual impact of the street facade as viewed from the public domain of the classified road.

As outlined above, the current provision of outdoor space has not demonstrated good proportions and a balanced composition of elements.

In view of the above, the proposed development is considered inconsistent with the design quality principals stipulated for the development of schools.

Randwick Local Environmental Plan 2012 (RLEP 2012)

The relevant local environmental plan applying to the site is the *Randwick Local Environmental Plan 2012* ('the LEP'). The current proposal is considered inconsistent with the following aims of the LEP:

- (a) to foster a liveable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres,
- (b) to support a diverse local economy and business and employment opportunities for the community,
- (c) to support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses,
- (d) to achieve a high standard of design in the private and public domain that enhances the quality of life of the community,
- (e) to promote sustainable transport, public transport use, walking and cycling,

The proposal is inconsistent with the abovementioned aims, given that the proposed traffic generation is not supported by Council's Integrated traffic management team and would compromise the accessibility of residential properties and local business operations within Norfolk Lane. In addition, the proposed redevelopment has not adequately demonstrated the integration of land use and transport noting the potential impacts to the local road network, provided a scheme that has been coordinated with public domain improvements under Part D5 of the Randwick DCP 2013 and the draft Matraville Public Domain Masterplan, and does not outline feasible green travel plan initiatives to reduce the private vehicle dependence of staff and parents accessing the site. Accordingly, it is not considered that the current proposal has satisfied the aims of the plan.

Zoning and Permissibility (Part 2)

The subject site is zoned SP2 – Educational Establishment and E2 Commercial Centre pursuant to the Clause 2.2 Land Use Table and Land Zoning Map of the RLEP 2012.

The objectives of the SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To facilitate development that will not adversely affect the amenity of nearby and adjoining development.*
- *To protect and provide for land used for community purposes.*

The proposed development is for alterations and additions to the existing school, which would be defined as an Educational Establishment pursuant to the Dictionary of RLEP 2012. As the Land Zoning Map identifies the purpose of the SP2 zone as an Educational Establishment, the proposed development is permitted with consent. As discussed in detail throughout the assessment report, the proposed development is considered to result in unreasonable impacts upon the residential amenity of surrounding and adjoining properties along Norfolk Lane due to the proposed configuration of the pick-up and drop off area and the associated student capacity increase is not considered compatible with the provision of future infrastructure adjacent to the Bunnerong Road frontage and within the adjoining Crown Land carpark identified in Part D5 of the Randwick DCP 2013 and the draft Matraville Public Domain Masterplan. As such, the proposed development is not considered to satisfy the relevant objectives of the SP2 zone.

The objectives of the E2 zone are as follows:

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.
- To minimise the impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.
- To facilitate a safe public domain.
- To support a diverse, safe and inclusive day and night-time economy.

As noted above, the extent of the proposed student expansion and associated traffic generation within Norfolk Lane was not supported by Council's internal specialist due to the obstruction of existing business operations and residential access. It is therefore considered that the current proposal is contrary to the objectives related to strengthening the commercial centre, encouraging investments in commercial development and high levels of accessibility, or provided for a development outcome which minimises impact and protects the amenity of residents in the E2 zone. In addition, comments from Council's Open space assets and Strategic Planning team are unsupportive of the proposed reliance on the Crown land carpark, given the future strategic direction to provide community, cultural activity, and public spaces with pedestrian connectivity. Accordingly, the current scheme has not demonstrated compliance with objectives of the E2 zone.

General Controls and Development Standards (Parts 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions, and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

| Control | Requirement | Proposal | Comply |
|------------------------------------|--|--|--------|
| Height of buildings (CI 4.3(2)) | Part 13 metres along Bunnerong Road. | 12.5m – 3 storeys to Bunnerong Road and 8m - 2 Storeys along eastern interface in accordance with surrounding development context. | Yes |
| FSR (CI 4.4(2)) | No mapped control – FSR based upon objectives for bulk and scale, articulation, heritage conservation and amenity impacts. | The proposed built form generally corresponds with the height of adjacent development within the Matraville town centre and low-density residential development. The proposed buildings incorporate articulation, are not in vicinity of heritage items or conservation area and are not | Yes |

| | | | |
|---|---|--|----------------------|
| | | identified to result in excessive impacts related to view loss, overshadowing or visual privacy. | |
| Acid sulphate soils (CI 6.1) | Mapped - Class 5 | Site not subject to acid sulphate soils. | Yes |
| Flood planning (CI 6.3) | The site is identified as flood prone land in the Birds Gully & Bunnerong Road Flood Study. | Council's Development Engineer has reviewed the submitted flood report and raised no concern in relation to the recommended flood planning levels. | Yes |
| Stormwater Management (CI 6.4) | Minimise the impacts of urban stormwater transfer to adjoining properties. | Council's Development Engineer has reviewed the stormwater concept and supported the proposed configuration subject to conditions, should the application be approved. | Yes |
| Design excellence (CI 6.11) | School identified as a key site under LEP mapping and as such consent cannot be granted unless the consent authority is satisfied that the proposed development exhibits design excellence. | Refer to key issues discussion below. Design excellence panel concerns have not been satisfied from both the PL and DA stage. | No |
| Development requiring the preparation of a development control plan (CI 6.12) | School is mapped as key site requiring the preparation of site specific DCP. | Notwithstanding, Chapter 3, Clause 3.6 of the Transport and Infrastructure SEPP 2021 removes the prerequisite for the preparation of site specific DCP for educational facilities and childcare centres. | Yes – SEPP prevails. |

The proposal is considered inconsistent with several of the abovementioned LEP provisions.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

The proposal is not inconsistent with any proposed instruments.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Randwick Development Control Plan 2013* ('the DCP')

Section B4 – Landscaping and Biodiversity

An assessment of the submitted landscape package and documentation has been undertaken by Council's Landscaping Officer and requested additional information in relation to the planting schedule, species selection, bio-filtration systems and landscaping treatments along the Bunnerong Road frontage. These matters have not been addressed through the submission of amended information Refer to Key Issues discussion below.

Section B6 – Recycling and Waste Management

An assessment of the waste management associated with the proposed development has been undertaken by Council's Development Engineering Officer. The accompanying waste management plan was not supported due to inconsistency with Council's Waste Management guidelines and the submission providing insufficient information in accordance with the following:

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.
- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.
- Location of travel paths and presentation area for bin collection.

Section B7 – Transport, Traffic, Parking and Access

Numerous objections were received in response to the proposed development which raised concerns regarding the traffic and access implications due to the proposed increase in student numbers. The submissions also identified existing traffic and congestion issues currently generated by the 125-student school.

A detailed assessment of traffic and parking has been undertaken by Council's Integrated Traffic Management team. See section 5.1 (Key Issues) for detailed assessment.

It is apparent from the number and nature of the submissions received that the existing student and staff numbers are causing issues within the community. Furthermore, it is considered that adequate analysis, including surveys of surrounding areas, has not been undertaken to fully understand the current situation, including current congestion levels and parking availability. As a result, Council is unable to adequately address the concerns raised by adjoining residents and business owners and ensure that the increase in students does not unreasonably impact the local road network. Specialist staff require additional baseline traffic modelling, a detailed Green Travel Plan with feasible staff and student mode shift initiatives and a Transport Management Plan that identifies alternate access arrangements for pick up / drop off accommodated within the proposal site and that reduces impacts to surrounding properties and the intended redevelopment of the Crown land carpark.

An assessment against the matters for consideration required under Part B7 concludes that the proposed student increase is anticipated to have a substantial impact on the performance of the local road network and that the proposed traffic generation cannot be accommodated within the surrounding street network.

Section D5 – Matraville Centre

Refer to key issues discussion below for detailed assessment. Council's Open Space Assets and Strategic Planning teams have reviewed the proposal and raised concern that the proposed student capacity and associated traffic generation is not compatible with future infrastructure upgrades intended for the Matraville centre under Section D5 of the DCP and the draft Matraville Public Domain Masterplan (publicly exhibited). In addition, the current design has not demonstrated adequate coordination with public domain improvements along the Bunnerong Road frontage.

Section D11 - Childcare centres

A review of the proposed centre based childcare centre incorporated on the third level of Block B has been undertaken against the compliance criteria of Section D11 of the RDCP. Refer to Appendix B below for detailed compliance table assessment. In summary, the proposal has not satisfied the following control requirements:

- **Clause 2 – Site Selection**
- **Clause 3.1 - Built form, Scale and character**
- **Clause 4.4 – Landscaping**
- **Clause 5 - Traffic, Parking and Pedestrian Safety**

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act:

- *Randwick S7.12 Development Contributions Plan 2015*

This Contributions Plan has been considered and included the recommended draft consent conditions if the application is approved.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 and Section 62 (consideration of fire safety) of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. The provisions of the 2021 EP&A Regulation have been considered and can be addressed via conditions if the application is approved.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The proposal has not adequately satisfied the design quality principles for educational establishments in relation to amenity, aesthetics, and sustainable design measures.

- Access and traffic – The proposed redevelopment results in unreasonable traffic generation demands for the local road network and access obstructions to adjoining properties. The proposal has not provided feasible green travel transport options or an off-street carparking area designed in accordance with relevant legislation.
- Public Domain – The proposal has not demonstrated coordination with public domain improvements or compatibility with future infrastructure upgrades identified for the wider Matraville Centre.
- Economic impact – The proposal will obstruct current local business operations along Norfolk Lane and results in accessibility conflicts with existing loading zones.
- Site design and internal design – The proposed configuration of the pickup and drop off area within public land is not supported and will exacerbate cumulative traffic impacts within the locality. The potential environmental and economic impacts on adjoining residential and commercial properties (discussed in key issues) have not been adequately ameliorated.

Accordingly, it is considered that the proposal will result in significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed student capacity and traffic generation impacts that result from the subject alterations and additions to the existing school are not considerable suitable in the context of the immediate locality and the available transport infrastructure to the south of the site. The proposed intensification of school operations has also not adequately demonstrated the extent of traffic impacts and as such the proposal is not considered compatible with future public infrastructure improvements identified for the Matraville Centre.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in **Section 5** of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposal will result in unreasonable and unacceptable environmental, social, or economic impacts upon the immediate locality. As a result of the potential traffic generation impacts to the local traffic network and the inconsistencies identified with planning controls identified with this assessment report, the proposal is considered contrary to the public interest in its current form.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for concurrence and referral as required by the EP&A Act and outlined below in **Table 5**.

The outstanding issues raised by Agencies are considered in the Key Issues section of this

report.

Table 5: Concurrence and Referrals to agencies

| Agency | Concurrence/ referral trigger | Comments | Resolved |
|--|---|--|----------|
| Concurrence Requirements (s4.13 of EP&A Act) – N/A | | | |
| Referral/Consultation Agencies | | | |
| Electricity supply authority (Ausgrid) | Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure | No objections raised subject to the implementation of measures to protect electrical assets as a part of any consent. | Y |
| NSW Crownlands | Application referred to the State Authority, given the proposed kiss and ride area is located on Norfolk Lane (Crown Road) and requires access and overflow parking within the adjoining Crown land carpark. | The authority confirmed that public access is permitted through the carpark and that a license agreement will be negotiated with the applicant for the carparking and maintenance during the construction / operational phase of the proposal. | Y |
| Transport for NSW | Section 61 of the Roads Act Road works on certain classified roads. Section 2.118 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development on a classified road. | No concerns raised subject to recommended consent conditions to manage public domain works, onsite carparking design and construction vehicle access routes. | Y |
| Randwick Design Review Panel | Advice of the Design Review Panel ('DRP') | The advice and recommendations of the DRP has been considered in the proposal and is further discussed in the Key Issues section of this report. | N |
| Integrated Development (S 4.46 of the EP&A Act) – N/A | | | |

4.2 Council Officer Referrals

The development application has been referred to various Council officers and internal Panels for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

| Officer | Comments | Resolved |
|------------------------------------|--|--------------------------|
| Engineering | Council's Engineering Officer reviewed the submitted documentation and raised concern with the addendum traffic impact assessment and waste management plan. Stormwater management and flood affection can be addressed via consent conditions should the application be approved. | N |
| Traffic | Council's Integrated Traffic Team reviewed the proposal and raised concerns in relation to traffic generation, waste management and car parking. These issues are considered in more detail in the Key Issues section of this report. | N - Refer to key Issues |
| Landscaping | Council's Landscaping Officer has raised concern in relation to required design refinements and insufficient information as a part of the planting schedule. | N – Refer to Key Issues. |
| Environmental Health | Council's Environmental Health Officer reviewed the information accompanying the proposal and considered that there were no objections subject to conditions that address food safety, land contamination and acoustic mitigation measures. | Y |
| Public Domain / Strategic Planning | Council's Open Space Assets and Strategic Planning team raised concerns in relation to compatibility with the desired future character of the Bunnerong Road public domain and the Crown Land carpark in accordance with Part D5 of the Randwick DCP 2013 and the draft Matraville Public Domain Masterplan. | N - Refer to Key Issues. |

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 5 May 2022 until 19 May 2022. In addition to the original notification period, given the nature of the proposed development, an increased notification to the wider community on Norfolk Lane was undertaken between 14 September and 30 September 2022.

The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties; and
- Notification on the Council's website.

The Council received a total of 15 unique submissions, comprising solely objections against the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

| Issue | No of submissions | Council Comments |
|--|--------------------------|---|
| Traffic generation impacts Submissions raised concern for obstruction of commercial and residential driveways due to the proposed school capacity | 10 | Council's Integrated traffic team have reviewed the proposal and are not in support of the proposed traffic modelling or the current school capacity due to insufficient information. Refer to key issues discussion below. |
| Impact to Commercial operations Submissions raised concern for the obstruction of access for commercial loading, garbage removal, service vehicles and deliveries. | 7 | As above. Refer to key issues discussion below. |
| Antisocial behaviour Concerns raised for further altercations between residents, businesses and parents. | 6 | As above. Refer to key issues discussion below. |
| Loss of two-way lane access during kiss and ride operations | 6 | Council's Integrated Traffic Management team are not in support of any change to existing access arrangements. |
| Traffic management recommendations Submissions recommending alternate vehicular access solutions that bypass loading and driveways on Norfolk Lane and the Crown land carpark. | 4 | Council's Integrated Traffic Management team are not supportive of the proposed access configuration and further design measures must be investigated by the applicant to reduce impacts upon the already constrained local road network. |
| Loss of emergency vehicular access for residential properties and veterinary clinic | 4 | As above. Refer to Key issues discussion below. |
| Maintenance of the crown land carpark damage. | 4 | The application was referred to NSW Crownlands and an agreement has been reached between the school and the authority for the repair of the carpark separate from the subject development application. |

| | | |
|--|---|---|
| Traffic and pedestrian safety Concerns raised for potential traffic incidents. | 3 | Noted. The current configuration is not supported by Council's Integrated Traffic team. Refer to Key issues discussion below. |
| Narrow width of Norfolk Lane Submissions related existing on Norfolk Lane street parking already reducing access to a single lane. | 2 | Agreed, the current laneway width is a matter of concern for Council's Integrated Traffic team and a constraint that has not been adequately addressed in the subject proposal. |
| Potential public parking loss Submissions related to loss of on-street parking within Norfolk Lane. | 2 | Council's Integrated Traffic team has recommended the retention of public parking along Norfolk Lane. |
| Sleep disturbance for shift workers | 2 | Noted, the proposed traffic generation extent is not supported by Council's Integrated Traffic team. |
| Current CDC construction occurring outside of standard hours and during periods of sleep disturbance. | 2 | A temporary works permit was issued to enable the provision of electrical supply to the site and all complaints were referred to Council's Technical Services Unit and enforcement staff to reduce potential impacts. |
| Lack of commitment to active and public transport options | 1 | Agreed, the current proposal has not provided sufficient information in relation to green travel plan initiatives and has not incorporated design measures as a part of the submitted plan set. |
| Public accessibility of the church forecourt. | 1 | The church forecourt provides for access adjacent to the Bunnerong Road frontage. |

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Randwick DCP 2013 - Section B7 – Transport, Traffic, Parking and Access

Concerns were raised in submissions regarding traffic generation impacts to Norfolk Lane as a result of the proposed development, with particular regards to the increased student capacity and adjacent commercial loading operations. Initial concerns were raised by Council regarding the proposed student capacity and the comments provided by Council's technical specialists over the course of assessment are summarised below.

The subject proposal was reviewed by Council's Integrated Traffic team and further information was requested in relation to the traffic management associated with the proposed student capacity increase from 210 (currently operating at 60% capacity – 125 students) to 630 (with 60 additional childcare placements – 690 total) and the consideration of a reduced capacity to address comparative traffic generation impacts. The following detailed concerns were also outlined as a part of the initial Integrated Traffic and Planning referral response:

- The impacts associated with the Norfolk Lane kiss and ride area not being accommodated on the school site and obstructions to other lane users.
- The narrow 4.2m width of Norfolk Lane that currently facilitates two-way access.
- The reliance placed on the Crown carpark for staff and parent access if this area is redeveloped in accordance with the D5 Matraville Centre DCP and Public Domain masterplan. Noting that the carpark does not include a dedicated public road reserve, which could compromise future vehicular and parking access.
- Insufficient details provided in relation to waste management and onsite collection.
- Construction vehicle access and student safety impacts.
- The lack of local traffic calming measures proposed to manage the laneway.
- A lack of firm commitment placed on green travel and coordinated school bus transport options.

A formal response was sought from the applicant in relation to the abovementioned concerns to inform the recommendation of detailed operational traffic management plans and consent conditions to address traffic impacts, student capacity, local infrastructure upgrades and green travel options to mitigate unreasonable impacts to the local road network. In response, the applicant submitted a revised traffic management plan based on observations from late 2022 to address the initial concerns raised by Council's Integrated traffic section.

The amended information was subsequently reviewed by the Integrated traffic section, where it was recommended that the proposal is not supported in its current form for the following reasons:

Traffic

- Staff observations for mode share noted the Traffic Impact Assessment (TIA) claims that only 35 vehicles accessed the kiss & ride area under current operations, or that 75% of parents drive but park elsewhere besides the Norfolk Parade car park which is inaccurate.
- The TIA suggests that the development will result in an additional 800 vehicle trips during the morning and afternoon peak periods respectively, and that this represents a 'relatively moderate increase' and does not result in any significant traffic impacts. No traffic modelling has been provided to support this claim and the proposed trip generation would nearly double the existing trip generation on Bunnerong Road and Franklin Avenue in the AM and PM period.
- Observations of the existing school operations highlighted that queueing on Norfolk Lane spilled into Franklin Street on several occasions. The proposed intensification is likely to result in the worsening of queueing into Franklin Street, with ramifications to both safety and operation of the nearby intersections, as well as the accessibility and general amenity of adjoining properties on Norfolk Lane. The proposed mitigation measures do not adequately address this issue, and as such, the likely impacts of increased queueing on Norfolk Lane and Franklin Street are not acceptable.
- Observations of the existing school operations highlighted that the school drop-off/pick-up activity results in a significant increase in traffic volumes at the intersection of Norfolk Parade and Franklin Street. Due a combination of increased delays on Norfolk Parade, and limited suitable gaps on Franklin Street, a high percentage of dangerous manoeuvres were observed at this intersection associated with School

traffic. Any substantial increase in school traffic under the subject proposal is likely to exacerbate this safety issue.

Parking

- In both the existing and future transport scenarios, the TIA relies heavily of the utilisation of the adjacent Crown Land Car Park, as opposed to internal facilities. As neither Council nor the Applicant can guarantee continued access to this facility on an on-going basis, this external dependence is not acceptable.
- Notwithstanding the above, the TIA indicates a high proportion of parents will park nearby and walk their children to school grounds, stating also that the Crown Land car park could readily accommodate parking demands. No parking survey of this car park nor surrounding streets has been undertaken to support this assertion.
- The TIA indicates that ELC parents may utilise the Kiss & Ride area. This is not appropriate in ELC developments, as parents must leave their vehicle in order to accompany children at this age.
- The TIA recommends that on-street parking along Norfolk Lane be removed. This is not supported by Council, noting that in addition to being heavily utilised by adjoining properties, this parking acts as a form of traffic calming by restricting road width.
- The TIA indicates that if bicycle facilities for students are provided, this will have a positive impact on private car trips, however, it is not clear if bicycle and end of trip facilities have been provided for either staff or students in the proposed design.

Servicing

- The TIA indicates a moderate increase in servicing requirements however, no on-site provision has been made to accommodate service vehicles. The suggestion that servicing could be undertaken on Bunnerong Road is not supported, noting that the school pedestrian entrance is within a No Stopping area associated with the signalised pedestrian crossing, and is therefore unsuitable for loading activities. Similarly, the dependence on Crown Land to accommodate an essential function of this development is not supported.

Design

- Notwithstanding compliance with the DCP minimum rate, the car park design is not suitable to accommodate acute traffic volumes associated with Child Care Centres. Parking for visitors must be designed to Class 3 (short-term) of AS2890.1, with a 2.6m width. The access must be designed in compliance with a Category 2 facility as per Table 3.1 and 3.2 of AS2890.1, allowing for two-way movements. Pedestrian sight splays must be provided as per Figure 3.3 of AS2890.1.
- Further, Council's Development Engineer has also raised concern in relation to staffing assumptions that have informed the minimum parking rate. The submitted figures appear to be inconsistent with existing staffing levels and are not in proportion with the anticipated increase of students from 125 to 630.

Planning staff note that the applicant has been afforded with opportunities to address the abovementioned concerns over the course of the assessment and that Council remains unable to support the proposal given the insufficient nature of the submitted traffic information. Council is currently unable to make a clear determination on a suitable student capacity for the educational establishment based upon the inconsistency of existing operational benchmarks and a lack of green travel plan initiatives, accurate traffic modelling or recommended operational traffic management measures. The reason the revised TIA was reliant on observations from late 2022 is unclear, when the school re-commenced the use of Norfolk Lane for pick-up / drop-off at the start of the 2023 school year and a more accurate analysis could have been provided within this period.

Further consideration must also be given to the investigation of a revised student capacity, staggered year group start/stop times, the provision of multiple kiss and ride zones coordinated with public domain upgrades, feasible green travel alternatives for staff and students, and the amendment of the proposed built form to limit obstructions to Norfolk Lane residents and businesses and the Crown land car park in the case of future redevelopment. Each of these items must be addressed before Council can consider any increase to the school capacity.

Resolution: The issue has not been resolved and accordingly, warrants refusal of the application under objectives and controls of Section B7.

5.2 Randwick LEP – Clause 6.11 Design Excellence

The subject site is mapped as a 'Key Site' under clause 6.12 of RLEP 2012 and as such, the provisions of clause 6.11 are applicable to the proposed development. In considering whether the proposed development exhibits design excellence, the application was referred to Randwick Design Excellence Panel during both the pre-lodgement and development application phase. The DEP concluded that the proposed design had not resolved initial concerns and were unsupportive of the proposal.

The panel raised concerns with the incorporation of the proposed at-grade carpark and waste storage area in terms of street activation and the limitation that this placed on the provision of a public pedestrian link and additional outdoor play space to meet the deficiency with the NSW Department of Education ESFG design standards. The provision of at-grade parking also appeared to impact the opportunity to facilitate an onsite kiss and ride configuration that reduces the current reliance on Norfolk Lane.

The panel recommended that onsite parking was undergrounded and that this at-grade area below Block B facilitates an increase to usable play space. The play space would also be able to support timed usage for kiss and ride access within the site boundary. Further recommendations were made in relation to investigating the provision of rooftop outdoor play space to increase outdoor area per child ratios along with the provision of separation between Block B and the southern neighbouring development to include a pedestrian through site link or respond more directly to adjacent building datums.

In view of the above, it is considered that the proposed development does not exhibit design excellence in accordance with the provisions of clause 6.11.

Resolution: The issue has not been resolved and accordingly, warrants refusal of the application.

5.3 Randwick DCP 2013 Section B4 – Landscaping and Biodiversity

Council's Landscaping Officer has raised concern in relation to a lack of screen planting along the Bunnerong Road frontage, the limited integration of landscape features as a part of site entrances, the reduction of hardstand surfaces to maximise site permeability and the selection of inappropriate tree species. It was also noted that the proposal had not incorporated WSUD / Bio-swale features.

Insufficient information has also been provided in terms of the proposed planting schedule not including quantities, densities, spacings, and set down specifications of tree emplacements.

The current documentation has not addressed the abovementioned concerns as a part of the previously submitted RFI responses.

Resolution: The issue has not been resolved and accordingly, warrants refusal of the application due to insufficient information under the objectives and controls of Section B4.

5.4 Randwick DCP Part D5 – Matraville Centre and the draft Matraville Public Domain Masterplan

Council's Open Space Assets and Strategic Planning team have raised concerns in relation to the proposed school expansion not demonstrating coordination with public domain improvements along the Bunnerong Road frontage and a potential pedestrian connection from Bunnerong Road to Norfolk Lane in accordance with Part D5 of the Randwick DCP 2013. In addition, further concern was also raised due to proposed traffic generation impacts conflicting with the future redevelopment of the Crown Land carpark as public open space and community facilities under Part D5 and the draft Matraville Public Domain Masterplan. The proposed student capacity has not demonstrated compatibility with the desired future character of the Matraville Centre.

The detailed specification of these infrastructure embellishments and the coordination of works along the Bunnerong Road frontage and Crown land carpark requires additional consultation between the applicant and Council's Open Space Assets team.

Resolution: The issue has not been resolved and accordingly, warrants refusal of the application

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported for the following reasons:

- Traffic generation and congestion impacts have not demonstrated compliance with Section B7 of the Randwick DCP 2013.
- The proposal was not supported by the Design Excellence Panel.
- Insufficient landscaping information provided to satisfy Section B4 Landscaping and Biodiversity and Section B6 Recycling and Waste Management of the Randwick DCP 2013.
- Incompatibility with the future community facility and infrastructure development envisioned by Section D5 (Matraville Centre) of the Randwick DCP 2013 and the draft Matraville Public Domain Masterplan.
- Non-compliance with the matters for consideration related to centre based child care centres and schools under the SEPP (Transport and Infrastructure) 2021, including:
 - The provisions of the Child Care Planning Guideline; and
 - The School Design Quality Principles.
- Non-compliance with the applicable aims and (SP2 and E2) zone objectives of the Randwick LEP 2012.

It is considered that the key issues as outlined in Section 6 have not been resolved satisfactorily through amendments to the proposal and as such the proposal is recommended for refusal in accordance with the draft reasons outlined in **Appendix A**.

7. RECOMMENDATION

That the Development Application DA/199/2022 for alterations to existing educational establishment to expand educational facilities, introduce a new childcare centre and provide ancillary signage at 509-511 Bunnerong Road, Matraville be REFUSED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft reasons for refusal attached to this report at Appendix A.

The following attachments are provided:

- Appendix A: Draft reasons for refusal
- Appendix B: Childcare SEPP and DCP Compliance table

Appendix A: Draft reasons for refusal

1. Non-compliance with the matters for consideration under the State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal does not comply with the following provisions of Section 3.23 (Child Care Planning Guideline):

- a. Pursuant to Guideline 3.2, the proposal does not respond to surrounding building height datums and provide adequate screening of parking area, in accordance with Local character, streetscape and the public domain interface.
- b. Pursuant to Guideline 3.3, the proposal has not demonstrated compatibility with the height of adjoining development and suitable access, in accordance Building orientation, envelope, building design and accessibility.
- c. Pursuant to Guideline 3.4, the proposal has not incorporated adequate contributory landscape screening to the streetscape.
- d. Pursuant to Guideline 3.8, proposed parking layout and access configuration has not demonstrated vehicle access from the street in a safe environment that does not disrupt traffic flows or a safe and connected environment for pedestrians both on and around the site.

The proposal has not demonstrated compliance with the following provision of Section 3.36 (School Design Quality Principles):

- e. The proposed design has not satisfied to Principles 1, 2, 5, 6 and 7 in relation to sustainable design, site planning, amenity, and aesthetics.

2. Non-compliance with the aims of the RLEP 2012

The proposal is inconsistent with the aims of the LEP. Specifically, the development fails to achieve the following:

- a. to foster a liveable city that is accessible, safe and healthy with quality public spaces and attractive neighbourhoods and centres.
- b. to support a diverse local economy and business and employment opportunities for the community.
- c. to support efficient use of land, vibrant centres, integration of land use and transport, and an appropriate mix of uses.
- d. to achieve a high standard of design in the private and public domain that enhances the quality of life of the community.
- e. to promote sustainable transport, public transport use, walking and cycling.

3. Non-compliance with Land Use Table of the RLEP 2012

The proposal is inconsistent with the objectives of the SP2 Infrastructure and E2 Commercial Centre Zones. Specifically, the development fails to achieve the following:

SP2

- a. The proposal is not compatible with and may detract from the provision of infrastructure.
- b. The proposal will adversely affect the amenity of nearby and adjoining development.

E2

- c. The proposal does not strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- d. The proposal compromises investment in commercial development that generates employment opportunities and economic growth.
- e. The proposal does not encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- f. The proposal does not ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- g. The proposal will not minimise impact of development and protect the amenity of residents in the zone and in the adjoining and nearby residential zones.

4. Non-compliance with Design Excellence Provision of the RLEP 2012

The proposal has not addressed the matters raised by the Randwick Design Excellence Advisory Panel (DEAP) and is not considered to exhibit design excellence under Clause 6.11 of the RLEP.

5. Non-compliances with the Randwick Comprehensive Development Control Plan 2013 (RDCP 2013)

The proposal does not comply with the following provisions of the RDCP 2013:

- a. Pursuant to Section B4, Subsection 3.2 of the RDCP 2013, insufficient information has been provided to enable the assessment of plant species selection and locations.
- b. Pursuant to Section B4, Subsection 3.3 of the RDCP 2013, insufficient information has been provided to enable the assessment of water efficiency measures.
- c. Pursuant to Section B4, Subsection 3.4 of the RDCP 2013, the proposal does not comply with the requirements for landscape screening of outdoor carparks and circulation areas.
- d. Pursuant to Section B6, Subsection 2, 3 and 4 of the RDCP 2013, insufficient information has been provided to enable the assessment of the construction phase and ongoing waste management and recycling procedures.
- e. Pursuant to Section B7, Subsection 2.1 of the RDCP 2013, the proposal has not demonstrated the adoption of sustainable transport measures.
- f. Pursuant to Section B7, Subsection 2.5 of the RDCP 2013, the proposal is not accompanied by a suitable Transport Assessment Study as required by Appendix B7-1 and insufficient information has been provided to determine the traffic generation impacts associated with the redevelopment.
- g. Pursuant to Section B7, Subsection 3.2 of the RDCP 2013, the proposal does not comply with parking space dimensions, access, and sight splays in accordance with relevant standards.
- h. Pursuant to Section B7, Subsection 3.7 of the RDCP 2013, the proposed non-compliance with the relevant standards parking layout, configuration & dimensions are not supported.

- i. Pursuant to Section B7, Subsection 3.9 of the RDCP 2013, the proposed non-compliance with the provision for onsite service and delivery vehicle parking is not supported.
- j. Pursuant to Section B7, Subsection 4.2 of the RDCP 2013, the proposal is non-compliant with the nominated bicycle parking, shower and changing facilities rates.
- k. Pursuant to Section D5, Subsection 3.3.5 – St Agnes and 3.3.6 – RSL Club of the RDCP 2013, the proposal is inconsistent and incompatible with the infrastructure embellishments and site design parameters of the Matraville Centre.
- l. Pursuant to Section D11, Clause 2 of the RDCP, the proposed childcare centre has not demonstrated suitable site selection due to cumulative traffic generation impacts and non-compliance with relevant standards for parking design.
- m. Pursuant to Section D11, Clause 3.1 of the RDCP, the proposal has not satisfied the requirements for built form, scale, and character, given the street façade design and inconsistency with adjoining building heights.
- n. Pursuant to Section D11, Clause 4.4 of the RDCP, insufficient information has been provided in relation to landscaping treatments and buffers to enable assessment of carpark screening.
- o. Pursuant to Section D11, Clause 5 of the RDCP, the proposal is not accompanied by a suitable Transport Assessment Study and non-compliance with relevant standards for parking design not supported.

6. **Public Interest**

The proposal is not in the public interest as the built form and associated traffic impacts result in deviations from both numerical and merit-based controls.

Appendix B: Childcare Planning Guidelines and Part D11 DCP Compliance table

NSW Child Care Planning Guideline

| Guideline | Controls | Proposal | Compliance |
|--|---|--|---|
| 3 - Matters for Consideration | | | |
| 3.1 | Site selection and location <ul style="list-style-type: none"> To ensure that appropriate zone considerations are assessed when selecting a site. To ensure that the site selected for a proposed child care facility is suitable for the use. To ensure that sites for child care facilities are appropriately located. To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards. | Refer to discussion below. | Yes |
| Discussion <p>Building separation incorporated to mixed use development along southern boundary to reduce visual bulk and overshadowing impacts to north facing windows and private open space.</p> <p>Visual privacy treatment incorporated to windows and separation distance above ADG minimum at 13.3m. Acoustic privacy addressed through the orientation of outdoor play to the northern and western elevations away from residential receivers.</p> <p>Proposed traffic and parking compliance and impact to commercial operations is assessed in key issues section above.</p> <p>Flood mitigation and land contamination addressed via design recommendation to locate facility on level 3 above natural ground. The site has provided primary access to the childcare centre from Norfolk Lane to avoid impacts associated with the classified Bunnerong Road Frontage. Proposal is also distanced from gambling and alcohol service at the Matraville RSL further to the south.</p> <p>The facility is located within an existing primary school for compatibility and the Matraville commercial centre employment zone. There are no industrial or hazardous uses in proximity of the proposed facility.</p> | | | |
| 3.2 | Local character, streetscape and the public domain interface <ul style="list-style-type: none"> To ensure clear delineation between the child care facility and public spaces. To ensure that the child care facility is compatible with the local character and surrounding streetscape. To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not | <p>Proposed built form generally consistent with surrounding development, however further refinement of height datums recommended in design excellence review.</p> <p>Facility elevated above street level, however at-grade carpark has not provided adequate screen planting and</p> | No, further refinement required for carpark screens / fencing. |

| Guideline | Controls | Proposal | Compliance |
|-----------|---|--|---|
| | dominate the public domain. | fence transparency to Bunnerong Road frontage. | |
| 3.3 | Building orientation, envelope, building design and accessibility <ul style="list-style-type: none"> To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade. To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised. To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context. To ensure that buildings are designed to create safe environments for all users. To ensure that child care facilities are designed to be accessible by all potential users. | <p>Facility orientated to the north and provided with skylights above outdoor play space to capture solar access within indoor and outdoor areas. Outdoor areas are also afforded with partial shade through the implementation of awning and louvres to the western elevation. Proposed configuration also provides acoustic and visual privacy separation of outdoor play space from residential properties along the southern boundary.</p> <p>As identified above, further refinement required to overall building height consistency with adjoining development.</p> <p>Proposed setbacks generally consistent with adjoining development in the Matraville centre.</p> <p>Secure entrances provided to Bunnerong Road and parking area. Notwithstanding, only one lift has been provided for parents with prams from ground level.</p> | No, access and building height require further refinement. |
| 3.4 | Landscaping <ul style="list-style-type: none"> To provide landscape design that contributes to the streetscape and amenity. | Amended landscape treatment required for incorporation within carpark. | No |
| 3.5 | Visual and acoustic privacy <ul style="list-style-type: none"> To protect the privacy and security of children attending the facility. To minimise impacts on privacy | As outlined above, facility is elevated above street level and secure from potential overlooking and safety impacts. In | Yes |

| Guideline | Controls | Proposal | Compliance |
|------------|---|---|--|
| | <p>of adjoining properties.</p> <ul style="list-style-type: none"> To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments. | <p>addition, privacy measures and outdoor play orientated away from southern boundary to address interface with residential receivers.</p> <p>The submitted acoustic report was reviewed by Council's Environmental Health Officer, who did not raise objection with the proposal subject to conditions.</p> | |
| 3.6 | <p>Noise and air pollution</p> <ul style="list-style-type: none"> To ensure that outside noise levels on the facility are minimised to acceptable levels. To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development. | <p>Western play space has incorporated louvres and operable glazing to address acoustic and odour impact from adjoining classified road. An odour assessment was also provided in the amended information to certify the design can comply with relevant standards.</p> | Yes |
| 3.7 | <p>Hours of operation</p> <ul style="list-style-type: none"> To minimise the impact of the child care facility on the amenity of neighbouring residential developments. | <p>Facility proposed to operate from 7am to 6pm Monday to Friday in accordance with the guideline recommendation for facilities adjacent to residential properties.</p> | Yes |
| 3.8 | <p>Traffic, parking and pedestrian circulation</p> <ul style="list-style-type: none"> To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles. To provide vehicle access from the street in a safe environment that does not disrupt traffic flows. To provide a safe and connected environment for pedestrians both on and around the site. | <p>16 spaces provided off street in accordance with Section B7 DCP requirements. Emergency and separate pedestrian access also available on Bunnerong Road.</p> <p>Proposed parking facility accessible design provisions and potential child care drop off process on Norfolk Lane reviewed by Council's Integrated traffic team and not supported under relevant legislation.</p> | No - proposed parking configuration and traffic modelling not supported by Council's Integrated Traffic team. |

| Guideline | Controls | Proposal | Compliance |
|--|---|---|------------------------------------|
| | | Concerns also raised for traffic generation in conjunction with increases to the school capacity and the submitted addendum traffic and parking study. | |
| 4. Applying the National Regulations to development proposals | | | |
| 4.1 | Indoor space requirements 3.25m ² of unencumbered floor space per child. | As outlined above, proposal will exceed minimum floor area requirements. Facility is also afforded with adequate storage areas. | Yes |
| 4.2 | Laundry and hygiene facilities Provision of onsite facilities | Laundry facilities incorporated within proposal. | Yes |
| 4.3 | Toilet and hygiene facilities Provision of onsite facilities | Toilet facilities incorporated within proposal. | Yes |
| 4.4 | Ventilation and natural light | As discussed in above sections, proposal will facilitate natural light and access within internal areas through the implementation of operable glazing and skylights. Internal room depths will facilitate adequate internal amenity. | Yes |
| 4.5 | Administrative space | Reception and waiting area, managers office and meeting room provided within Block B administration building under separate CDC proposal. | Yes |
| 4.6 | Nappy Change Facilities Provision of onsite facilities | 2x Change facilities incorporated within proposal. | Yes |
| 4.7 | Premises designed to facilitate supervision | Open plan design provided for adequate supervision. | Yes |
| 4.8 | Emergency and evacuation procedures | Emergency evacuation plan can be conditioned if the application is approved. It is noted that fire stairs are provided to the within Block B, | Yes – subject to condition. |

| Guideline | Controls | Proposal | Compliance |
|-----------|--|---|------------|
| | | however additional measures will also need to be considered in terms of limited child mobility. | |
| 4.9 | Outdoor space requirements 7m ² of unencumbered space | As outlined above, proposal will exceed minimum floor area requirements as simulated outdoor space within level 3 terrace. Facility is also afforded with 2.6m ceiling clearances to exceed 2.1m minimum requirement. Approximately 1/3 of terrace perimeter open and has incorporated covered awning for weather protection. | Yes |
| 4.10 | Natural environment | Simulated outdoor space, as such no safety impacts resulting from natural vegetation. Open plan design provided for supervision of play equipment, with surveillance also afforded from internal play areas. | Yes |
| 4.11 | Shade | As outlined above, the outdoor play space has incorporated a roof canopy to provide weather protection. The terrace is orientated to the north with 30% of the overall area anticipated to receive more than 2 hours of solar access across the morning and afternoon period. | Yes |
| 4.12 | Fencing | Outdoor play space provided in level 3 terrace and integrated as a part of Block B façade design. | Yes |
| 4.13 | Soil Assessment | Play space provided on structure without access to natural ground. | Yes |

Section D11 - Child Care Centres

| DCP Clause | Controls | Proposal | Compliance |
|------------|-----------------------|----------------|-----------------|
| | Classification | Zoning = SP2 - | Yes – ancillary |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|--|---|
| | | Educational Establishment | to education and permitted under SEPP. |
| 2 | SITE SELECTION | | |
| | <p>i) DAs are to address the suitability and context of the proposal including:</p> <ul style="list-style-type: none"> Proposed size, number of children and age breakdown for the centre. The number of staff to be employed. Proposed hours of operation. Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc.). Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects). Likely effect of the development on the road network in the surrounding area including traffic and on street parking availability. Availability of on-site vehicular access and parking. Proximity to public transport. Proximity to existing community and children's services. Demonstrated demand for the service and identification of any special needs the centre will address. <p>ii) Where a child care centre is proposed within 300 metres of a mobile phone tower, base station, transmission line easement or other source of potentially significant electromagnetic radiation, a report by a suitably qualified consultant must be submitted with the DA, assessing the potential exposure impact on the centre and its occupants.</p> | <p>The proposal is for 60 childcare placements and 15 staff members.</p> <p>The proposed hours are from 7:00am to 6:00pm weekdays.</p> <p>Potential impacts of parking and traffic have been investigated by Council's technical officers and found not to be suitable in conjunction with the increase to school capacity on the grounds of traffic generation.</p> <p>Accordingly, the proposed use and resultant intensity with the combined school expansion is not considered compatible with the locality and will significantly impact on the environmental amenity of the surrounding residential area.</p> <p>ii) Council is not aware of a mobile phone tower, base station, transmission line easement or other source of potentially significant electromagnetic radiation within 300m of the child care centre.</p> | <p>No, site is not considered suitable to accommodate the development with school expansions. Refer to assessment against Section B7 of the RDCP for further discussion in the Key Issues section.</p> <p>ii) Yes</p> |
| 3 | BUILDING DESIGN | | |
| 3.1 | Built form, Scale and character | | |
| | <p>ii) For all other zones or locations, the building design is to complement the desired built form, scale and character for that particular zone or location.</p> | <p>The proposed built form is generally in accordance with the scale, character, and setback alignment of</p> | <p>No</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|--|------------|
| | <p>iii) Where a child care centre is proposed in a multi storey building (e.g. mixed use building) it must be located on the ground floor of the development unless it can be demonstrated that:</p> <ul style="list-style-type: none"> • There are no viable alternatives for a location at ground level in the building or surrounding area. • With respect to a heritage item, the proposed child care centre on the ground floor would detrimentally impact on the heritage significance of the item. • Adequate access to play areas, solar access (particularly mid winter) and natural ventilation is available. • Adequate emergency access and egress is available. • Adequate access for pickups/drop offs is available. <p>iv) Architectural elements which articulate the front and other facades visible from the street frontage must be incorporated into the overall building design to create visual interest.</p> <p>v) Avoid large expanses of blank and unarticulated walls.</p> | <p>development within the E2 zone and the Matraville Centre, except for the proposed building height. The Design Excellence Panel recommended that further consideration was given to compatibility of height datums with adjoining mixed use development. Further refinement was also recommended for the street façade at the ground plane.</p> <p>The facility is located on level 3 to improve solar access and separation from the adjoining classified road. It is also noted that locating the facility at-grade would further compromise the availability of outdoor play space for the primary school. Play areas are afforded with compliant unencumbered space, natural ventilation, and solar access. Emergency access will be addressed as a part of the conditioned management plan. Notwithstanding, the design of the at-grade parking area was not supported by Council's technical specialist and requires further revision.</p> | |
| 3.2 | Setbacks | | |
| | <p>i) New child care centre developments or extensions must address the setback controls for dwelling houses set out in Part C1, Section C3 of this DCP or demonstrate that alternative setbacks are suitable, having regard to:</p> <ul style="list-style-type: none"> • The zoning for the site and alternative setback controls in this DCP; or • The site location and prevailing | See assessment comments below. | Yes |

| DCP Clause | Controls | Proposal | Compliance |
|--|--|--|------------|
| | setbacks of surrounding properties. | | |
| <p>Part C2 Medium density residential development controls in the RDCP 2013:</p> <p>Front setback: 6m or average of adjoining; 1.5m secondary street setback from Norfolk Lane.</p> <p>The proposal maintains the front building line of adjoining mixed use development within the E2 zone. The 13.3m setback to Norfolk Lane also exceeds the minimum secondary frontage provision to meet ADG separation requirements to habitable dwellings to the south.</p> <p>Side setbacks: Part C2 of the RDCP requires setbacks based upon a residential zone context. The proposal has mirrored the nil setback zone at the street frontage and transitions to a 13.3m side setback to maintain solar amenity, visual and acoustic privacy afforded to habitable dwellings at 513 Bunnerong Road to the south, as per RDCP control requirements.</p> <p>Rear Setback: No controls applicable to context of large lot infrastructure zone and the proposed rear setback, subject to preserving adequate outdoor play space for students of the wider site.</p> | | | |
| 3.3 | Building Material and Colours | | |
| | Controls | | |
| | i) For child care centres proposed in residential zones, the selection of building materials, finishes and colours must have regard to the relevant controls set out in Part C, Section C3 of this DCP. | Site located within commercial and infrastructure zone. However, materials and finishes reviewed by Design Excellence panel and no concerns raised for overall materiality. | Yes |
| 4 | AMENITY | | |
| 4.1 | Acoustic Amenity and Privacy | | |
| | <p>i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:</p> <ul style="list-style-type: none"> Adequate site planning and building design measures are proposed to minimise noise impacts. Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level. Suitable noise attenuation measures have been incorporated into the proposal. | <p>i) An acoustic report has been submitted by the applicant and Council's Environmental Health Officer has reviewed the submitted report and considers that the proposed development will comply with the relevant noise criteria pending implementation of the mitigation measures outline in the acoustic report and compliance with consent conditions if the application is approved.</p> | i) Yes |
| | ii) Orient extensions to minimise overlooking, overshadowing and to | ii) The proposed development is | ii) Yes |

| DCP Clause | Controls | Proposal | Compliance |
|------------|---|--|--|
| | <p>preserve the acoustic amenity of adjoining properties.</p> <p>iii) Locate outdoor and indoor play areas, balconies and terraces and operable windows to minimise the direct line of sight to and from neighbouring properties.</p> <p>iv) Locate pedestrian access and ramps away from neighbouring residential properties where practical.</p> <p>v) Maximise the use of fencing, landscape buffers and window coverings to protect visual privacy and acoustic amenity for the centre and neighbouring properties.</p> | <p>considered to have been orientated to minimise overlooking and to ensure acoustic amenity of the adjoining properties is protected.</p> <p>iii) The proposal has largely been designed to minimise direct lines of sight into the neighbouring dwellings by locating outdoor play areas to the northern elevation and appropriately screening outlook from children with window treatments to the south and building separation.</p> <p>iv) Pedestrian access ways and ramps are generally offset from neighbouring dwellings.</p> <p>v) As above, no significant visual or acoustic privacy impacts identified to neighbouring properties.</p> | <p>iii) Yes</p> <p>iv) Yes</p> <p>v) Yes</p> |
| 4.2 | Safety and Security | | |
| | <p>i) Entry to the child care centre is to be limited to one secure point which is to be:</p> <ul style="list-style-type: none"> ▪ Appropriately located to allow ease of access. ▪ Well-lit and adequately sign posted. ▪ Located away from areas used for vehicle access. ▪ Located away from outdoor space used by children. ▪ Monitored through natural or camera surveillance. ▪ Limited to authorised persons only through the provision of an electronic security system such as swipe cards. <p>ii) Where a child care centre is located within a building that also accommodates other uses, a separate and clearly marked</p> | <p>Secure pedestrian entrance provided through Block B administration area to Bunnerong Road and Norfolk Lane carpark.</p> <p>Internal and outdoor play areas are secured on Level 3 from the internal building access core.</p> <p>Signage provided to differentiate access points for childcare and</p> | <p>Yes</p> <p>Yes</p> |

| DCP Clause | Controls | Proposal | Compliance |
|------------|--|---|---|
| | <p>entrance for the child care centre must be provided.</p> <p>iii) Incorporate windows on the front façade where possible to enable casual surveillance.</p> <p>iv) Where a proposed child care centre has a direct street frontage or vehicular access onto a classified road, identify additional safety measures (e.g. secure fencing, landscaping or other measures to prevent unaccompanied children from exiting the centre).</p> | <p>school.</p> <p>The windows associated with the development are designed to ensure casual surveillance.</p> <p>The play areas are elevated above the road reserve and shielded by operable glazing to mitigate amenity impacts from the adjoining classified road.</p> <p>The proposal was not accompanied by a management plan, however this requirement can be satisfied via a consent condition if the application is approved.</p> | <p>Yes</p> <p>Yes, subject to condition.</p> |
| 4.3 | Play Areas | | |
| | <p>i) Outdoor and indoor play areas must be clearly identified and dimensioned on the submitted DA plans.</p> <p>ii) Locate outdoor and indoor play areas to the north or north eastern portion of the site where practical.</p> <p>iii) Locate outdoor play areas away from the main entrance, car parking areas or vehicular circulation areas.</p> <p>iv) Provide adequate separation between outdoor play areas and habitable rooms of adjoining residential properties.</p> | <p>i) Outdoor and indoor play areas are dimensioned and clearly identifiable on the plans.</p> <p>ii) The proposed play areas are located to the northern elevation of Block B. Appropriate shading is provided over outdoor play areas with shading louvres provided at the north western corner of the terrace.</p> <p>iii) The outdoor play areas are located away from the main circulation, car parking or vehicular circulation areas.</p> <p>iv) The play areas are located to the northern elevation to provide a noise buffer with residential properties to the south. Operable</p> | <p>i) Yes</p> <p>ii) Yes</p> <p>iii) Yes</p> <p>iv) Yes</p> |

| DCP Clause | Controls | | | Proposal | Compliance | | | | | |
|----------------------|---|---|---------------|---|--|---------------|---|--|--|------------|
| | <p>v) Design and layout of outdoor play areas should maximise clear sight lines and ensure ease of access to the main indoor play areas.</p> <p>vi) Indoor play areas must have adequate access to sunlight and natural ventilation.</p> <p>vii) Dedicate at least 50% of outdoor play areas for unencumbered activity and use a variety of surfaces (e.g. grass, sand, hard paving, and moulding).</p> <p>viii) Provide physical shading devices that are integrated into the design of the building. The material and colour of shading devices must be considered in relation to the streetscape and adjoining properties.</p> <p>ix) Toilets should be easily accessible from both indoor and outdoor play areas.</p> | | | <p>glazing has also been incorporated along western façade to assist in controlling noise transmission to habitable rooms of adjoining residential properties.</p> <p>v) The outdoor play areas are generally visible from indoor areas for clear sight lines.</p> <p>vi) The indoor play areas have adequate access to sunlight and natural ventilation</p> <p>vii) The simulated outdoor areas are designed as unencumbered areas and contain a mixture of surfaces.</p> <p>viii) Shading is provided having regard to the uses proposed within the outdoor play areas.</p> <p>ix) Toilet facilities are easily accessible, safe and convenient for the children.</p> | <p>v) Yes</p> <p>vi) Yes</p> <p>vii) Yes</p> <p>viii) Yes</p> <p>ix) Yes</p> | | | | | |
| | <table><tr><td>Indoor Space</td><td>0-6 years old</td><td>3.25m2 per licensed child space of unencumbered space</td></tr><tr><td>Outdoor Space</td><td>0-6 years old</td><td>7m2 per licensed child space of useable outdoor space</td></tr></table> | Indoor Space | 0-6 years old | 3.25m2 per licensed child space of unencumbered space | Outdoor Space | 0-6 years old | 7m2 per licensed child space of useable outdoor space | <p>As above, spatial requirements provided for 60 Children in accordance with regulations.</p> | | <p>Yes</p> |
| Indoor Space | 0-6 years old | 3.25m2 per licensed child space of unencumbered space | | | | | | | | |
| Outdoor Space | 0-6 years old | 7m2 per licensed child space of useable outdoor space | | | | | | | | |
| 4.4 | Landscaping | | | | | | | | | |
| | <p>i) Submit a landscape plan with the DA clearly identifying the following elements:</p> <ul style="list-style-type: none">▪ Location of play equipment▪ Location and extent of landscape buffers▪ Proposed planting including a | | | <p>Landscape plans have been provided and reviewed by Council’s Landscaping Officer, who requested additional information including details of selected</p> | <p>No - refer to key issues discussion above.</p> | | | | | |

| DCP Clause | Controls | Proposal | Compliance |
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| | <p>variety of trees and plants to create visual interest and shade for children</p> <ul style="list-style-type: none"> Materials and finishes of outdoor surfaces. <p>ii) Landscape design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style.</p> <p>iii) Landscaping must be designed to minimise the visual impact of the development on the streetscape and neighbouring properties.</p> <p>iv) A landscape buffer of no less than 1 metre must be provided in the front setback where on site car parking and drop off areas are proposed in residential zones.</p> <p>v) A landscape buffer with suitable screening plants should be provided along the side and rear boundaries where practicable.</p> | <p>species and further refinement of the carpark landscape buffer on Bunnerong Road.</p> <p>Proposed landscaping has not provided a supportable streetscape outcome.</p> <p>Landscaping has not been incorporated to minimise the visual impact of the at-grade parking area.</p> <p>Planting details have not been provided within buffer zone.</p> <p>As above.</p> | |
| 5 | TRAFFIC, PARKING AND PEDESTRIAN SAFETY | | |
| | <p>i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to:</p> <ul style="list-style-type: none"> prevailing traffic conditions likely impact of the proposal on existing traffic flows pedestrian and traffic safety Appropriate arrangements for safe and convenient pick up and drop off at the site. <p>ii) A reduction in car parking controls in Part B, section B7 may be considered where:</p> <ul style="list-style-type: none"> The site is located in proximity to high frequency public transport. The site is co-located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks). | <p>A traffic and parking impacts report (including an addendum) has been submitted with the application. Council's Integrated Traffic Management team engineer has made comment and are not in support of the proposed student and childcare expansion.</p> <p>It is noted that the at-grade carpark has accommodated the minimum parking rate of Section B7, however concern has been raised in relation to the design and layout of this area.</p> | <p>No, see key issues section of this report.</p> |

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| | <ul style="list-style-type: none"> There is sufficient on street parking available at appropriate times within proximity of the site. The development is not likely to result in any adverse impact on the safe operation of the surrounding road network. | | |
| An assessment against the matters for consideration required under Part B7 concludes that the proposed development is expected to have a substantial impact on the performance of the local road network and that the proposed traffic generation cannot be accommodated within the surrounding street network. | | | |
| | Vehicle Circulation and Car parking Design | | |
| | <p>i) On-site parking and drive through facilities must not visually dominate or detract from the streetscape character.</p> <p>ii) Car parking areas and set down and pick up points, must be appropriately marked, signposted, and lit to ensure pedestrian safety.</p> <p>iii) The entry and exit of set down and pick up points should preferably be separated.</p> <p>iv) On-site parking and vehicle manoeuvring areas are to be designed so that vehicles can safely enter and exit the site in a forward direction.</p> <p>v) Stack parking may be considered for a maximum of 2 car spaces.</p> <p>vi) Access driveways must not be located opposite or in the vicinity of road intersections.</p> | <p>Proposed screening of at-grade parking area not supported by Design Excellence Panel or Landscaping Specialist.</p> <p>Line marking and signage provided with parking area. Lighting can be conditioned for compliance.</p> <p>Separate left in / left out vehicular access provided to ensure vehicles enter and egress in a forward direction.</p> <p>NA</p> | <p>i) No</p> <p>ii) Yes, subject to condition.</p> <p>iii) & iv) Yes</p> <p>NA</p> |
| | Pedestrian Access Design | | |
| | <p>i) Pedestrian access must be separated from vehicular access with clearly defined paths, signage and fencing.</p> <p>ii) Appropriate site distances and traffic calming measures may be required to ensure pedestrian safety.</p> <p>iii) Pedestrian pathways are to be a minimum width of 1.2 metres to allow for easy circulation throughout the site.</p> | <p>i) Separate pathway provided for pedestrian access on Norfolk Lane and Bunnerong Road.</p> <p>ii) Appropriate sight splays have not been incorporated to maintain pedestrian safety.</p> <p>iii) Internal access paths exceed minimum width requirements.</p> | <p>i) Yes</p> <p>ii) No</p> <p>iii) Yes</p> |

| DCP Clause | Controls | Proposal | Compliance |
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| 6 | Hours of Operation | | |
| | i) DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with upper level uses. | The proposed childcare centre will operate 7:00am to 6:00pm Monday to Friday and will be closed on weekends and public holidays. These hours are considered acceptable in the context of the E2 Commercial Centre zone and the proximity of adjoining residential properties at 513 Bunnerong Road to the south of the site, subject to compliance with acoustic conditions should the application be supported. | Yes |
| 7 | Fences | | |
| | <p>i) Fencing is to be of a height and design suitable to contain noise generated by children's activities and compatible with the building and fencing materials used in the vicinity.</p> <p>ii) Child proof fencing and self-closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.</p> <p>iii) Fencing must not obstruct sight lines between pedestrians and vehicles.</p> | <p>i) Play space located on Level 3 and orientated away from adjoining properties. Closest southern portion of play area also treated with operable glazing and louvres to manage internal amenity and noise transfer to residences at No. 513 Bunnerong Road. Acoustic impacts were reviewed by Council's Environmental Health Officer and supported subject to recommended consent conditions.</p> <p>ii) & iii) The proposed level 3 terrace has been secured with glazing and wire mesh screening. A secure entrance is also provided to the Block B administration area and the Block A can be conditioned with a secure gate to prevent unsupervised access.</p> | <p>i) Yes</p> <p>ii) & iii) Yes, subject to condition.</p> |

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| | | Given the location of the facility on level 3, there are no conflicts between pedestrians and vehicles. | |