

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-336
DA Number	LDA2022/0267
LGA	City of Ryde
Proposed Development	Multi Sports Facility
Street Address	22 Winbourne Street, West Ryde
Applicant & Owner	Department of Education
Date of DA lodgement	25 August 2022
Total number of Submissions Number of Unique Objections	First notification: 41 submissions. Second notification: 60 submissions (comprising 54 unique submissions).
Recommendation	Approval
Regionally Significant Development (Schedule 6 of the SEPP (Planning Systems) 2021)	Crown Development over \$5 Million. Capital Investment Value: \$27,420,416 excluding GST
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • Ryde Section 7.11 Development Contributions Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Proposed Plans • Attachment 2: Proposed Civil Plans • Attachment 3: Proposed Landscape & Lighting Plans • Attachment 4: Operational Management Plan • Attachment 5: Draft Conditions of Consent
Clause 4.6 requests	<ul style="list-style-type: none"> • N/A
Summary of key submissions	<ul style="list-style-type: none"> • Increased traffic congestion • Narrow surrounding streets and access for residents and buses • Lack of parking (on-site and street) • Increase in noise levels and the effectiveness of acoustic screens • Safety and social impacts • Environmental impacts on flora and fauna • Suitability of the site and intensity of the use • Removal of trees • Flooding impacts • Visual privacy and amenity

	<ul style="list-style-type: none"> • Hours of operation • The facility should be available for use by the whole community. 	
Report prepared by	Holly Charalambous, Senior Coordinator Development Assessment	
Report date	29 November 2023	
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment report?		Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?		Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?		Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?		Not applicable
Conditions Have draft conditions been provided to the applicant for comment?		Yes

1. **EXECUTIVE SUMMARY**

This assessment report considers a development application for the construction and operation of a multi sports facility at No. 22 Winbourne Street, West Ryde. The proposal comprising a 2 storey indoor sports facility with 4 indoor sports courts, 29 outdoor netball courts, on-site car parking, lighting, footpaths, tree removal, landscaping, signage, stormwater drainage, public domain works and environmental protection measures.

The site was previously used as a school and was recently rezoned from SP2 Infrastructure (Educational Establishment) to Part RE1 Public Recreation and Part E2 Environmental Conservation.

Community notification and advertisement

The DA was notified and advertised in accordance with Part 2.1 of *Ryde Community Participation Plan*. As lodged 41 submissions were received. As amended, 60 submissions were received. The key issues in the submissions relate to:

- Increased traffic congestion
- Narrow surrounding streets and access for residents and buses
- Lack of parking (on-site and street)
- Increase in noise levels and the effectiveness of the acoustic screens
- Safety and social impacts
- Environmental impacts on flora and fauna
- Suitability of the site and intensity of the use
- Removal of trees
- Flooding impacts
- Visual privacy and amenity
- Hours of operation
- The facility should be available for use by the whole community.

The applicant has addressed each of the issues raised and are considered in the assessment of the DA. The issues are not considered to warrant the refusal of this application, subject to conditions of consent to assist with ameliorating potential amenity impacts. Detailed discussion of the submissions is provided later in this report.

Section 4.15 Assessment summary

The proposal for a Multi Sports Facility which primarily provides for Netball training and games with indoor and outdoor facilities is a unique development. The proposal satisfies the planning requirements of the relevant environmental planning instruments including the Ryde Local Environmental Plan (RLEP) 2014 and Ryde Development Control Plan 2014.

The application has demonstrated that the site is of minimal contamination risk and that no further information is required to satisfy clause 4.6 of State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.

Environmental constraints that affect parts of the site include overland flow, probable maximum flood level, sloping topography, high value biodiversity vegetation, trees, existing Council infrastructure and drainage easement, and surrounding residences.

The proposal is supported by a Vegetation Management Plan which ensures the appropriate management of the Blue Gum High Forest to be overseen by a suitably qualified Ecologist in the part of the site zoned C2 Environmental Conservation.

The site is well serviced by existing footpaths, and access will be improved by the addition of a pedestrian crossing over Brush Road and the extension of the shared user path along Winbourne Avenue (connecting Victoria Road to Hermoyne Street). These public domain works directly improve accessibility for the site and immediate vicinity.

Therefore, the site is considered suitable for this non-residential community use given the environmental constraints are satisfactorily mitigated.

Transport for NSW and the NSW Local Police have provided their support for the proposal.

This Assessment report includes detailed consideration of the likely impacts of the proposed development (with particular regard to the Submissions and Referrals sections of this report). Further consideration of the likely impacts of the development includes these key issues:

- Secondary vehicular access point via Brush Road
- Acoustic impacts during operation
- Intensity of use
- Adequacy of the Operational Management Plan
- Potential community and social impacts
- Impact of the building and landscaping as viewed from adjoining sites
- Movements and access of construction vehicles.

Each of these key issues have been addressed in the report and can be supported on their merits.

After consideration of the development against section 4.15 of the EP&A Act 1979 and the relevant statutory and policy provisions, the site is considered to be suitable for the development. The development offers a built form which appropriately responds to the natural and built environmental assets and constraints of the site.

The applicant has demonstrated that the design and operation of the facility has been carefully considered to be sensitive to the surrounding residential context. The applicant has confirmed operation of the facility will adhere to the mitigation measures detailed in the DA documentation. The overall assessment provided in this report establishes that the continued use of the site provides a community and social benefit which improves the current condition of the site and offers an outcome which services the needs of the community. In this regard, the proposal is not contrary to the public interest.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits.

This report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 5**. These conditions have been reviewed and agreed to by the applicant. The applicant subsequently advised they do not accept items in Condition 52 relating to the cost of some public domain works. Detailed consideration is provided at Section 13.10 *Referrals (Public Domain)* below.

2. APPLICATION DETAILS

Applicant & Owner: Department of Education

Capital Investment Value: \$27,420,416 excluding GST

Disclosures: No disclosures with respect to the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008* have been made by any persons.

3. SITE DESCRIPTION

The site is known as 22 Winbourne Street, West Ryde and previously accommodated Marsden High School (in April 2022 the school ceased operation at this site). The site has an area of 5.47 hectares and is legally described as Lot 1 in DP 1274125.

The site is now vacant as shown in **Figures 1 to 4** below. However, the school buildings were previously located on the north-west of the site with existing high value biodiversity vegetation in the north-east corner of the site as shown in **Figures 5 and 6**. The remainder of the site comprised an open play area and scattered trees. Vehicle and pedestrian access points are provided via Winbourne Street and Brush Road.

The site is located approximately 1.9km west from West Ryde Town Centre and 2.3km north-west from Meadowbank.

Ermington Public School adjoins the site to the south and is zoned SP2 (Educational Establishment). The surrounding sites to the north, east, south-west corner and the west are zoned R2 Low Density Residential and comprise a mix of single and two storey dwellings. Maze Park is located to the south-east of the site and is zoned RE1 Public Recreation zone.

There are 2 locally heritage listed items within the vicinity of the site, being Maze Park on Brush Road and the Former School residence and 1887 Ermington School building. The subject site is not affected by any heritage listing or potential items.



Figure 1: Aerial view of the site and surrounds as 1 May 2023. The site is outlined in orange.



Figure 2: Aerial view of the site and immediate surrounds as at 1 May 2023.

Photos of the site as viewed from Winbourne Street:



Photo of the site (right) looking north along Winbourne Street.



Photo of the site (left) and existing bus turning bay looking south along Winbourne Street.

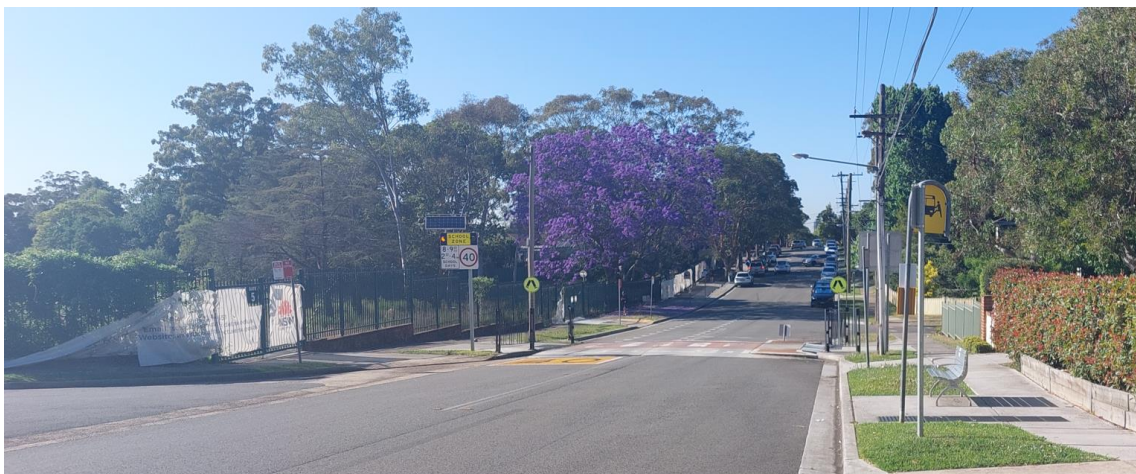


Photo of the site (left) and existing pedestrian crossing and bus stop looking south along Winbourne Street. Ermington Public School is beyond (centre).



Photos taken from the south-west corner of the site showing the internal conditions of the site.

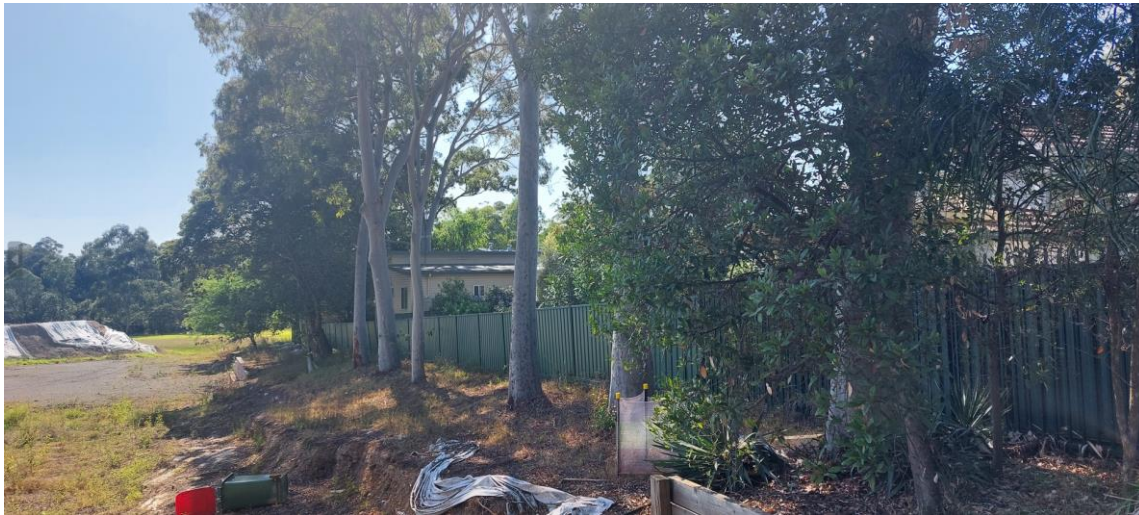


Photo showing the southern boundary of the site. The dwellings at Nos. 18 & 20 Winbourne Street are shown over the boundary fence (right).



Photo taken from the southern end of Winbourne Street showing the existing footpath (right) proposed to be extended as a shared user path.



Photo taken from the Brush Road / Marsden Road intersection looking south towards Victoria Road. The existing shared use path is shown left. The existing line markings show egress from Winbourne Street is limited to 1 lane turning left and 1 lane turning right. There is no “Keep Clear” marking at the intersection. Vehicles turning right from Marsden Road block through traffic when waiting for a clear space across 3 lanes of traffic.

Figure 3: Photos of the existing site and surrounds as viewed from Winbourne Street.

Photos of the site as viewed from Brush Road:



Photo of the site (right) looking south along Brush Road. Tramway Street is shown left.



Photo of the site (left) looking north along Brush Road. The existing high value biodiversity vegetation in the north-east corner of the site (centre).



Photo of the site (top left) looking north, the rear entrance to Ermington Public School (left) and existing pedestrian crossing to Archer Creek Reserve (right).



Photo taken from the existing service driveway off Brush Road showing the internal condition of the site. Ermington Public School is beyond.

Figure 4: Photos of the existing site and surrounds as viewed from Brush Road.

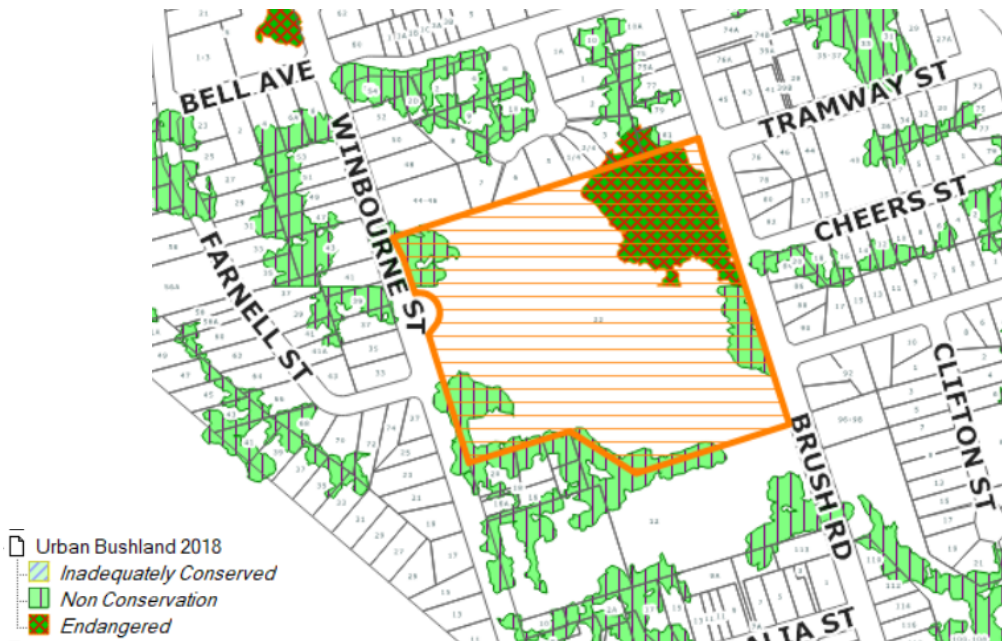


Figure 5: Extract from Council's Ryde Maps showing the existing high value biodiversity vegetation in the north-east corner of the site.

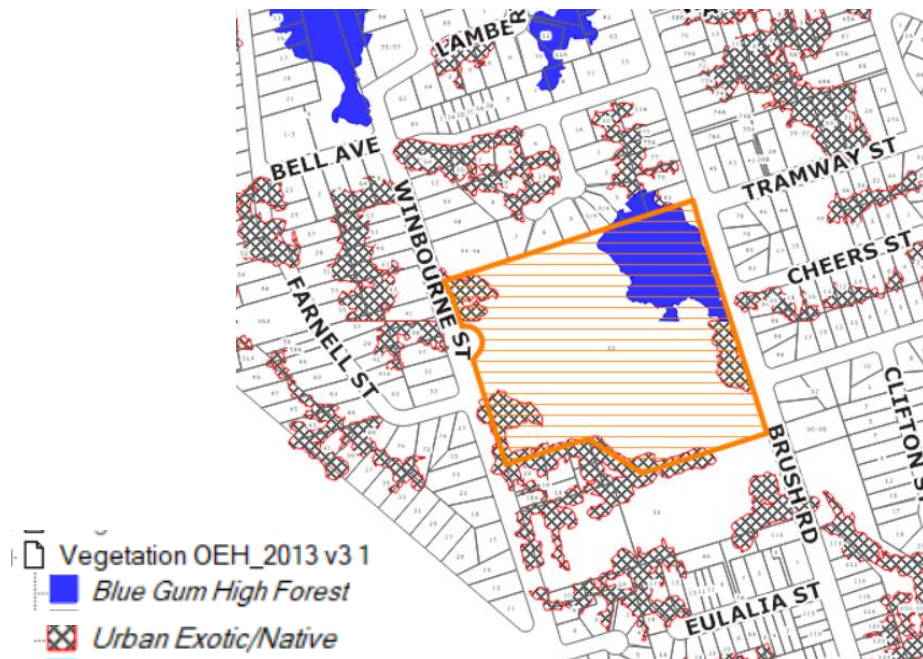


Figure 6: Extract from Council's Ryde Maps showing the existing high value biodiversity vegetation in the north-east corner of the site.

The site slopes up to 13.5m from the north-western corner to the south-eastern corner of the site. The site experiences overland flow below which is currently managed by inground drainage pipes; a 900mm pipe from Winbourne Street towards Brush Road and a 1,500mm pipe from the inlet headwall located at the north-east portion of the site which travels to the south towards Brush Road. The stormwater traverses the site and is then piped to the south-eastern corner of the site under Brush Road, at which point it becomes an open watercourse known as Archer Creek as shown in **Figure 7**.



Figure 7: Extract from the Flood Impact Statement prepared by Quantum Engineers showing the overland flow ‘Contributing’ Catchment Plan from the localised upstream catchment.

The local roads in the immediate vicinity of the site are afforded parking restrictions while reflect the educational uses (former high school on the subject site, Ermington Public School to the south, and child care centres on Winbourne Street). The parking restrictions are related to the peak drop-off and pick-up times, as well as dedicating space for bus stops and bus circulation as shown in **Figure 8**. The existing bus bay is relied upon by drivers for ‘U-turns’ to facilitate drop-offs and pick-ups. There are no parking restrictions in place on weekends.



Figure 8: Aerial photo of the locality marked up to show the existing signage for parking restrictions, bus stops, pedestrian crossings and the shared user path along Marsden Road to the south of the site.

4. THE PROPOSAL (as amended)

In response to the comments from the Urban Design Panel and Council officers, and issues raised in public submissions (detailed below), amended plans were submitted in May 2023 and are provided at **Attachments 1-3**.

As amended, the proposal is for a 2 storey indoor sports facility with 4 indoor sports courts and associated amenities, gym, office, kiosk, storage spaces and first aid room.

29 outdoor netball courts, car parking accessible from Winbourne Street, bike parking facilities, lighting, footpaths, tree removal, landscaping, signage, stormwater drainage, public domain works and environmental protection measures. Infrastructure services are to be extended / augmented as required (such as water, sewer, electricity and telecommunications).

293 on-site car parking spaces are provided at-grade and under the indoor facility. Parking is available for 4 motorbikes and bicycles.

The proposal seeks to remove 73 trees within the site. In culmination with trees already removed to enable the demolition of structures on the site, this will result in the removal of a total of 103 trees (including some groups of trees). 102 existing trees are to be retained. This proposal seeks to provide 298 replacement trees; which achieves replacement of removed trees at a ratio of 2.8:1.

The DA is accompanied by a Vegetation Management Plan to address the long term integrity of the High Value Biodiversity Area. Hard and soft landscaping is provided throughout the remainder of the site to enable persons to traverse the site and utilise the outdoor spaces. Universal connectivity is provided to assist wheelchair users to traverse the site.

The overall proposed hours of operation on the site are 5:30am to 11pm daily. The extended hours include the use of the indoor gym and for evening sports games. The site will also be used for sports camps, holiday programs and 1-2 tournaments per year.

The regular peak usage times are anticipated to be 5-6pm weekdays with 20 of the courts to be occupied and 461 peak hour vehicle trips; and 12-1pm Saturdays with 18 of the courts to be occupied and 415 peak hour vehicle trips.

The netball season is held from March to September (competitions start in April) with training generally held Monday to Thursday until 8pm on the outdoor courts; and competitions held on Saturday until 6pm. Usage of courts on Friday will be considerably lower. Summer competitions may take place from October to March on Tuesday and Wednesday. Netball games are scheduled at 90 minute intervals, which allows a changeover period between games.

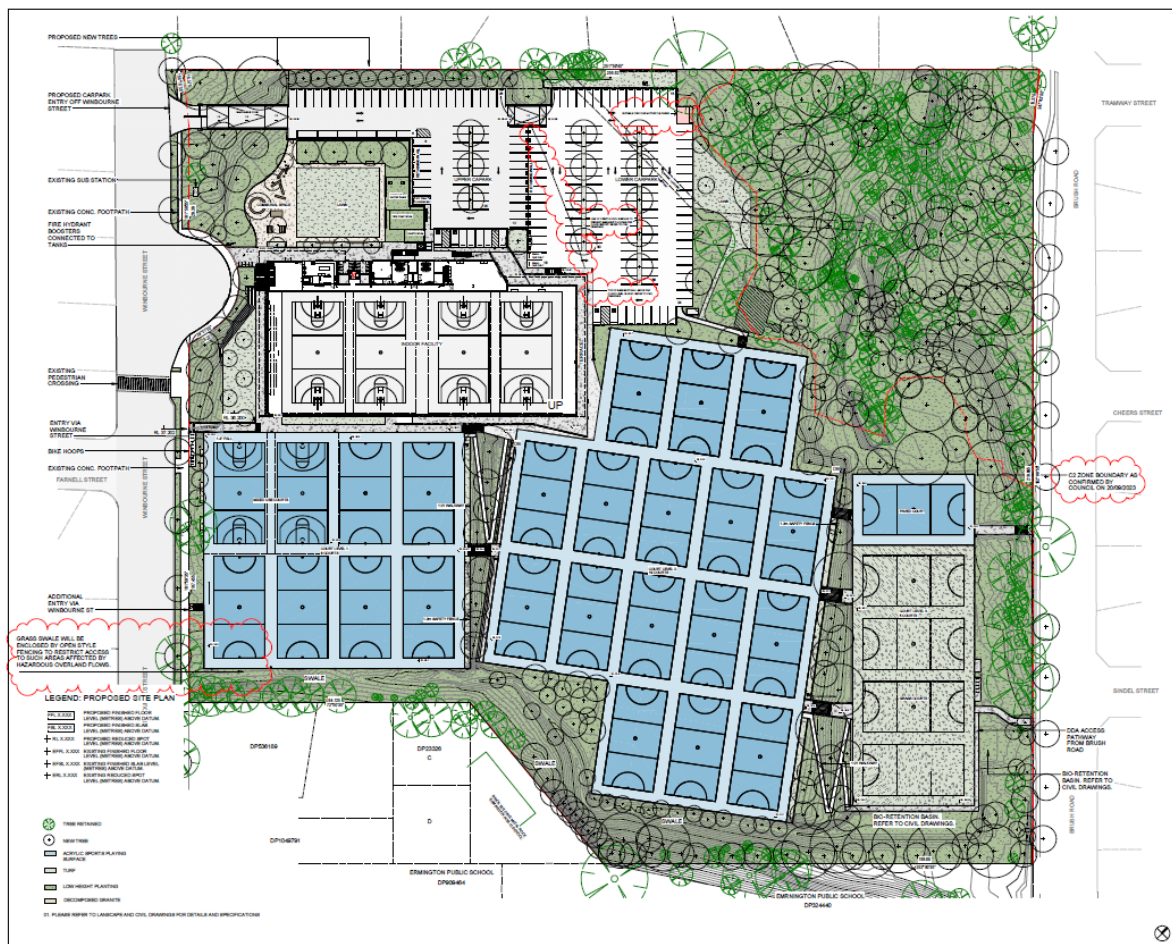


Figure 9: Proposed Site Plan.



Figure 10: Photomontages of the proposed Indoor Facility and overall proposed development. (The upper courts are deleted and now 'communal space' areas as notated).



Figure 11: Indicative image of the interior design concept of the indoor court.

Design

The proposal is designed to address Winbourne Street; with the single vehicular access at the northern end of the site and the main entry to the indoor facility near the bus turning bay. The architect states that:

*“The architecture is designed to have a strong street presence. The building is in two distinctly legibly volumes: the low, long amenities volume, and the larger sports courts volume. The architectural expression of the amenities is a strong horizontal form clad in a regular, geometric and warm compressed fibrous cement sheet. The sports courts volume has a glazed perimeter at low level with a large cut revealing vistas to the lower eastern courts. This is intended to give the impression of a canopy and pull landscape views into the building (see **Figure 11** above). Users approach the building from the carpark and descend either into the playing space, or down to an external planted plaza. This movement follows the prevailing falls of the site, and is intended to be a natural, flowing experience. The material palette is restrained, with warm tones, white structure and soft polycarbonate.”*

The design seeks to achieve ecologically sustainable design by targeting a Green Star 5 star equivalency rating. The indoor court space is naturally ventilated and supported by destratification fans and office spaces, the group room, physiotherapy, and gymnasium are conditioned from an efficient central plant. A rainwater harvesting and re-use system services toilet flushing and site watering. Rooftop solar, efficient and low carbon building plant is also proposed. Construction practices will include support of sustainable transport and life cycle assessment of building materials and sustainable building management processes and policies.

The existing kiosk substation is capable of servicing the electrical needs of the development. Security camera coverage is provided to the building entry and carpark.

The majority of the outdoor courts (24/29) on the upper and central terrace are orientated to the north (or 15 degrees off north which aligns with Netball Australia’s ‘best common orientation’) to reduce the glare on players. All courts are separated by ‘runoff zones,’ and pathways to allow for safety of players, movement of visitors and umpires, and spectator zones.

The proposal provides a balance of cut and fill across the site to allow for benchmarking components of the upper and lower car parking areas, indoor facility,

upper, mid and lower outdoor courts. The layout of the facility generally follows the existing slope of the land and acts to provide adequate structure, treatment and detention to preserve the existing overland flow paths across the site.

Signage

The proposal is accompanied by a Signage and Graphics Schematic Design report prepared by Cox Architecture which details proposed external and internal business identification signage and way finding signage. Signage visible from the public domain includes:

- An entry totem sign at the building entry fronting Winbourne Street reading 'West Ryde Multi Sports Facility.'
- A wall sign on the western building elevation fronting Winbourne Street reading 'West Ryde.'
- An illuminated totem sign at the car park entry.
- An illuminated totem sign at the drop off area.
- Backlit outdoor court identification totem signs.
- External directional / directory map pylon.
- Wall directional signage.
- External courts environmental graphic.



Figure 12: Example of the proposed entry sign at the vehicular entry via Winbourne Street.



Figure 13: Example of a proposed Entry Totem ID sign a total height of 4.5m including the feature 'hoops.' The signage specifies the direction of groups of courts and a site directory. Business identification signage 'West Ryde' is shown on the façade fronting Winbourne Street.

Waste collection

Waste will be collected weekly by a private contractor. 25 x 240L bins are required for recycling and 25 x 240L bins for general waste. A waste storage area with an area of 44m² is located in the basement carpark. Bins will be located throughout the development and transferred on a daily basis to the 240L bins in the waste storage area. Waste collection will occur on site during off-peak usage periods. Manoeuvring areas are provided adjacent to the waste storage to allow the collection vehicle to enter and leave the site in a forward direction.

Public Domain Improvements

Public domain improvements include a 2.5m wide shared user footpath on the eastern side of Winbourne Street between Hermoyne and Eulalia Streets.

Public domain improvements also include a raised pedestrian crossing and associated 'No Stopping' signs to Brush Road to link to the existing pedestrian pathways. This crossing will assist with providing pedestrian crossing to and from the site as shown in **Figure 14**.

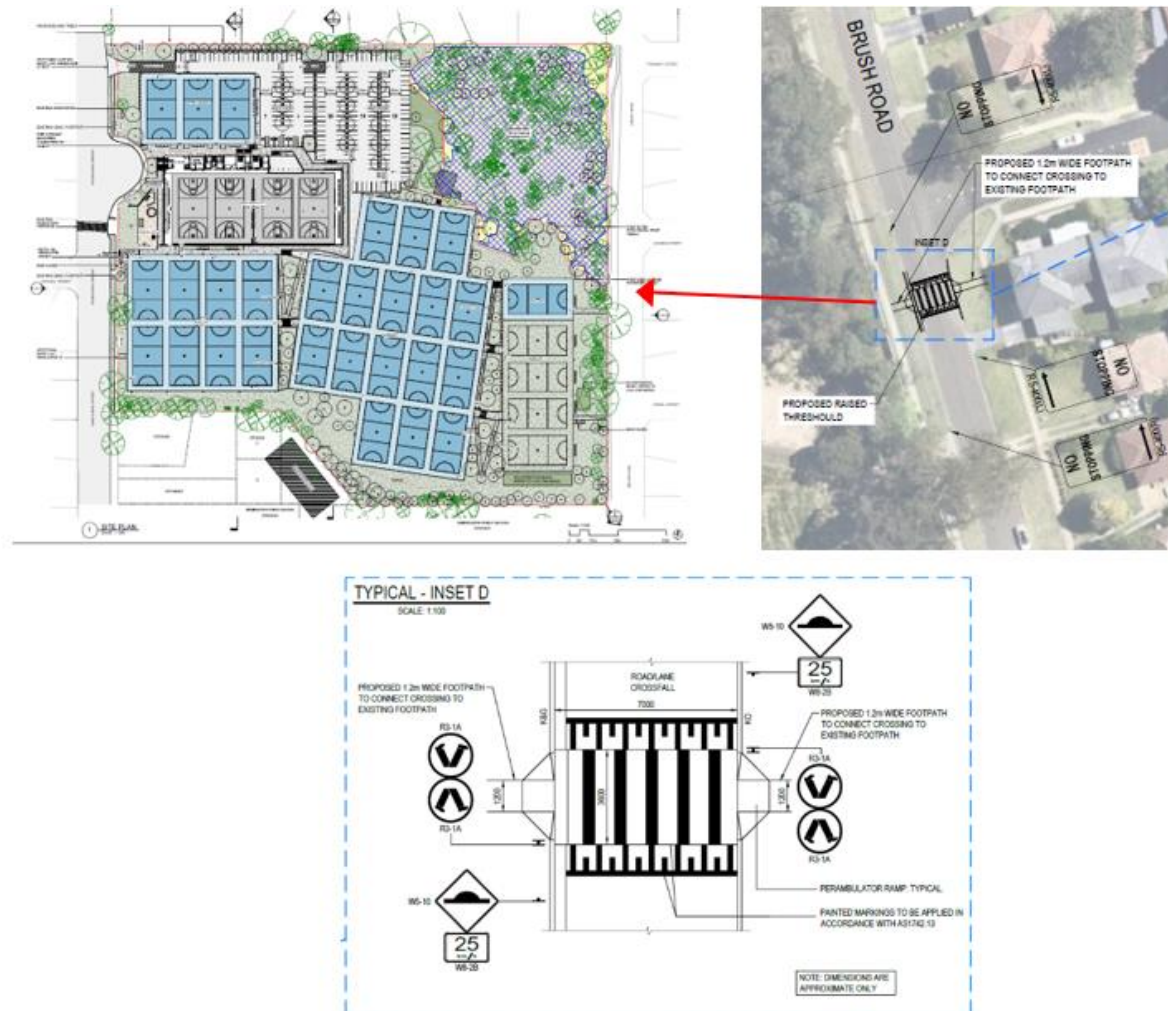


Figure 14: Extract from the Civil and Public Domain Plan showing the location of the proposed raised pedestrian crossing to Brush Road to link to the existing pathways.

Flood Mitigation Measures

The proposal is accompanied by a Flood Impact Statement prepared by Quantum Engineers and includes hydraulic modelling to simulate flood behaviour from the local upstream catchment and assessed flood water depth, flood levels, flood hazard and velocities as a result of the proposed development.

This assessment concludes that the on-site flood storage is increased as a result of this development and there will be no significant impact on any upstream and downstream private property. (It is noted that the north-eastern portion of the site zoned E2 Environmental Conservation which contains an existing creek line and inground drainage pipes is to remain and be protected). The following recommendations are provided (and shown in **Figure 15** below):

- The crest of the driveway to the basement and adjacent basement car park area retaining wall are to have a minimum level (RL33.62).
- The area along the northern boundary to be cut by 500mm is to be fenced off to prevent the public from entering this area for safety.
- Flood Warning System and Flood Warning Signage to be installed in an appropriate location to inform occupants of the danger of flooding.
- The grass swale along the southern boundary which is designed to collect and direct significant overland flow runoff is to be fenced off to restrict access for safety.
- Any boundary fence/wall over the estimated flood extent must be open to allow unimpeded passage of overland floodwater.
- The acoustic wall constructed within the overland flow path near the northern boundary must be clear to a height of 500mm from the finished ground profile and open fencing to facilitate overland flow passage.
- All proposed Netball Courts are in Low Flood Risk Precinct except for the
- A retaining wall 600mm in height is to be provided at the south-eastern corner of the site to offset the impact from flow variation.

The proposal is supported by a Flood Evacuation Strategy. In the event of a flood event, an audible and visual warning alarm system will activate in the event that floodwaters reach 50% capacity of the existing inground pipe system under the lower terrace courts. Persons will be directed to evacuate the lower courts area to higher ground (to the middle or high courts safe refuge areas).

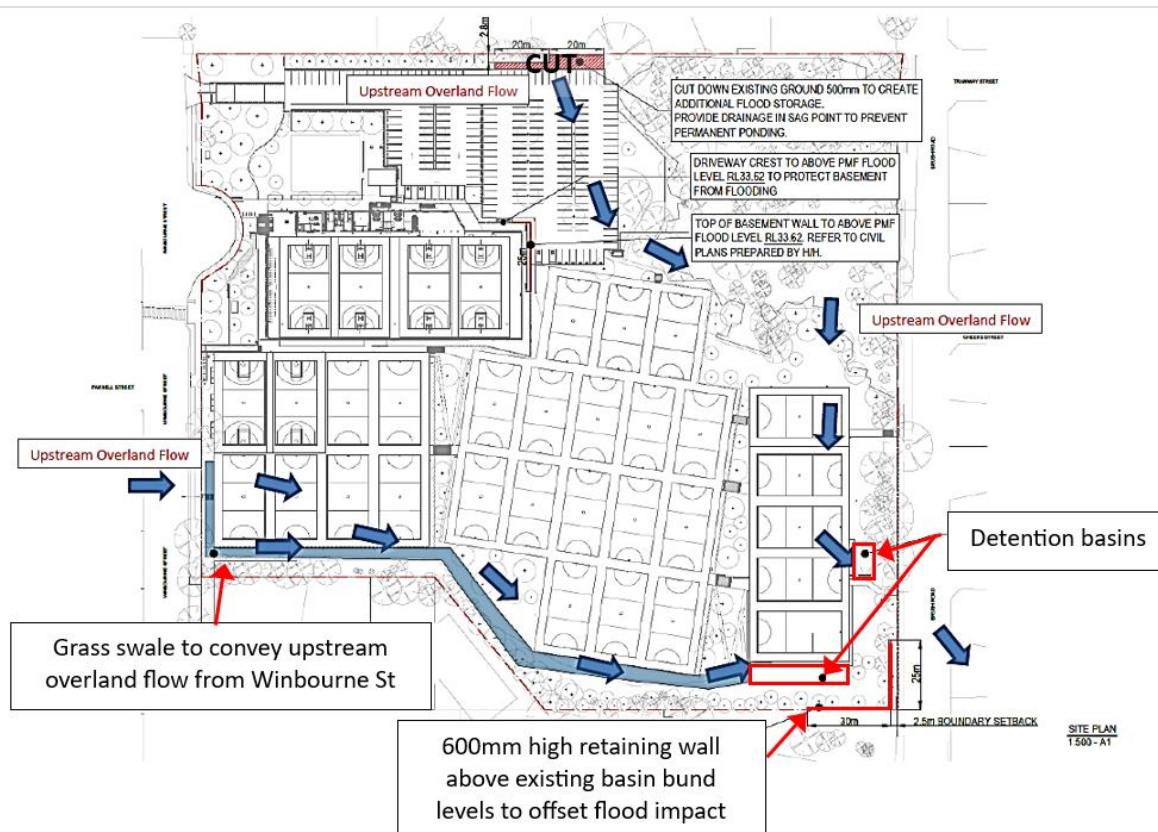


Figure 15: Extract from the Flood Impact Statement showing the proposed flood mitigation measures.

5. HISTORY OF SITE

4 June 2021	<p>Planning Proposal LEP2021/1 was submitted to Council to rezone the site as Part RE1 Public Recreation and Part E2 Environmental Conservation.</p> <p>The initial assessment undertaken by Council's Strategic Planning section raised concerns regarding traffic, parking and flood affectation.</p>
July 2021 to March 2022	<p>The applicant submitted amended plans and information for LEP2021/1 in response to concerns raised by Council's Strategic Planning section including a revised Planning Proposal and an additional Traffic Impact Assessment.</p> <p>The amended planning proposal addressed the location of the E2 Environmental Conservation zone boundary and demonstrated that any potential flooding impacts on adjoining properties are manageable. Similarly, any operational impacts that the intended netball facility use may have on surrounding properties, such as traffic and parking impacts, noise, lighting spill and stormwater overland flow, are capable of being managed through the Development Application process, subject to the Department of Education supporting the imposition of development consent conditions by Council.</p> <p>A report was presented to the Ryde Local Planning Panel on 9 June 2022 recommending that the planning proposal be submitted to the NSW Department of Planning and Environment (DPE) for Gateway Determination under section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>. The recommendations of the Panel (to prepare a site specific Development Control Plan that identifies the important elements of the site) were considered by Council's Strategic Planning section during the Planning Proposal process. The application was subsequently reported to Council at its meeting on 28 June 2022.</p> <p>Council resolved to forward the Planning Proposal to the DPE for Gateway Determination and provided direction for Council staff to investigate the possibility of the continued use of the current access to Brush Road to alleviate traffic impacts on Winbourne Street as part of the current assessment in train on the development application for the netball facility (which is provided in Section 9.1 of this Assessment report).</p>
April 2022	<p>Marsden High School ceased operating on the subject site and was relocated to the Meadowbank Education and Employment Precinct.</p>
4 May 2022	<p>Complying Development Certificate No. 21181CDC01 issued by Metro Building Consultancy on behalf of the Department of Education for the demolition of existing buildings on site and ancillary structures including signage, outdoor play equipment, tables and goal posts, covered outdoor learning areas, shade sails, storage sheds and containers.</p>
21 July 2022	<p>LDA2022/0013 was approved by the Ryde Local Planning Panel for the demolition of structures and associated hardstand areas and removal of trees. The works under this DA are completed and the site is vacant.</p>
22 November 2022	<p>Council meeting held regarding Planning Proposal LEP2021/1. Council resolved that Planning Proposal LEP2021/1 to rezone the site from SP2 (Educational Establishment) to Part RE1 Public Recreation and Part C2 Environmental Conservation be submitted to the Department of Planning and Environment requesting that the plan be made, as shown in Figure 2 below. The land uses permitted in the RE1 Public Recreation zoning included Recreation facilities (indoor) and Recreation facilities (outdoor). The north-eastern part of the site sought to be re-zoned to C2 Environmental Conservation comprises a high value biodiversity area which is to be retained and protected.</p>

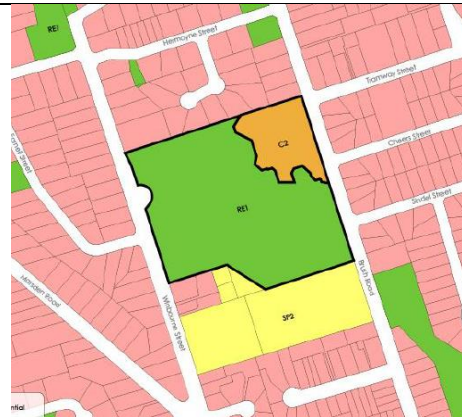
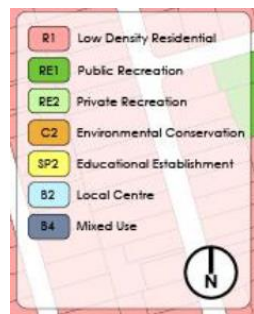


Figure 16: Proposed zone map.

The Council resolution also comprised the following resolutions relevant to this DA:

- (c) That staff be requested to investigate the possibility of the continued use of the current access to Brush Road to alleviate traffic impacts on Winbourne Street as part of the current assessment in train on the development application for the netball facility.
- (d) That Councillors are updated of the progress of the development application (key milestones and the submission of any additional information) via CIB including when the application is due to be considered by the Sydney North Planning Panel.
- (e) That Council express its appreciation to residents that made submissions about the local impact of this proposal on the traffic flow, access to the site, noise impacts, and other impacts on the neighbourhood from this proposal.
- (f) That Council continue to keep the community informed of this development application proposal at future gateway stages in the application process.

With regard to Point (c), the assessment of this DA addresses the opportunity for vehicular access via the existing Brush Road driveway, which is discussed in detail in Section 9 *Likely Impacts* below.

17 February 2023	Ryde Local Environmental Plan 2014 was amended to rezoning of the site from SP2 (Educational Establishment) to Part RE1 Public Recreation and Part C2 Environmental Conservation.
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6. **HISTORY OF SUBJECT APPLICATION & RESOLUTION OF KEY ISSUES**

25 August 2022	DA Lodged.
7 to 30 September 2022	DA advertised and notified to the surrounding property owners and occupants. Notification extended to match properties notified during the Planning Proposal process until 31 October 2022.
12 October 2022	Applicant provided with a summary of the issues raised by submitters objecting to the proposal.
30 November 2022	Briefing meeting held with the Sydney North Planning Panel. Key issues raised included issues raised in public submissions, drainage and flooding, mitigation measures to address traffic and access, landscaping to take into account views from adjoining sites and operation of the facility, ecology and

	the Vegetation Management Plan, and lighting mitigation measures. External experts engaged to provide independent advice on traffic, acoustic and lighting impacts. Intensification of use to be considered in the assessment report. These matters are considered throughout this report.
5 December 2022	<p>Letter sent to the applicant requesting additional information regarding:</p> <ol style="list-style-type: none"> 1. Resolution (c) raised by Council at their meeting of 22 November 2022: <ul style="list-style-type: none"> “(c) That staff be requested to investigate the possibility of the continued use of the current access to Brush Road to alleviate traffic impacts on Winbourne Street as part of the current assessment in train on the development application for the netball facility.” - The applicant is required to submit a statement/report and SIDRA modelling prepared by a suitably qualified traffic consultant which considers the use of a driveway access point off Brush Road to assist with mitigating traffic and access impacts to the site, as well as potential amenity impacts to the surrounding properties in the vicinity of Winbourne Street and Brush Road. - This statement is also to take into consideration the requirements raised by Council's Traffic and Development Engineer in respect to appropriate mitigation measures. In summary, this includes measures to assist with future safety and efficiency of vehicle turning movements out of Winbourne Street on to Marsden Road; the relocation of the pedestrian crossing on Brush Road to minimise the loss of parking; and the continuation of the shared user path along the eastern side of Winbourne Street (which does not end/reduce in width at the southern part of Winbourne Street). 2. Clarification of the location of waste collection by a private contractor. 3. Revision of the location of lighting structures clear of the turning bay and bioretention basin. 4. Consideration of lighting impacts on the part of the site zoned C2, including in the Vegetation Management Plan. 5. Clarification of the levels and treatments to the adjoining residential properties. 6. Parking Demand: The presented parking demand analysis is not considered appropriate. The figure is based on an analysis of other facilities, averaging the parking capacity for those areas and so it does not present an accurate portrayal of actual parking demand. An analysis undertaken on first principals utilising travel mode ratios and such, indicates that a potential parking demand of 365 parking spaces would be more realistic. Further validation of this is required. 7. Vehicle Access: It is envisaged that the parking area will experience very concentrated traffic movements during the transition of games on courts as well as the start and finish of events. The 5.8m wide single driveway is inadequate to accommodate such level of traffic movements, resulting in congestion of Winbourne Street, as well as the internal parking area. AS 2890.1 (Offstreet Parking) Table 3.2 requires: a 6m wide vehicle entry; a 4m to 6m wide vehicle exit; and separation of 1m to 3m. A secondary access point is to be investigated which facilitates circulation through the parking area (such as in the region of the turning circle). An alternative access from Brush Road is to be investigated to distribute the traffic movements on the surrounding road network. 8. Consideration is to be given to including staggered game start/end times to assist with improving traffic movements, queue lengths and timing of parking demand. 9. Amendments to the Flood Impact Statement to ensure the design manages potential flood impacts wholly within the site and that appropriate levels are provided.

10. Amendments to the Stormwater Management Plans to clarify the location and easements over Council pipes, and clarification of the bio retention basin, head wall and connection to Council drainage assets.
11. Traffic mitigation measures to assist with the safety and efficiency of vehicle turning movement out of Winbourne Street onto Marsden Road, such as "KEEP CLEAR" pavement markings and a channelised "Seagull" linemarking treatment on Marsden Road, etc.
12. An alternate design option for the part of the concrete path on the eastern side of Winbourne Street between Nos. 6 & 10 Winbourne Street to enable the continuation of the off-street shared use path for both pedestrians and cyclists.
13. A raised pedestrian crossing across Brush Road, which is too narrow for a compliant pedestrian refuge to be installed (consistent with the advice at the Planning Proposal stage).
14. Removal of the street tree at No. 48 Winbourne Street is to be replaced at a ratio of 2:1.
15. The shared user path is to maintain a 2.5m width for the full length of the site to Hermoyne Street. A construction methodology is to be submitted to ameliorate impacts.
16. Courts are to be designed to National or State Sports Organisations requirements.
17. Community access to external spaces should be provided.
18. 2 outdoor courts should be line marked for multiple sports.
19. The vegetation palette should exclude species with produce seed pods/nuts that may be a slip hazard.
20. Tree planting locations should avoid the lighting scheme.
21. The tree locations are to be considered to avoid tree root damage to surfaces.
22. The toilets should be equitable.
23. The basement toilets should be accessible from the outdoor courts.
24. Consider locating the café where it can better serve the outdoor courts and avoid congesting the entrance to the indoor centre.
25. Tree planting in the car park should be improved to reduce the heat island effect.
26. A connection should be provided from the bottom of the ramp to Brush Road. The pedestrian line of travel between the roads should be aligned.
27. Accessible parking spaces should be easily available to the Level 2 courts.
28. Vegetated swales should be maximised in the car park.
29. Street tree plantings are required.
30. Access for emergency and operational vehicles is to be provided.
31. Consider lighting which is less prone to vandalism (pole top lighting).
32. Provide a water bottle refill station.
33. Public domain furniture is to be accessible.
34. Fencing to the street should appear welcoming to a height of approximately 1.4m and be screened with low height vegetation to preserve passive surveillance into the site.
35. The pedestrian entry area via Winbourne Street is to respond to desire lines and avoid turf which has a likelihood of failure.
36. Clarification of bus parking for groups (such as schools).
37. Due to the anticipated peak vehicle volumes accessing the car park, a car space guidance system is to include car space bay sensors, directional guidance to users and advise users prior to entry of the site whether there is car parking available on site.
38. An awning between the entrance lobby and lift 2.

	<p>39. To improve user experience, the proposed nature play elements should be expanded into a playground, designed using the <i>NSW Government's Everyone Can Play</i> guidelines and Council's <i>Play Plan 2019</i>.</p> <p>40. Urban design amendments to improve site access and circulation, site configuration, public domain upgrades, façade design, landscape design and sustainability.</p> <p>41. Additional information regarding the fit out of the food premises.</p> <p>42. Details of acoustic mitigation measures to control the intrusion to the local amenity such as hours of use (will the courts be used at all times); evening restrictions (to be used for training only with 20 courts used at any given time); and restrictions regarding use of whistles, etc.</p> <p>43. An amended Plan of Management which details all management strategies for noise control.</p> <p>44. Reducing the extent of hard paving to increase deep soil area for planting and open space / recreation.</p> <p>45. A revised Arboricultural Impact Assessment with sufficient information to assess the impacts to existing trees.</p> <p>46. A revised Vegetation Management Plan to ensure the long term integrity of the management of the remnant native vegetation including:</p> <ul style="list-style-type: none"> - The separation of the C2 Zone into three distinct zones based on existing environmental condition, management issues and actions required to achieve the desired outcome; - The addition of measurable performance criteria; - The separation of year two within the schedule of works to allow for ongoing secondary weeding and assisted regeneration planting; - Additional annual data collection for quantitative analysis of site condition and improvement; and - A nest box monitoring and maintenance schedule.
6 December 2022	Correspondence sent to the applicant seeking clarification of the WSP Lighting Study Plan & Assessment, which presumes a flat site, shows indicative light products without glare shields, and recommends a mitigation strategy of using physical barriers or realignment of court layouts.
30 May 2023	<p>Amended plans and reports received from the applicant addressing Council's request for additional information and concerns raised in submissions.</p> <p>The applicant states that the changes are made to reduce the intensification of use on the site. As amended, the proposal reduces the number of outdoor courts from 32 to 29; and reduces the number of parking spaces from 296 to 295.</p> <p>The applicant's response to the issues raised is summarised as follows:</p> <ol style="list-style-type: none"> 1. With regard to vehicular access via Brush Road, the applicant advised that this is not feasible as it will traverse protected ecological area (C2 zoned land). Access from Brush Road is not recommended by the applicant's traffic consultant as it is a lower order road and effectively only allows for one travel lane due to parking on both sides of the road. An additional access point was considered by Stantec as being unfeasible due to the narrow width of Brush Road (including parking both sides of the road). A second driveway in this location would be within the flood storage area which is not suitable. The intention of the proposal is to keep traffic volumes associated with the development largely on Winbourne Street from a safety and amenity perspective. 2. Waste is to be collected on-site by a private contractor outside of peak hours. The truck will use the car park for collection and enter/exit the site in a forward direction.

	<p>3. The lighting layout is clear of the bus bay and bioretention basin. The deletion of the northern courts reduces lights in this area. Lighting faces away from the C2 zoned area to limit light spill on the existing vegetation.</p> <p>4. Detailed cross section plans are provided to detail the relationship with the adjoining residential properties, including retaining features, fencing and landscaping.</p> <p>5. With regard to staggered game times, the applicant states this is an operational matter for consideration prior to the operation of the facility. Their traffic consultant, Stantec, advises that staggered start / end times will assist traffic movements and parking demand where sufficient time between games is provided such that players / spectators of a game are leaving or have left prior to players / spectators of the following game arriving.</p> <p>6. A dedicated loading bay is not provided as deliveries are expected by small vehicles which can utilise car parking spaces. Deliveries are to be coordinated with the facility operator by car and outside of peak usage.</p> <p>7. The traffic consultant (Stantec) confirms that the Traffic Impact Assessment included a parking demand analysis which included consideration of travel modes and vehicle occupancies utilising data based on parking demand from similar facilities. Stantec considers that using real life data is a suitable approach to determine parking requirements rather than relying on first principles and assumptions. Notwithstanding, the overall proposal has been reduced by 3 courts to alleviate the concerns of Council. Parking has been reduced by 1, for swept path purposes. The facility now proposes 295 spaces for 29 outdoor courts and 4 indoor courts, resulting in additional 0.9 parking spaces per court.</p>
27 June to 26 July 2023 (extended to 28 August 2023)	<p>Amended plans notified to surrounding properties and submitters.</p> <p>In response from concerns from residents that they had insufficient time to consider the amended proposal, the notification period was subsequently extended to 28 August 2023.</p>
18 July 2023	<p>Correspondence sent to the applicant seeking clarification of the Review of Addendum acoustic letter prepared by Marshall Day Acoustics which includes a recommendation that the noise attenuation fencing is to be free from holes and gaps.</p> <p>Amended plans required to ensure consistency between the architectural and civil plans and the flood study report and clarification of the proposed easement, details of the connection to the Council headwall, locating the bioretention basin clear of Council's drainage asset, realignment of the stormwater pipe, and showing the cut recommended on the flood impact statement on the civil plans.</p> <p>Confirmation that the plans accurately plot the new zoning boundaries, or if there is discrepancy on the plans.</p>
20 July 2023	<p>Correspondence sent to the applicant requesting the technical design file for lighting to consider the obtrusive light levels along residential boundaries.</p>
24 July 2023	<p>Correspondence sent to the applicant seeking clarification of the 'Stage II PCYC Extension' component of the development for an additional 2,128m² indoor facility.</p>
28 July 2023	<p>Correspondence received from the applicant confirming that the 2,128m² PCYC facility as referred to in the funding extract (if it proceeds at a future date) does not form part of this subject DA and should not be included in any assessment of that application.</p>

	<p>The applicant has advised that, to their knowledge, the PCYC funded project has not progressed past the funding stage, therefore, no proposed design or further details are available.</p> <p>If the PCYC facility proceeds in the future, it would be subject to a separate DA, which would need to address/ assess the intensification of the use of the site, parking, traffic and any other potential impacts based on the merits of that design.</p> <p>There is no Stage 1/ Stage 2 component to this subject DA.</p>
28 July 2023	The applicant submitted an updated Acoustic Addendum letter prepared by Marshall Day Acoustics. Updated modelling was undertaken and it was confirmed that the outcomes of the report remain unchanged with modified barrier scheme.
17 August 2023	The applicant submitted a technical design file for lighting.
17 October 2023	Amended plans and additional information submitted by the applicant which verify the location of the boundary zoning line, amended stormwater design and Operational Management Plan.
7 November 2023	Request for additional information sent to the applicant to address assumptions made in the acoustic report.
8 November 2023	Request for additional information sent to the applicant to ensure the works are clear of the existing Council easement and consistent details on plans.
16 November 2023	<p>The applicant submitted updated plans for consistency.</p> <p>The applicant advised that they were not responding to the requested acoustic matters, and requested matters are conditioned.</p> <p>This was considered unsatisfactory, and further clarification of matters was requested with regard to acoustic mitigation measures and operational matters to protect the amenity of residents.</p> <p>The applicant clarified some operational matters including limiting days and number of courts permitted to be used and fencing.</p>
20 November 2023	Survey submitted by the applicant verifying the location of Council infrastructure at the southern part of the site. Surveyed verification of the infrastructure at the northern part of the site is outstanding (this is addressed by deferred conditions of consent).
23 November 2023	<p>Draft recommended conditions provided to the applicant.</p> <p>The applicant queried the extent of public domain improvement requirements imposed.</p> <p>Council's Public Domain Engineer advised that public domain improvements (such as road reconstruction, kerb and gutter replacement, replacement of street lighting, 1.8m wide footpath upgrade to Brush Road, new linemarking for the shared user path crossing at Fir Tree Avenue and reinstatement of accessible bus stop) are standard requirements for development in accordance with Council's DCP and Public Domain Technical Manual. These are practical improvements which are warranted given the circumstances of this development and level of use, particularly outside of daylight hours. In lieu of such improvements being undertaken, the proposal would not demonstrate long term sustainability and safety of users and the community.</p>
24 November 2023	The applicant was advised that the constraints stated in the DA documentation must be adhered to by the applicant and operator, with particular regard to operational matter and acoustic mitigation measures.

29 November 2023	<p>The applicant accepted the conditions in the accompanying recommended conditions of consent.</p> <p>The applicant subsequently advised they do not accept items in Condition 52 relating to the cost some public domain works. Detailed consideration is provided at Section 13.10 <i>Referrals (Public Domain)</i> below.</p>
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7. **APPLICABLE PLANNING CONTROLS**

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

- NSW Biodiversity Conservation Act 2016;
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- City of Ryde Section 7.11 Development Contributions Plan 2020.

8. **PLANNING ASSESSMENT**

8.1 NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The north-east portion of the site zoned C2 Environmental Conservation contains Blue Gum High Forest which is a critically endangered ecological community listed under these Acts.

The application is accompanied by a Vegetation Management Plan prepared by Travers Bushfire & Ecology which is recommended to be imposed to ensure the appropriate management of the Blue Gum High Forest in a manner which is overseen by a suitably qualified Ecologist as discussed in detail in Section 13.5 Ecologist referral below.

All matters were satisfactorily addressed in the applicant's revised Vegetation Management Plan prepared by Travers Bushfire & Ecology dated May 2023 and conditions recommended to be imposed to ensure the appropriate management of the Blue Gum High Forest to be overseen by a suitably qualified Ecologist.

8.2 Rural Fires Act 1997

The site is not mapped as being affected by bushfire prone land. Therefore, this Act is not relevant. Despite this, the applicant has elected to support the requirements of 'Planning for Bush Fire Protection 2019' to achieve best practice.

The existing natural watercourse and riparian at the north-eastern portion of the site is the subject of a Vegetation Management Plan (VMP) as discussed in detail at Section 13.5 of this Assessment report. The applicant has also submitted a Bushfire Assessment Report prepared by Abel Ecology which states that the VMP will

introduce a bush fire hazard to the proposed building only. The building will require a 38m Asset Protection Zone (APZ) and be built to Bushfire Attack Level (BAL) 12.5 on all facades. The building has been positioned a minimum of 38m from the edge of building to the bush fire threat as shown in **Figure 17**.



Figure 17: Proposed Asset Protection Zone (APZ) map recommending the building (yellow) is protected by a 38m inner protection area (IPA) (blue).

In addition to the APZ and construction standards above, the Bushfire Assessment Report recommends that the design of access roads shall enable safe access and egress for users; that the existing public road access via Winbourne Street and/or Brush Road is maintained; that all weather access to the site will be provided; that vehicular access is provided; an adequate supply of water is provided; a site Bushfire Emergency Management and Evacuation Plan is provided; and the type, location and ongoing maintenance of landscaping in the APZ is suitable.

The imposition of these recommendations ensures that the aim, objectives and performance requirements of the NSW RFS document *Planning for Bushfire Protection 2019* are satisfied.

It is also noted that these bushfire protection measures introduce protection of surrounding residential properties, school and child care centres. These sensitive uses have always been in the vicinity of the vegetated area, without any formal measures related to bushfire (the area was managed by Landcare). Neither the site nor surrounding lands for 140m in all directions are mapped as Bush Fire Prone Land. As there is no classified hazard vegetation offsite, this may serve to mitigate the effects of any bushfire within the isolated remnant vegetation found on this site.

As a result of this DA, new measures will be introduced and maintained to improve the protection and maintenance of the vegetated area. Council's mapping of the site is not proposed to be altered to reflect this bushfire mapping and will not impact on the classification of surrounding sites as being subject to bushfire affectation. The recommendations of the Bushfire Assessment Report are reflected in **Conditions 63, 64, 80 & 174** to ensure the ongoing maintenance of the protected ecological area.

The proposal is satisfactory with regard to the Rural Fire Services Act 1997, which is not triggered in this instance as the site is not mapped as bush fire prone land under section 10.3 of the EP&A Act 1979.

This section provides an assessment of the DA against section 4.15(1) matters for consideration of the *Environmental Planning and Assessment Act 1979*.

8.3 Water Management Act 2000

This Act does not trigger a referral to the National Resource Access Regulator as the site is greater than 40m to the natural waterway to the south-east of the site, being Archer Creek.

(a) The provisions of-

(i) Any environmental planning instrument:

8.4 SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

This SEPP aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

The site is currently vacant, with existing buildings removed from the site in line with previous approvals. This application seeks excavation to accommodate the underground parking area and benching of the site to achieve the necessary levels of the proposed development and associated stormwater management works (with the exception of the existing high value biodiversity vegetation at the north-east corner of the site). This equates to 19,244m³ of cut and 16,655m³ of fill, with the excess 2,589m³ of material removed from site. All earthworks are to be carried out in accordance with geotechnical recommendations. Earthworks ensure the flood storage area to the south-east corner is retained. The proposal is accompanied by a Construction Management Plan.

Demolition of structures on the site was completed in accordance with the approved Development Application LDA2022/0013 and the applicant submitted a Detailed Site Investigation Report dated November 2022 and Validation Report prepared by Greencap dated December 2022. Council's Environmental Health Officer confirmed these reports are satisfactory the conditions imposed in LDA2022/0013 to comply with the statutory requirements of this SEPP and to ensure that the land poses no risk to the environment and human health.

The site is currently surrounded by fencing, with dust screens to the street boundaries. Council's Environmental Health Officer supports the proposal. Council is satisfied that sufficient information has been provided to demonstrate that site management strategies are provided, as required by the *Contaminated Land Planning Guidelines*. Therefore, the land is suitable for its continued community use in line with the strict requirements of Clause 4.6 of this SEPP.

8.5 SEPP (Industry and Employment) 2021 - Chapter 3 Advertising and signage

The proposal is accompanied by a Signage and Graphics Schematic Design report prepared by Cox Architecture which details proposed external and internal business

identification signage and way finding signage. Signage visible from the public domain includes:

- An entry totem sign at the building entry fronting Winbourne Street a total height of 4.5m including the feature 'hoops.' The signage ranges from 900mm to 2,800mm above ground and reads 'West Ryde Multi Sports Facility,' specifies the direction of groups of courts and provides a site directory.
- A wall sign on the western building elevation fronting Winbourne Street reading 'West Ryde' measuring 1.8m (h) and 10 (w).
- An illuminated totem sign at the car park entry with a height up to 2m, the dimensions of the signage area is 600mm (w) x 1,200mm (h).
- An illuminated totem sign at the drop off (as above).
- Wall directional signage such as 'lift access' and 'exit to courts' measuring 400mm (h) x 3-4m (w).
- Goal posts with court numbers (with coloured padding below).
- Water filling stations reading 'Hydration Station,' 'West Ryde' and a directional map.
- External courts environmental graphics on courts and 'run off zones,' being a concept design which indicates potential artist/indigenous engagement for commissioned artwork, such as colouring of the hard courts and circulation paths.

In accordance with clause 3.4 of the SEPP, the SEPP is applicable to the proposed development as the signs are permitted with development consent and are visible from any public place.

The proposed signs are considered to satisfy the aims and objectives under clause 3.1 of the SEPP as follows:

(1) *This Chapter aims—*

(a) *to ensure that signage (including advertising):*

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish, and

(b) *to regulate signage (but not content) under Part 4 of the Act, and*

(c) *to provide time-limited consents for the display of certain advertisements.*

(d) *to regulate the display of advertisements in transport corridors, and*

(e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

(2) *This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.*

The proposed signage has been assessed against the provisions under Schedule 5 Assessment Criteria of the SEPP and are satisfactory, as discussed below.

SCHEDULE 1 – ASSESSMENT CRITERIA
1 Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The existing streetscape consists of signage for the nearby school and child care centres. The proposed signage and graphics scheme ensures a consistent theme is applied throughout the site, and avoids ad hoc signage being erected. In the context of this residential area, the signage provides clear way finding information which is suitable for the locality in which it is a part of. The signage identifies the proposed business, whilst also being discreet when viewed from existing or future residences on surrounding sites.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There are no particular themes for outdoor advertising in this locality. The proposed signage is of high quality and is cohesive with the built form proposed in this DA.
2 Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not regarded as a special area. The proposed signs will not detract from the appearance of the site or the amenity of the locality, and is acceptable.
3 Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signs will not obscure or compromise any important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal is for business identification signage and way finding signage to be installed throughout the site and on the western façade of the building. The signage will not dominate the skyline and will not reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed signs will not compromise the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is compatible with the proposed building and site.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage maintains an appropriate streetscape presentation.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage offers a simple presentation.
Does the proposal screen unsightliness?	Not applicable.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not protrude above buildings as it is proposed to be installed at the western façades of the building. The signage does not protrude above tree canopies.
Does the proposal require ongoing vegetation management?	The location of the proposed signs will not require any specific vegetation maintenance.
5 Site and building	

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale of the site, building and proportions of the pedestrian and vehicular entrances to the site.
Does the proposal respect important features of the site or building, or both?	The proposed signage will enhance the presentation of the site and building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The style and scale of the proposed signage is suitable in relation to the site and its building, in particular the feature 'hoops' on the entry totem signs.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage is proposed to be illuminated, which is integrated into the design of the sign.
7 Illumination	
Would illumination result in unacceptable glare?	Illumination does not result in unacceptable glare as the location of the signage does not direct light into surrounding residences.
Would illumination affect safety for pedestrians vehicles or aircrafts?	Illumination does not affect safety.
Would illumination detract from the amenity of any residence or other form of accommodation?	The location of the signage does not direct light into surrounding residences.
Can the intensity of illumination be adjusted, if necessary?	The intensity of illumination can be adjusted, if required.
Is the illumination subject to a curfew?	Yes. Condition 177 requires the illumination to cease between the hours of 10pm to 7am daily.
8 Safety	
Would the proposal reduce the safety for any public road?	The proposed signs will not affect road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signs will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not obscure any sightlines from public areas.

Having regard to the aims and objectives, and Schedule 5 of this SEPP, the proposal can be supported as it has satisfied Clause 3.6 of the SEPP as follows:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3.1 (1) (a), and;*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

Based on the above assessment the proposed signs are considered to be satisfactory, having regard to the aims and objectives as well as the Assessment Criteria of SEPP (Industry and Employment) 2021 - Chapter 3 Advertising and signage.

8.6 SEPP (Transport and Infrastructure) 2021 - Division 17 Roads and Traffic

Under Clause 2.122 Traffic-generating Development the consent authority must not grant consent to development on land for a development featuring a car park of 200 or more car parking spaces unless it is satisfied that:

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The application was referred to Transport for NSW (TfNSW) and the following response was provided:

“TfNSW has reviewed the application and notes that the peak traffic generation of the development proposal is similar to the previous use of the site as a local high school. In any event, the Agency has undertaken a desktop review of the traffic modelling for the proposed development and advises that there is unlikely to be a detrimental impact on the classified road network.

TfNSW provides the following advisory comments to Council for consideration in the determination of the application:

- 1. Any special events on the subject site should include a requirement to undertake a Special Events Traffic and Transport Management Plan in accordance with the NSW Government guidelines.*
- 2. Off-street parking should be designed in accordance with AS2890.1.*
- 3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the classified road during construction activities.”*

These requirements are imposed and discussed in detail at Section 13.1 *Referrals* below.

With regard to pedestrian accessibility of the site, the proposed development provides the main point of access via Winbourne Street. The site and surrounding area benefit from existing pedestrian footpaths, which is enhanced by the extension of the existing shared user path to the south of the site (between Fir Tree Avenue and Victoria Road) which will be extended along the eastern side of Winbourne Street to connect to Hermoyne Street to the north of the site. Pedestrian access is also available via Brush Road, which is supported by a new pedestrian crossing. The proposal provides satisfactory accessibility to support the efficient movement of people throughout the site and pedestrian connectivity in the immediate vicinity of the site.

Waste collection and deliveries are to occur on-site during off-peak periods and are capable of being undertaken in an efficient manner.

The concept of 'multi-purpose trips' is catered for given the Facility provides services associated with the primary operation of the courts, with a gym, physio office and kiosk provided on-site and negating the need for additional car trips. The facility also involves umpires, and the like, attending multiple games.

The need for travel by car is minimised by providing bicycle and motorbike parking and improved access via a shared user path. The site is immediately surrounding by residences, and similar to the former high school on the site, the facility offers sports activities for residents within walking distance. Existing bus services also supports access to the site and will minimise the need for travel by car.

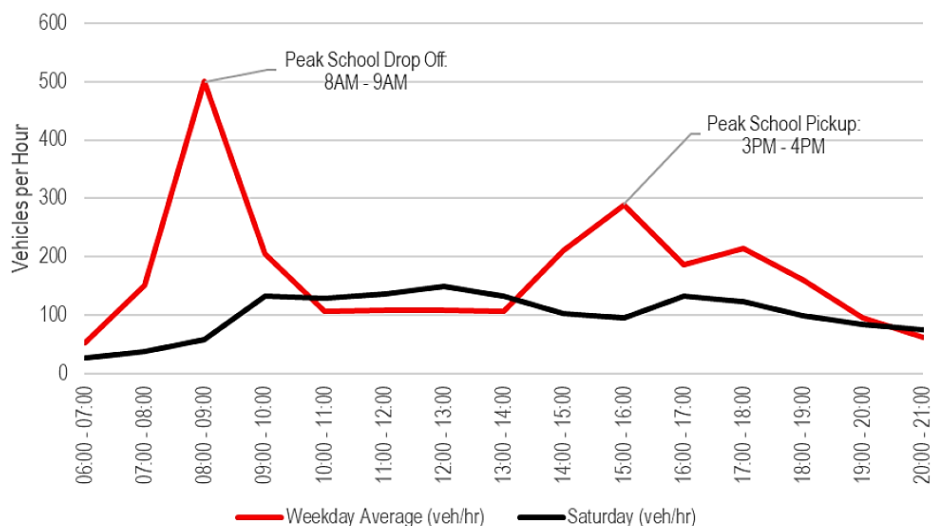
With regard to potential traffic safety; the proposal utilises the existing road network and offers improvements, such as a new pedestrian crossing on Brush Road and the extension to the shared user path along Winbourne Street. As discussed in detail in Section 13.8 *Referrals* below, improvements to the street markings at the Winbourne Street / Marsden Road intersection are considered necessary by Council's Transport Services section for traffic safety and to mitigate potential road congestion.

With regard to road congestion; when compared to the previous high school on the site, the proposed development is expected to attract car trips at different periods and days. The regular peak usage times are anticipated to be 5-6pm weekdays with 20 of the courts to be occupied and 461 peak hour vehicle trips; and 12-1pm Saturdays with 18 of the courts to be occupied and 415 peak hour vehicle trips. During these peak period times, the proposed 293 on-site parking spaces will offer 14 spaces per court on weekdays and 16 spaces per court on Saturdays.

When compared to the operation of the school on this site, the traffic observations undertaken by Bitzios Consulting (in the Traffic Impact Assessment dated September 2022 submitted with the Planning Proposal) identified differing peak traffic periods. Based on site observations by Bitzios Consulting and the operating hours of Marsden High School, the site peak was identified as 8-9am and 3-4pm on weekdays. The school was not operational on weekends. Based on these peak periods, Bitzios Consulting identified the following conclusions:

- *"The Marsden Road / Victoria Road intersection AM peak captures both commuter and high school drop off demand; however, the PM peak results only from commuters as it occurs after the high school operations cease (5-6pm)."*
- *The Winbourne Street / Marsden Road intersection peaks coincide with high school pick up and drop off (i.e. AM and PM peak).*
- *Similarly, the Winbourne Street and Brush Road peaks occur during the high school pick up and drop off.*
- *The Brush Road / Victoria Road AM peak mostly aligns with school drop off; however, the PM peak results from commuters returning home, as it occurs later than school operational hours (4:45pm - 5:45pm).*
- *Weekend peaks for all intersections / road links occur between 11am-1pm."*

With regard to Winbourne Street, Bitzios Consulting identified *"high traffic volumes and low vehicle speeds during school peak hours. During weekends, traffic volumes reduce significantly and are primarily associated with surrounding residential based trip purposes."* Average hourly weekday and weekend traffic volumes on Winbourne Street are shown below.



Source: Matrix 7-day tube counts 9th March – 15th March 2022

Figure 18: Extract from the Planning Proposal Traffic Impact Assessment prepared by Bitzios Consulting and dated September 2022 showing the two-way hourly traffic volumes on Winbourne Street.

The peak usage times of the proposed facility (weekday evenings and Saturday) will be off set when compared to that of the nearby school and child care centres (8-9am and 3-4pm weekdays), which is anticipated to alleviate conflicting traffic conditions (as can be observed by the current traffic conditions).

Detailed consideration of potential road congestion is addressed in Section 13.1 *Transport for NSW comments* below and Council's Transport Services section recommends the applicant upgrade the junction of Marsden Road and Winbourne Street to assist with the safety of right turn movements out of Winbourne Street, such as a channelised "seagull" treatment which provides an exclusive right turn lane and a short merge lane within Marsden Road. In conjunction with traffic management measures to be carried out by the applicant (including those discussed at Section 9 *Potential community and social impacts* below) appropriate mitigation measures are proposed to manage potential road congestion.

With regard to parking implications of the development, the proposal provides on-site parking at the rate of 14 spaces per court on weekdays and 16 spaces per court on Saturdays. Detailed consideration of the provision of parking is also provided at Section 13.7 *Referrals* below. The surrounding streets are subject to existing parking restrictions as shown in **Figure 8** above and parking and traffic management measures to be carried out by the applicant (including those discussed at Section 9 *Potential community and social impacts* below) will assist with directing users of the site to park on-site to avoid reliance on on-street parking.

Therefore, the requirements of clause 2.121 are considered to be satisfied.

8.7 SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of this SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the

preservation of trees and other vegetation. The north-eastern portion of the site contains a high value biodiversity area as shown in **Figure 19** below.

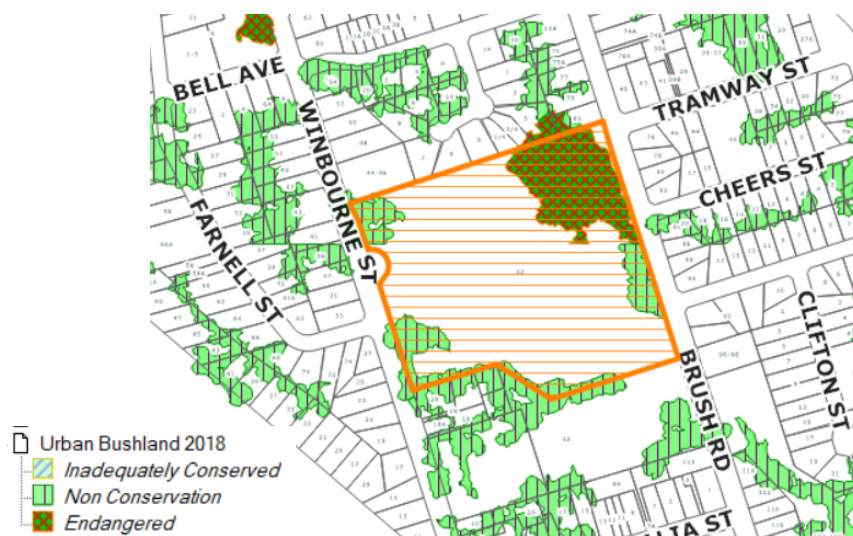
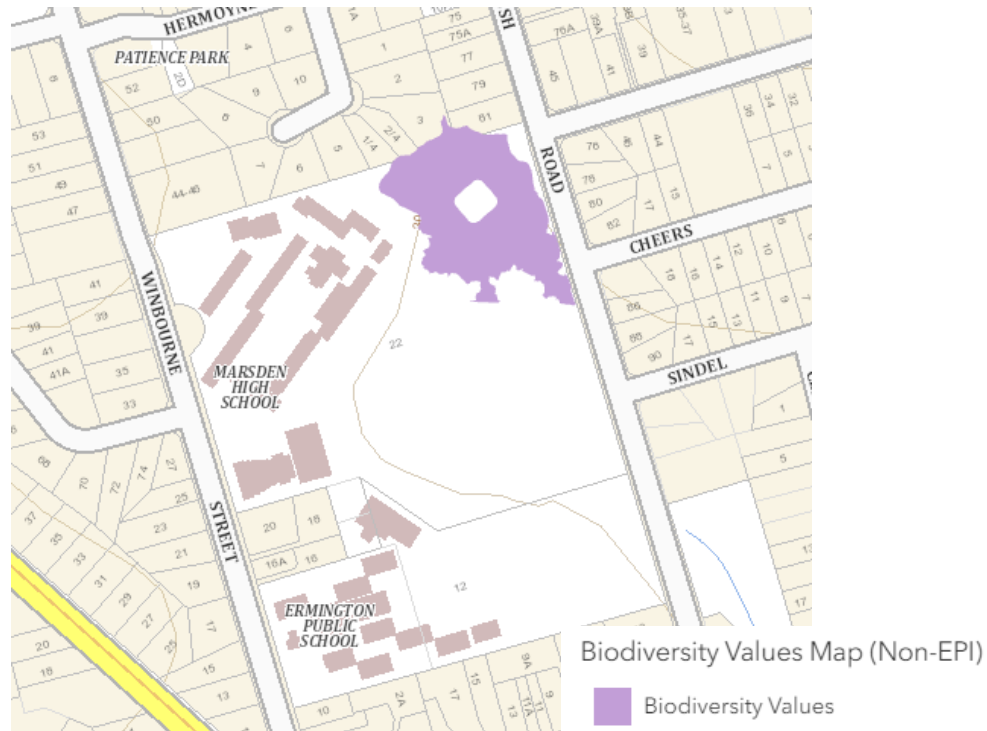


Figure 19: Extract from Council’s Ryde Maps showing the existing endangered bushland at the north-east corner of the site. Other areas marked in green show Urban Bushland – Inadequately Conserved.

The proposed works are clear of the area marked as containing vegetation of biodiversity value and trees in the adjoining sites are to be retained and protected.

Council’s Consultant Landscape Architect/Arborist and Ecologist have undertaken an independent review of the DA and supports the proposal as discussed in detail in Section 13 *Referrals* below. The proposal is supported by a Vegetation Management Plan which ensures the appropriate management of the Blue Gum High Forest to be overseen by a suitably qualified Ecologist in the part of the site zoned C2 Environmental Conservation.

Although the proposal includes the removal of trees on the part of the site zoned RE1 Public Recreation, 102 trees are to be retained and 298 replacement trees planted. The overall landscaping outcome protects the biodiversity values of trees and other vegetation and preserves the amenity of the area by providing replacement planting at a ratio of 2.8:1 to improve the treed environment.

Therefore, the proposal is not considered to unduly impact upon any existing biodiversity of trees or vegetation on the site.

Chapter 6 Water Catchments

This SEPP applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (improved water quality, erosion control, etc.) can be managed by conditions of consent. The objective of improved water quality is satisfied as the Proposed Stormwater Plans that accompany the DA demonstrate compliance with Ryde DCP Part 8.2 Stormwater Management.

8.8 SEPP (Planning Systems) 2021 – Chapter 2 State and Regional Development

This SEPP categorises this proposal as a ‘Crown Development over \$5 million’ under Schedule 6 Regionally Significant Development. The proposal is required to be determined by the Sydney North Planning Panel in accordance with Section 4.7 of the EP&A Act 1979.

8.9 Ryde Local Environmental Plan (RLEP) 2014

This section provides a detailed assessment of the RLEP 2014 and its relevant development standards.

Zoning and Permissibility of Ryde LEP 2014

The site is zoned RE1 Public Recreation and C2 Environmental Conservation as shown in **Figure 20** below.

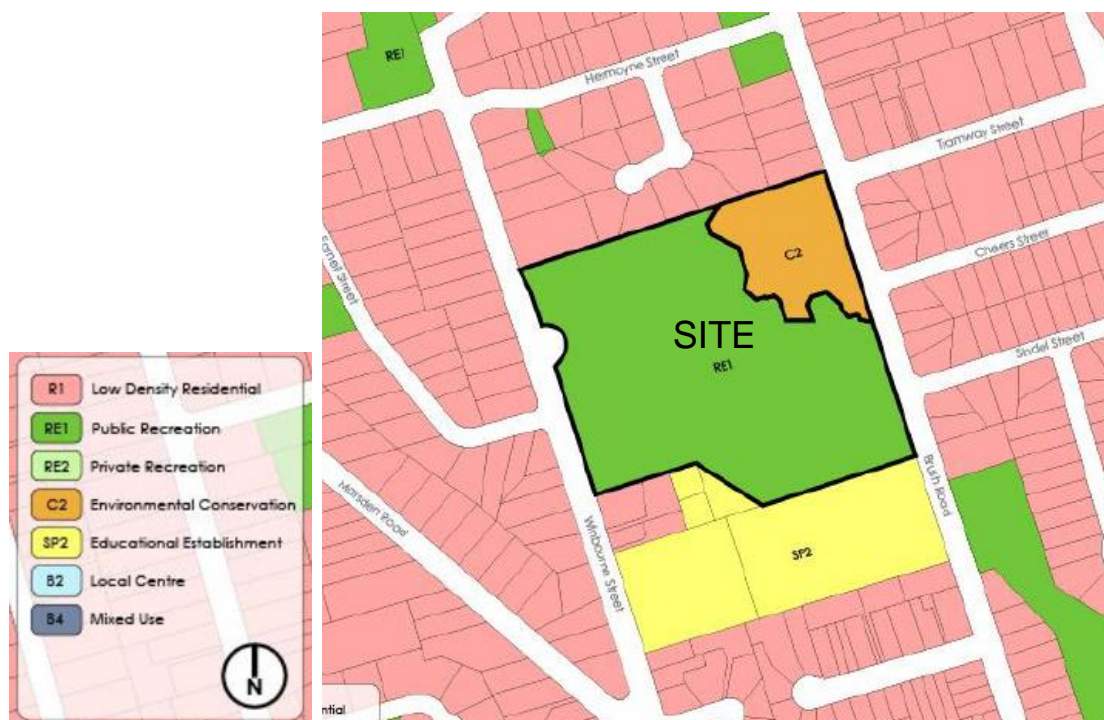


Figure 20: Extract from Ryde LEP 2014 Land Zoning Map indicating the zoning of the site and surrounds.

The proposed Recreation facility (indoor) and Recreation facility (outdoor) is permissible with consent in this zone and is defined as:

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The proposal achieves the objectives of the zoning, as discussed in the following table.

Objectives of the RE1 Public Recreation zone	How the proposal achieves the objective
a. To enable land to be used for public open space or recreational purposes.	The land is proposed to be used for recreational purposes.
b. To provide a range of recreational settings and activities and compatible land uses.	The primary purpose is for netball. A range of recreational activities are supported by 2 outdoor courts with markings for multiple sports, a small gym, children's play equipment, and availability for use for sports camps, holiday programs and tournaments during the school holiday periods and long weekends.

c. To protect and enhance the natural environment for recreational purposes.	The proposal contributes to the natural environment by providing landscaping throughout the site where it does not conflict with the building, parking and courts. In addition to the courts, the proposal includes dedicated spaces which enhance the quality of passive and active recreation which are available for public use.
Objectives of the C2 Environmental Conservation zone	How the proposal achieves the objective
a. To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.	The conservation zone is supported by Vegetation Management Plan as discussed in the Ecological consideration in Section 13.5 of this Assessment report below. The ecological value of this part of the site is improved as a result of this DA.
b. To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	The part of the site zoned C2 is clear of any building works.

Principal Development Standards of RLEP 2014

Clause 4.3 – Height of Buildings

There is no building height limit applicable to this site. This is similar to some adjoining sites to the south which accommodate the existing public school. The remaining surrounding residential sites are permitted a building height of 9.5m as shown in **Figure 21** below. The proposal is for a building height of up to 11.31m, which exceeds the maximum permitted building height of surrounding residential properties. The proposed height is acceptable in this circumstance as the building is well set back from the boundaries and follows the sloping nature of the site.



Figure 21: Extract from the Ryde LEP 2014 Height of Buildings map indicating the maximum permitted height of buildings of the surrounding area.

Clause 4.4 – Floor Space Ratio

There is no floor space ratio (FSR) applicable to this site. This is similar to some adjoining sites to the south which accommodate the existing public school. The remaining surrounding residential sites are permitted a FSR of 0.5:1 as shown in **Figure 22** below. The proposal is for a FSR of 0.085:1 which complies with the maximum permitted FSR on surrounding residential sites (the proposed Gross Floor Area is 4,644m² and the site area is 5.47ha or 54,700m²).

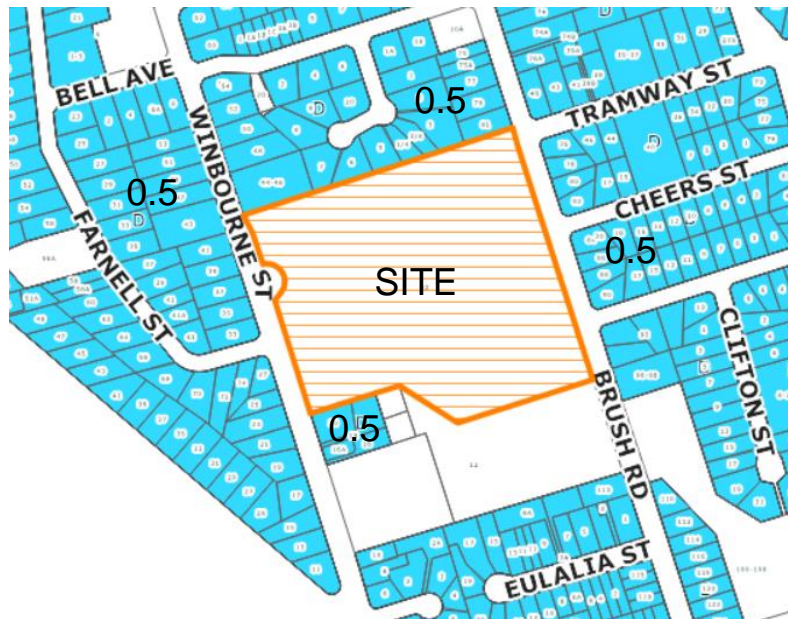


Figure 22: Extract from the Ryde LEP 2014 Floor Space Ratio map indicating the maximum permitted floor space ratio of the site and surrounds.

Miscellaneous Provisions of Ryde LEP 2014

Clause 5.10 Heritage conservation: The site is not identified as a heritage item or within a heritage conservation area. As shown in **Figure 23** below, Local Heritage Item 174 adjoins the site to the south, being the former school residence and 1988 Ermington School building at No. 12 Winbourne Street. Council's heritage officer has reviewed the proposal and concludes that this development at the former Marsden High School site would not result in any direct impacts (visually or physically) on the heritage items in the vicinity. Further details are provided in the Referrals section below.

Local Heritage Item 338 is located to the south-east of the site, being Maze Park at Nos. 100-108 Brush Road. Local Heritage Items 65 and 66 are also located to the north-west of the site, being "The Vinery" house at No. 69 Marsden Road and a house at No. 75 Marsden Road. These items do not immediately adjoin the site and are not in the visual catchment of these items. The proposed works are not considered to have any adverse impact on the heritage items.

It is noted that the previous approval for demolition of the school buildings considered the significance of this site in the context of the history of the area and required the applicant to produce a digital Photographic Archival Recording to record the buildings and their setting as a record of the phase of post-war mid-20th century development in the area. This was completed by the applicant.



Figure 23: Extract from the Ryde LEP 2014 Heritage map indicating the heritage items in the vicinity of the site.

The DA is accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Kayandel Archaeological Services. Test excavation was undertaken in December 2021 and consisted of the excavation of 31 (50cm x 50cm) test pits. No Aboriginal objects and/or deposits or features of cultural significance were identified during the test excavation programme.

Having regard to the previous disturbance of the site, the archaeological context, and the results of the test excavation, Kayandel determined that no further investigation is required to inform the proposal.

Kayandel concluded that the proposed development works can proceed with caution. An Aboriginal Heritage Impact Permit (AHIP) will not be required for the proposed works.

If, during the course of development works, suspected Aboriginal cultural heritage material is uncovered the Unexpected Aboriginal Finds protocol must be followed (see **Condition 1 & 42**). These measures are considered sufficient to protect the Aboriginal significance of items should they be identified on the site during works.

Clause 5.21 Flood planning: The site is identified as being at risk of flooding, as shown in **Figure 24** below.

The application is accompanied by a Flood Impact Statement prepared by Quantum Engineers which considers the impact of the overland flow paths which traverse the site and provides recommendations taking into account the proposed development and associated works.

The report advises that the off-site flood conditions relative to the proposed Multi Sports Facility are largely unchanged from the pre-development existing conditions (being the former High School). The proposed facility does not materially affect local flood characteristics and increases flood storage on-site. The flood impact caused by the proposal is negligible and the localised flood level increase is retained within

Council's road reserve along Brush Road. The proposed indoor court building proposed a floor level of RL 36.20m AHD which is above PMF Flood Level and provides genuine safety refuge for user of facility, and the basement parking is protected from PMF Flood Levels with perimeter retaining wall and driveway crest raised to PMF Flood Level.

The applicant will implement and manage the detailed sediment control measures proposed by Henry & Hymas Engineer including catch drains, haybale filters, mesh/gravel inlet filters, stabilised site access, sediment fencing, and swale alignments which will control all stormwater flows (see plans at **Attachment 2**).

The proposed works are compatible with the flood function and behaviour of the land.

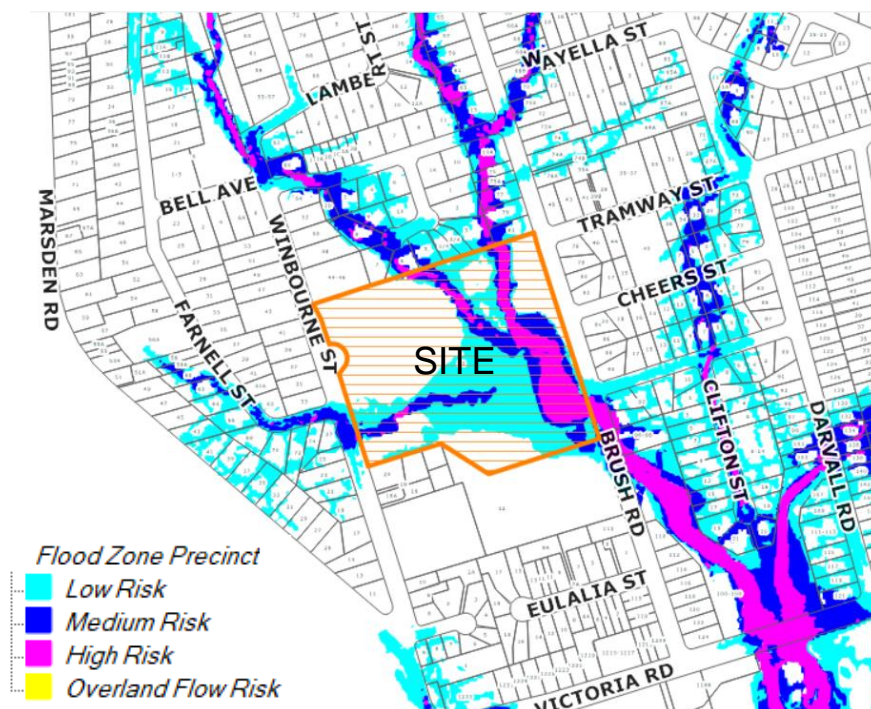


Figure 24: Extract of Council's Flood risk map.

Clause 5.23 Public Bushland: The north-eastern part of the site zoned C2 Environmental Conservation meets the definition of 'public bushland' being land on which there is a remainder of the natural vegetation of the land that is "*owned, managed or reserved for open space or environmental conservation by the Council or a public authority*" (the owner of the site being NSW Education).

The part of the site zoned C2 is supported by a Vegetation Management Plan (VMP) as discussed in the Ecological consideration in Section 13.5 of this Assessment report below. The VMP enables the proposed facility to be constructed and operated in a manner which does not disturb the bushland. The VMP ensures rehabilitation of this bushland area in a manner which satisfies the objectives of this clause including preserving biodiversity, preserving bushland as a natural stabiliser of the soil surface, preserving natural drainage, preserving ecological values and mitigating disturbance caused by development. The proposed development ensures the bushland in the part of the site zoned C2 is protected and preserved and is supported.

Additional Local Provisions of Ryde LEP 2014

Clause 6.2 Earthworks: The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The site is currently vacant, with existing buildings removed from the site in line with previous approvals. This application seeks excavation to accommodate the underground parking area and benching of the site to achieve the necessary levels of the proposed development and associated stormwater management works (with the exception of the existing high value biodiversity vegetation at the north-east corner of the site). This equates to 19,244m³ of cut and 16,655m³ of fill, with the excess 2,589m³ of material removed from site. All earthworks are to be carried out in accordance with geotechnical recommendations. Earthworks ensure the flood storage area to the south-east corner is retained.

The proposed earthworks are reasonable given they are responsive to the topography of the site and take into consideration flooding affectation. The proposal satisfies this clause given the potential impacts of the earthworks are able to be managed by **Conditions 40 and 89-93**.

Clause 6.4 Stormwater management: The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. This clause applies to land which is zoned residential, employment, mixed use or working waterfront. The subject site is zoned RE1 Public Recreation and C2 Environmental Conservation. Therefore, this clause does not apply.

Despite this, the proposed stormwater management system for the site is considered acceptable by Council's Engineers and is consistent with the above objectives. Detailed consideration is provided in Sections 13.7 and 13.9 below which confirmed that the design and operation of the stormwater management system on the site is acceptable.

(ii) Any draft proposed instrument:

The following draft SEPPs have been considered in the Assessment:

- Draft Remediation of Land SEPP
- Draft Environment SEPP

The proposal satisfies the requirements of these draft policies.

(iii) Any development control plan:

8.10 Ryde Development Control Plan (DCP) 2014

The proposed development is subject to the relevant provisions of the Ryde RDP 2014 as follows:

- Part 7.1 – Energy Smart Water Wise;
- Part 7.2 – Waste Minimisation and Management;
- Part 8.1 – Construction Activities;
- Part 8.2 – Stormwater and Floodplain Management;
- Part 8.3 – Driveways;
- Part 8.5 – Public Civil Works;
- Part 9.1 – Signage;
- Part 9.2 – Access for People with Disabilities;

- Part 9.3 – Parking Controls; and
- Part 9.5 – Tree Preservation.

As shown in the table below, the provisions of the DCP have been considered in this assessment and it is concluded that the proposed is consistent with the aims and objectives of Ryde DCP 2014. Where strict compliance has not been achieved, in accordance with Section 4.15 (3A)(b) flexibility has been sought to allow a reasonable alternative solution that achieves the objects the standard, or conditioned where necessary to achieve a satisfactory outcome.

RDCP 2014 Control	Comment	Compliance
Part 7.1 Energy Smart Water Wise		
2.6 Other Developments		
Developments are required to meet minimum elements of energy and water efficiency principles. Relevant objectives include:		
a. Managing solar access to windows through the use of either vertical or horizontal shading devices such as pergolas, verandas, blinds or shutters to control the penetration of sunlight.	The building avoids exposing large windows to the north, and the roof form provides shading and louvres.	Yes
b. Reducing the consumption of water, electricity and gas.	The applicant states that insulation and resource conservation will form part of the construction certificate documentation. This is addressed by Condition 30 .	Yes
Part 7.2 Waste Minimisation and Management		
2.3 All Developments		
a. Developments must provide space for onsite waste containers.	Provided near the parking area at the Lower Ground Level.	Yes
b. Compliant size of storage areas and number of storage containers.	Achieved	Yes
c. Space to be provided for bulk waste where appropriate.	N/A	N/A
d. Storage of green waste provided.	N/A	N/A
e. Stored within the boundaries of the site.	Achieved	Yes
f. Site Waste Minimisation and Management Plan (SWMMP) required.	Construction & Operational Waste Management Plan submitted.	Yes
g. Located to provide easy, direct and convenient access.	Achieved	Yes
h. Storage areas visible from the street are to complement the design of the development and streetscape.	N/A	N/A
i. No incineration devices.	N/A	N/A
j. Collection point identified on plan.	Achieved: private collection.	Yes
k. Path for wheeling bin collection not less than 14:1.	Achieved	Yes
	Achieved	Yes

l. Complies with Australian Standard AS 2890.2-2002 Parking Facilities – Part 2: Off-street commercial vehicle facilities.	Satisfies BCA & AS.	Yes
m. Complies with the Building Code of Australia and relevant Australian Standards.		
2.4 Demolition and Construction		
(a) Demolition must comply with AS and WorkCover.	N/A	N/A
(b) Demolition work plan submitted.	N/A	N/A
(c) Dedicated area on site for stockpile of materials taking into account environmental factors and amenity impacts.	Plan shows suitable area for stockpile of waste.	Yes
(d) Construction materials to be stored away from the waste materials on site.	Achieved.	Yes
Part 8: Engineering		
Part 8.1 Construction Activities		
2.1.2 Erosion and sediment control plan to be submitted.	Erosion and sediment control plan provided.	Yes
Part 8.2 Stormwater and Floodplain Management		
2.0 Stormwater Drainage. To ensure the collection and conveyance of stormwater runoff on property is undertaken in a manner to preserve the amenity of the land, prevent damage to property and without jeopardising public safety.	As addressed above, the application has demonstrated that the proposal satisfies clause 5.21 <i>Flood Planning</i> of Ryde LEP 2014, and the proposed works are compatible with the flood function and behaviour of the land.	Yes
3.0 Water Sensitive Urban Design (WSUD)	The proposed WSUD measures are supported (refer to Section 13.7 & 13.9 of this report).	Yes
4.0 Flooding and Overland Flow Applies to land identified as “Flood Planning Area” on the Flood Planning Map within Ryde LEP 2014, and other land at or below the flood planning level.	As addressed above, the application has demonstrated that the proposal satisfies clause 5.21 <i>Flood Planning</i> of the Ryde LEP 2014, and the proposed works are compatible with the flood function and behaviour of the land.	Yes
Part 8.3 Driveways		
Designing internal access roads and parking spaces 4.1 On-site parking facilities must satisfy the design criteria in AS 2890.1-2004 Parking Facilities.	The parking facilities demonstrate compliance with the relevant AS and are supported by Council’s Development Engineer	Yes

<p>4.2c. All vehicles must be able to enter and leave in a forward direction.</p> <p>4.3a. The access driveway from the centreline of the public road to the parking space is to be designed to minimise entry hazards from the road, account for pedestrian safety and prevent scraping of vehicles using the access.</p> <p>5.0 Construction standards of the City of Ryde Parking and Driveways Technical Material are to be met.</p>	(refer to Section 13.7 of this report). Achieved.	Yes
	Achieved.	Yes
	Construction standards of car parking, driveways and gutter crossing are supported by Council's Development Engineer and Public Domain Engineer.	Yes
Part 8.5 Public Civil Works		
<p>2.3 Design of footpath paving Footpath paving must provide safe and convenient passage for pedestrians. Shared use paths for bicycles and pedestrians must be safe and convenient. The design of shared use paths must be in accordance with mid-block engineering treatment specified in Bicycle Strategy and Masterplan 2007.</p>	Achieved.	Yes
	The extension of the shared use path on the eastern side of Winbourne Street is supported by Council's Public Domain Engineer.	Yes
Part 9.1 Signage		
2.1 Signage content - Signage must be a business identification sign or a building identification sign as defined in Ryde Local Environmental Plan 2014; or directional signage.	Signage is for the 'West Ryde Multi Sports Facility' and associated directional signage.	Satisfactory.
2.2 Language - Signage is to be in the English language.	Achieved	Satisfactory.
2.3 Number of signs - Signage must be appropriate with regard to the number, location and design of the signs having regard to the scale of the site and existing buildings and does not result in visual clutter.	Achieved. The signage theme is cohesive across the site and is appropriately located to identify the site and location of courts.	Satisfactory.
<p>2.4 Design, Safety and Maintenance -</p> <p>a. All signs must be sympathetic to, and compatible with the architectural style and finishes of the building to which they are attached, so as to look an integral part of the building rather than a "tack-on" appearance. They should not obscure existing architectural features such as windows.</p> <p>b. Signs are to be unobtrusive in design, colour, height and scale, so as not to impact adversely on the streetscape.</p> <p>c. Signs must be attractive and professionally written as well as being simple, clear and efficient.</p>	The signage scheme is compatible with the architectural style and finishes of the building, as well as the use of the site.	Yes
	The signage design, colour and scale is suitable to support this site, and is a positive addition to the streetscape.	Yes
	The design of the signs compliments the proposed function of the property in a simple manner.	Yes
2.5 Illuminated signs -		

<p>a. The lighting intensity and hours of illumination must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.</p> <p>b. The lighting intensity of a sign must be capable of modification or control after installation.</p> <p>c. Illuminated signs must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.</p> <p>d. Illumination of a sign (with the exception of floodlit signs) must not be external to the sign i.e. surrounding a sign. Illumination must be part of the advertisement.</p> <p>e. Electric wiring to illuminated signs is to be concealed.</p> <p>f. Depending on its location and its relationship to residential properties, Council may require that illumination be controlled by automatic time clocks extinguishing illumination between 11pm and 6am, or as is considered reasonable in the circumstances.</p>	Signage is permitted to be illuminated from 7am to 10pm daily (Condition 177)	Yes
	The intensity of illumination is required to be changed (Condition 47).	Yes
	Illumination is by back lighting which is a low brightness and glare free illumination method. The level of illumination is considered appropriate to avoid light spill, or glare.	Yes
	Addressed by Condition 47 .	Yes
	Illumination of signage is required to be limited from 7am to 10pm daily.	Yes
2.6 New buildings and multi-tenant buildings Signage is to be an integral part of the overall building.	The proposal is accompanied by a Signage and Graphics Schematic Design Report which provides a cohesive signage theme through the site.	Yes
2.7 Corporate branding Identification of the owner of the site is not permitted.	N/A Signage is for the sports facility only.	N/A
3.4 Extent of signage permitted The site is zoned RE1 public recreation, and there are no controls relevant to this site.	The proposed number and dimensions are suitable for a site of this scale, in particular to provide clear wayfinding signage.	Satisfactory
Part 9.2 Access for People with Disabilities		
<p>Objectives: 1. Ensure that builders, developers and others provide access for people with disabilities in new and refurbished premises as required by the Disability Discrimination Act 1992 and the new Commonwealth Disability (Access to Premises-Buildings) Standards.</p> <p>2. Provide design criteria that achieve access for people with disabilities.</p> <p>3. Promote the concept of an accessible environment for the whole community.</p>		
Design requirements: People with disabilities are to have equitable access to all buildings.	<p>The proposal has been designed to include accessible ramps, lifts and accessible amenities.</p> <p>The applicant has confirmed that the construction certificate documentation will provide details of tactile indicators, visible alarms, signage and the like.</p> <p>6 accessible parking spaces are provided.</p>	Yes

Part 9.3 Parking Controls

The parking rate for outdoor recreation facilities / tennis courts is 3 spaces per court. The proposal is for 33 courts, which results in 99 spaces required.
The proposal provides 293 spaces, which satisfies this rate.
Refer to further discussion at Section 7.12 of this report, as there is no specific rate for a netball court.

Part 9.5 Tree Preservation

The proposal seeks to remove 73 existing trees. In culmination with trees already removed to enable the demolition of structures on the site, this will result in the removal of a total of 103 trees (including some groups of trees). 102 existing trees are to be retained. This proposal seeks to provide 298 replacement trees; which achieves replacement of removed trees at a ratio of 2.8:1, which satisfies Council's direction to provide replacement planting at a ratio of 2:1 to improve the treed environment.

Additional street trees are also being planted (6 at Winbourne Street and 12 at Brush Road).

The DA is accompanied by an Arboricultural Impact Assessment (AIA) prepared by Truth About Trees and Vegetation Management Plan (VMP) prepared by Travers Bushfire and Ecology. As discussed in Sections 7.10 and 7.11 of this Assessment report, Council's Consultant Landscape Architect/Arborist and Ecologist have undertaken an independent review of the desktop review of the AIA and VMP and support the proposal in light of trees in the part of the site zoned C2 Environmental Conservation being protected and some trees along the perimeter of the remainder of the site being retained.

4.0 Development Applications c. Trees removed as a consequence of Development Application approval must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest canopy.	298 replacement trees are proposed, which is a replacement ratio of 2.8:1.	Yes
5.0 Construction Activities a. All reasonable efforts are to be taken to protect trees from damage during construction. b. Tree protection zones are to be fenced off to ensure that they are not disturbed and to prevent vehicles, building materials, and refuse being placed in those locations. c. Fences for tree protection zones are to be erected prior to any demolition or construction work. d. Trees that are to remain on the site are to be protected against damage during construction. e. Installation of Services: Trenches for services shall be located outside the dripline of all trees that must be retained on the property and all trees on adjoining public and private lands.	Conditions of consent have been provided by Council's Consultant Landscape Architect/Arborist to ensure that tree protection measures are provided for trees to be retained on the site, adjoining properties and the street verge. See Conditions 32-34, 43, 63-70 & 102-106.	Yes

8.11 City of Ryde Section 7.11 Development Contributions Plan 2020

The Section 7.12 Development Contributions Plan 2020 commenced on 1 July 2020 and is applicable to the proposal. This Plan does not apply to development that, if carried out, would no result in any increase in the total gross floor area that existed on the land immediately prior to the lodgement of the development application. As at the date of lodgement, being 25 August 2022, the former Marsden High School buildings occupied the site. The total gross floor area of this proposal is less than the school. Therefore, this Plan does not apply.

(iia) Any planning agreement:

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

(iv) The regulations

The proposal is consistent with the *Environmental Planning and Assessment Regulation 2021*. Standard conditions are recommended regarding compliance with the Building Code of Australia and Australian Standards.

9. LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development are discussed throughout this report including in the Submissions and Referrals sections below. Further consideration of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, are discussed below.

9.1 Secondary vehicular access point via Brush Road

This site was re-zoned in a Planning Proposal (PP), and during that PP process, the Councillors set out a resolution of the Council Meeting that the subject DA for a Multi Sports Facility is to consider this issue:

That staff be requested to investigate the possibility of the continued use of the current access to Brush Road to alleviate traffic impacts on Winbourne Street as part of the current assessment in train on the development application for the netball facility.

Council's Transport section does not consider a second vehicular access driveway via Brush Road on the eastern site frontage to be essential for the following reasons:

9.1.1 Impact of vehicular access arrangements on Brush Road

To assess the impact of retaining access to the site from Brush Road, the following access arrangement options were investigated:

- Option 1: No access via Brush Road
- Option 2: Unrestricted entry and exit movements via Brush Road
- Option 3: Entry only access from Brush Road (no exit movements permitted onto Brush Road)
- Option 4: Exit only onto Brush Road (no entry movements permitted from Brush Road)

Subsequently, traffic generated as a result of the proposed recreational facility was distributed to Winbourne Street and Brush Road and was added to the background (base) traffic on Winbourne Street and Brush Road for the future year 2024. The trip distribution was based on observed travel patterns and behaviours within the adjoining public road network.

In order to ascertain the operational performance of Winbourne Street and Brush Road under each of the abovementioned options (1–4), reference is made to Table 4.4 of the Transport for NSW's (TfNSW) *Guide to Traffic Generating Developments*, which establishes the Level of Service (LoS) criteria for urban roads, based on peak hour traffic flows.

Table 2 below shows LoS on Winbourne Street and Brush Road for each option/scenario based on the projected peak hour traffic demand (inclusive of the development traffic).

Table 2: Traffic Volumes and LoS based on the Different Access Arrangement Options

Road	Access Option	Weekday 5pm-6pm			Saturday 12pm-1pm		
		Southbound	Northbound	Total	Southbound	Northbound	Total
Winbourne Street	Option 1	319 (B)	248 (B)	567	252 (B)	197 (A)	449
	Option 2	266 (B)	217 (B)	483	205 (B)	169 (A)	374
	Option 3	319 (B)	217 (B)	536	252 (B)	169 (A)	421
	Option 4	266 (B)	248 (B)	514	205 (B)	197 (A)	402
Brush Road	Option 1	18 (A)	46 (A)	64	15 (A)	37 (A)	52
	Option 2	80 (A)	77 (A)	157	71 (A)	65 (A)	136
	Option 3	80 (A)	77 (A)	157	71 (A)	65 (A)	136
	Option 4	71 (A)	73 (A)	144	63 (A)	61 (A)	124

The analysis taken from Table 2 indicates the following:

- A driveway on Brush Road allowing unrestricted entry/exit movements (**Option 2**) is anticipated to reduce peak hour traffic demand on Winbourne Street by 15%;
- **Option 2** is anticipated to result in more than doubling the peak hour traffic demands along Brush Road; and
- The future LoS on Winbourne Street and Brush Road under all access options is anticipated to be 'A/B'. A LoS of 'A/B' generally represents good operational performance and spare capacity.

9.1.2 Environmental Capacity Analysis of Brush Road

The TfNSW's *Guide to Traffic Generating Developments* specifies a maximum environmental capacity threshold of 300 vehicles per hour for local roads. Table 2 above indicates that the projected 2024 mid-block traffic demands on Brush Road under all access options is not expected to exceed the environmental capacity threshold set within TfNSW's *Guide to Traffic Generating Developments*. Notwithstanding this, a driveway access on Brush Road is expected to more than double the peak hour traffic volumes on Brush Road, which will reduce the residential amenity currently experienced by local residents on Brush Road.

9.1.3 Conclusion

The provision of a driveway off Brush Road will require traffic management treatments, such as 'No Stopping' restrictions in the vicinity of the site access on both sides of Brush Road (or alternately on each side of the road between Hermoyne Street and Victoria Road); Left-in left-out movements only restriction at the Brush Road site access; and/or widen Brush Road along the site boundary (235m long) to enable a road width from approximately 7m to 11m to accommodate two travel lanes (2 x 3.4m) and two parking lanes (2 x 2.1m).

Such measures are considered to have either traffic implications or financial constraints; such as loss of on-street parking on Brush Road which disadvantages local residents; diverting additional traffic to other local roads (i.e., Cheers Street, Tramway Street and Darvall Road towards Victoria Road); and/or significant engineering construction works which may not be viable.

Access to the site from Brush Road will obviously increase traffic on Brush Road and consequently will impact the residents' amenity; and will not change/improve the LoS on Winbourne Street significantly. On balance, a second driveway access via Brush Road is will not materially benefit Winbourne Street in terms of alleviating traffic.

Given the importance of this issue, Council engaged an independent traffic expert (TTPP) to peer review the consideration of Council's Transport engineers above. TTPP's advice is as follows:

The DA estimates the proposed sports facility would generate a total of 461 vehicles per hour (vph) in the PM peak hour being the busiest peak hour, involving 249 inbound vehicles and 212 outbound vehicles. Australian Standard (AS) 2890.1 Parking facilities - Off-street car parking Appendix D specifies that under free flow conditions, a single lane can accommodate up to 600vph. This indicates the Winbourne Street site access (one-lane entry and one-lane exit) can operate below the maximum lane capacity in accordance with AS2890.1.

TTPP undertook SIDRA modelling to determine the performance of the Winbourne Street site access using the inferred Winbourne Street traffic volume based on traffic count data of the Marsden Road - Winbourne Street intersection (3-4pm) in the Traffic Impact Assessment accompanying this DA (Appendix A Traffic Surveys prepared by Stantec). The modelling results indicate that the site access is expected to operate at Level of Service A with ample spare capacity and with the longest queue of 7m occurring in the access driveway. On this basis, the single site access at Winbourne Street is expected to accommodate the estimated traffic generation resulting from this development.

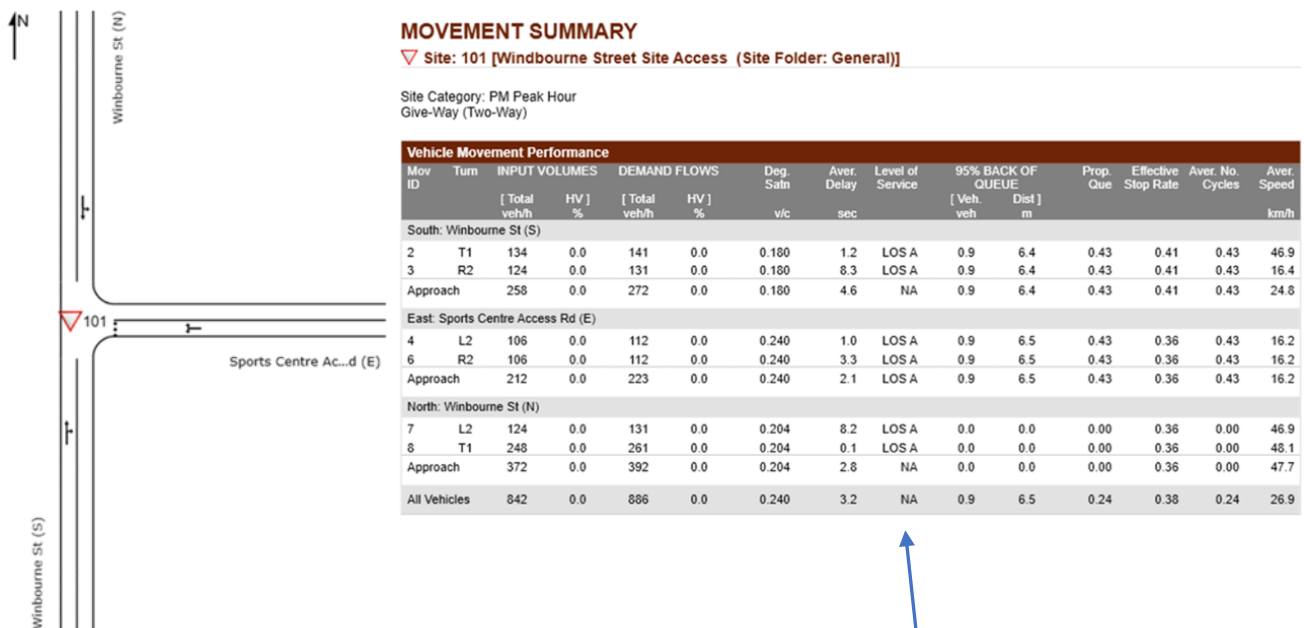


Figure 25: Intersection modelling results by TTPP to assess the operation of the proposed Winbourne Street driveway. The estimated traffic volume is expected to enable Winbourne Street to continue to operate at a Level of Service A.

Winbourne Street is approximately 9m to 11.3m wide between kerbs south of the site access and can accommodate two-way traffic flows. The road narrows to 7m north of the site access and would effectively allow one travel lane only when parking occurs on both sides of the road. If the proposed development can accommodate parking demand fully within the on-site car park, it is not expected that there would be adverse parking impacts in Winbourne Street, and consequently the single travel lane can accommodate the two-way traffic flows as per the existing conditions. This would enable gaps for drivers to pull in when there are vehicles coming in the other direction.

On the above basis, the single site access in Winbourne Street is expected to operate acceptably. Therefore, the secondary access on Brush Road is not deemed necessary.

In conclusion, it is evident that a second driveway access via Brush Road will not materially benefit Winbourne Street in terms of alleviating traffic. The provision of a single vehicular access point via Winbourne Street is supported.

It is also noted that in response to this issue, the applicant states that “vehicle access to Brush Road is not feasible as it would go through the protected ecological area, nor is it desirable given this is a lower order road and effectively only allows for one travel lane due to parking on both sides of the road. The intention of the proposal was to keep traffic volumes associated with the development largely on Winbourne Street from a safety and amenity perspective.”

9.2 Acoustic impacts during operation

The facility is proposed to operate as follows:

Internal Multi-sport Courts & Gym

Monday to Thursday	5:30am - 11pm
Friday	5:30am - 10pm
Saturday	6:30am - 10pm
Sunday & Public Holidays	7:30am - 7:45pm

External Netball Courts

Monday to Friday	7am - 9:30pm
Saturday	7am - 7:45pm
Sunday & Public Holidays	8am - 6:30pm

Facility hours may vary during finals or special bookings. The Centre is expected to operate all days except Christmas Day and Good Friday and is expected to be closed for a week over the Christmas period for maintenance works and floor resurfacing.

The Facility is proposed to be used for sports camps, holiday programs and tournaments during the school holiday periods and long weekends.

The primary noise generating activities include use of the indoor facility (including 4 courts, gym and café), 29 outdoor courts, the carpark areas, external mechanical ventilation services associated with the building and public address systems as shown on the map below. Noise from using the outdoor courts is a combination of whistles, shouts, cheers, ball bounces, public announcements.



Figure 26: Extract from the DA Acoustic Assessment prepared by Marshall Day Acoustics and dated 23 March 2023 showing the layout of the development.

The application is accompanied by Acoustic Statements prepared by Marshall Day Acoustics (MDA). The Acoustic Statements consider the above noise generating activities as a result of use of the development on the nearby sensitive receivers. The site is surrounded by residential properties and Ermington Primary School sharing part of the southern boundary. Six receivers were selected to represent the nearby receivers on each side of the site as detailed in the map below.



Figure 27: Extract from the DA Acoustic Assessment prepared by Marshall Day Acoustics and dated 23 March 2023 showing the location of the assessed representative residential receivers.

Two unattended loggers were left at the site from 18 February to 3 March 2021. MDA reviewed the measured noise background noise levels and determined the levels to be typical for a suburban area. MDA states that in the absence of a 'more suitable criteria', the Noise Policy for Industry (NPI) will be used to assist in setting a criterion for the breakout noise from the use of the internal courts / gym / kiosk / carpark as this noise is more aligned with noise from a commercial premises.

The NPI criterion has not been used to assess the use of the external netball courts as it specifically excludes noise from sporting facilities. Therefore, noise levels from outdoor netball courts are calculated and comparisons to existing ambient levels are provided, as well as consideration against the Noise Guideline for Local Government, NSW Environment Protection Authority 2013 (NGLG).

The noise predictions found that there will be exceedances at the northern boundary and MDA has recommended acoustic screens to be installed to further attenuate the noise from the site.

The final details of the acoustic screening along the northern boundary are shown in **Figure 28** below. This fencing location and design cater to acoustic attenuation, protection of trees to be retained and allowing for overland flow. The acoustic screening to part of the southern boundary is shown in **Figure 29** below.

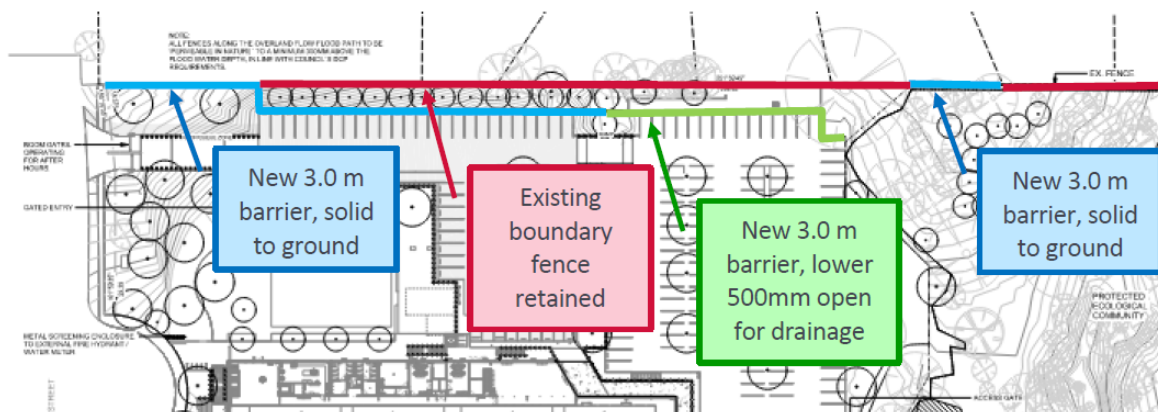


Figure 28: Extract from the DA Acoustic Addendum letter dated May 2023 showing the location and design of existing boundary fencing and new acoustic screens.



Figure 29: Aerial view of the site showing the location of the 2m high acoustic barrier (blue) along part of the southern boundary shared with residential properties and part of Ermington Public School.

The noise modelling considers when all 29 outdoor courts are in use. The results demonstrate that the use of the courts will significantly exceed the existing background noise levels at all nearby receivers.

The conclusion by the applicant's acoustic consultant, MDA, is that *"the guidance noise levels are predicted to be exceeded by 1 dB during the Daytime peak traffic period, only at the receiver directly adjacent the carpark to the north of the development. However, at the remaining surrounding receivers, noise from the indoor sports and carparks is capable of complying with the Guidance Noise Levels; and therefore, further control measures are not required for those receivers."*

This recommendation is based on the installation of boundary attenuation walls along/near parts of the northern boundary (see **Figure 28** above) and southern boundary (see **Figure 29** above).

Consideration of the Facility and carpark breach to northern boundary: The applicant's acoustic analysis states that with these mitigation measures, the noise from the indoor sports facility and carpark is capable of complying with the Guidance Noise Levels of the NPI for surrounding residences; with the exception of receivers directly adjacent the carpark to the north which is subject to an exceedance of 1 dB during the day time peak traffic period.

The use of the Facility and car park will adversely impact on the residents to the north. Despite this noise level exceedance, this proposal provides extensive acoustic mitigation measures and operational matters to protect the amenity of residents. (See further consideration by an independent external acoustic consultant below).

Consideration of the outdoor courts breach: The applicant's acoustic analysis states that there is no relevant noise criteria or policies that guide the use of outdoor sports facilities. MDA has calculated noise impacts from these uses and provided comparison to existing ambient levels, with reference to guidance in the Noise Guideline for Local Government, NSW Environment Protection Authority 2013 (NGLG) when considering potential impacts. **Error! Reference source not found.** below shows the predicted noise levels. MDA states that:

This Table shows noise levels from the outdoor courts of 38 to 58 dB LAeq at the nearby residential receivers, with all courts in use, whilst the ambient LAeq noise levels at these receivers are 52 to 53 dB LAeq during the Day and 55 to 61 dB LAeq in the Evening. In the absence of regulatory guidance or criteria for such noise we cannot comment on the acceptability of such levels, however we note that the use of the site for Marsden High School would also have produced (numerically) significant noise levels. However, compared to the use of the site as a school the proposed netball facility will extend the hours of use into the evening.

Table 15: Predicted noise levels from outdoor netball courts

Receiver	Outdoor courts – all in use dB LAeq,15min	Existing background RBL LA90 Day / Evening	Existing ambient LAeq Day / Evening
7 Daphne St	38	38 / 37	53 / 55
3 Daphne St	41	38 / 37	53 / 55
86/89 Brush Rd	57	38 / 37	53 / 55
9A Eulalia St	46	38 / 37	53 / 55
Ermington PS Public School [facade]	60	43 / 42	52 / 61
18 Winbourne St	57	43 / 42	52 / 61
27 Winbourne St	58	43 / 42	52 / 61
Ermington PS Active recreation	54	43 / 42	52 / 61

Figure 30: Extract from the DA Acoustic Assessment report prepared by MDA showing predicted noise levels from the operation of all outdoor netball courts. The existing background noise levels (RBLs) and existing ambient noise levels (LAeq) are shown for context.

In addition, operational management measures to reduce noise emissions from the site include:

- No whistles after 6pm during weeknight training (except in summer competitions).
- Saturday competition (April-September) to finish by 6pm.

- Announcements on competition days to inform participants and spectators of important information such as game schedules, safety measures, procedures, etc., shall be limited and spread throughout a day.
- Use of outdoor courts on Mondays and Thursdays to conclude by 8pm.
- During weekdays (March-September) outdoor courts mostly to be used for training.
- Friday usage of external courts will be considerably reduced.
- From October to March, summer competitions may take place on Tuesdays and Wednesdays.
- Court use will start at the centre of the site (Level 2 top rows). Courts along the borders of the site will only be used in case all other courts are being used. Full use of external courts will likely only happen on Saturdays and special events.

Acoustic assessment: Given the sensitive nature of the proposal and significant issues raised in public submissions, the proposal was referred to an independent external acoustic consultant for review. The key issues raised in this peer review include:


- *The Marshall Day Report refers to a background noise survey but does not append it to the report. The survey was conducted in the summer and the noise levels (Leq) measured in the evening time at Location 2 (Nos. 18 & 20 Winbourne Street) are much higher than the day time, indicating that noise logging is potentially impact by insect noise. Concern about the evening time Leq noise levels is particularly relevant to the consideration of the Outdoor Sports Court noise impact on the dwellings to the south of the site.*
- *Uncertainty as the acoustic mitigation measures that are actually proposed. There are a number of instances where alternative noise mitigation strategies are proposed (reduced outdoor sports court operation, alternative boundary fence heights), however no clear statement as to what is proposed. It is left to the consent authority to determine the management controls for the proposal. The proposal should clearly identify what noise management is proposed and provide justification where necessary.*
- *There are a series of noise controls (both physical and management) that are implicitly required as part of the noise control strategy. However not all building controls that are required are identified in the Recommendations section of the report. Further, there is no section summarising the management controls (music/gym class noise levels, times for closure of louvres to the buildings, times and nature of any restrictions on use of outdoor courts).*
- *The car park night time noise emission assessment appears to be based on unrealistically low vehicle movements. Also, a 6dB(A) exceedance from car park operations is expected in the daytime without the report providing proper consideration of alternatives and why they are/aren't feasible.*
- *Sports court noise is predicted to significantly exceed background noise levels with little examination of noise mitigation strategies, and nothing stated as to the actual management strategy that is proposed (this is left to the consent authority). The fact that there was previously a school at this location does not in itself justify unrestricted use of the outdoor areas, particularly given the likely intensive use of the site in evenings and weekends (outside of typical school times).*

The applicant was requested to submit an amended Acoustic report which address the above items to ensure the report reflects a thoroughly considered acoustic assessment and clearly sets out the recommendations. The applicant declined to submit an updated report and requested these matters are conditioned.

Council's position is that the noise mitigation measures set out by the applicant in their DA documentation must be strictly adhered to ensure that their specific commitments are incorporated into the design and operation of the development. This provides certainty that the noise control measures assist with addressing the potential negative impact on nearby residents. This amenity impact is considered on balance in respect to the public benefit delivered by this development and the effectiveness of the acoustic mitigation measures which are considered suitable in this context.

The recommendations from the peer review are considered in the table below.

Condition	Reason	Outcome
155 Hours of operation of the internal multi-sport courts and gym	Hours of operation on Monday to Thursday restricted to 5:30am - 10pm (not 11pm). All activities on site are to finish at 9:45pm to allow time for individuals to leave the site and car parking area by 10pm.	Ensures that residents are assured that activity on the site is completed by 10pm.
116 Music in internal areas (for exercise classes or similar) should be limited to 7am-10pm and limited to 75dB(A)Leq within the space.	To manage noise emissions from indoor activities.	Protects the amenity of surrounding residents.
116 All louvred windows to be closed during provision of music at any time, or when used outside of the 7am to 6pm period.	To manage noise emissions from indoor activities.	Protects protect the amenity of surrounding residents.
48 Noise from the external public address system should comply with the EPA Noise Policy for Industry.	To ensure consideration is given to volume control and speaker location.	Protects the amenity of surrounding residents.
116 Restriction of the use of outdoor courts in the evening time to the 13 central courts (shown in yellow below).	This would result in noise levels of closer to 52dB(A) at the nearby residences, as opposed to 58-59dB(A). This would make the noise similar to existing Leq noise levels and a significant improvement compared to the current proposal. This would still allow for 17 courts in total to be used in the evening. There is no information in the Marshall Day report as	Protects the amenity of surrounding residents. It is noted that full use of external courts will likely only happen on Saturdays and special events. The use of the outdoor courts next to the southern boundary is also required to conclude by 8pm on weekdays and 7pm weekends and public holidays.

	<p>to what the level of usage expected in the evening time is, however given that vehicle movements in the evening time period are less than half of the daytime, potentially a restriction of this nature is viable.</p>	
<p>29 Increase the height of the 2m high noise screen on part of the southern boundary to 3m. The dwellings at Nos. 18 & 20 are single storey and will be benefitted by a higher noise screen. The current predictions of 57-58dB(A) to these properties do not seem to take into account the potential benefit of noise screening.</p>	<p>Use of a screen (such that the screen breaks the line of sight between the north facing windows and the outdoor courts) would help reduce noise impact for the residences on the southern boundary of the site by approx. 5-7dB(A). The top 1m of the screen could be cantilevered or constructed from Perspex to reduce visual impact / overshadowing to neighbours.</p>	<p>The applicant agreed to this depending on arborist advice on the impact of trees on the site due to increased footing of the 3m southern fence. Structural advice is that a 1m angled top of the fence will increase the lateral structural loads and further increase the size of the footing. Therefore, noting a further impact to the tree roots to the significant trees located in this area.</p>

Council also recommends the imposition of the following conditions to ensure the details of the proposal are incorporated into the development and its operation:

Council Condition	Reason	Outcome
114 Operational Management Plan	To be updated to reflect the above further details of management strategies for noise control.	Ensures the operator commits to the proposed management strategies.
25 & 120 Mechanical Plant	To ensure that the mechanical plant to be installed does not result in excessive noise and vibration impacts.	Ensures mechanical plant is appropriate.
48 Public address system	The applicant states that the local of the public address system for announcements is to be established at construction certificate stage. The design is to be certified by an acoustic consultant.	Ensures that the location, height and direction of the speakers minimises the impact on residents.
114 Public address system	The applicant states that <i>"announcements may be made on competition days to inform participants and spectators of important information such as game schedules, safety measures, procedures, etc. These would be limited and spread throughout a day."</i>	Ensures that the use of the public address system minimises the impact on residents.

	During operation, excessive use of the public address system is not permitted.	
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It is also noted that although this site is zoned RE2 Public Recreation; the majority of the surrounding properties are residential, and it is not considered suitable for the site to be accessible to the public at all times. Vehicular access is restricted by boom gates, and some existing security fencing is being maintained.

The use of the site is recommended to be strictly limited to the hours of operation in **Condition 159** to enable the Operational Management Plan to be successfully implemented.

9.3 Intensity of use

The facility is proposed to operate from 5:30am to 11pm daily. The extended hours include the use of the indoor gym and evening sports games. The site will also be used for sports camps, holiday programs and 1-2 tournaments per year. The regular peak usage times are anticipated to be 5-6pm weekdays with 20 of the courts to be occupied and 507 peak hour vehicle trips; and 12-1pm Saturdays with 18 of the courts to be occupied and 461 peak hour vehicle trips.

Given only a portion of the courts will be occupied at any one time, consideration is given to if this number of courts is necessary to construct.

The applicant justifies that 29 outdoor courts are proposed to meet the needs of junior players, and that these courts will be used in a staggered manner. That is, all outdoor courts will be used and at any one time only 18 courts will be scheduled to host games on Saturdays.

The applicant states this is an operational matter for consideration prior to the operation of the facility. Stantec advised that staggered start/ end times will assist traffic movements and parking demand where sufficient time between games is provided such that players/ spectators of a game are leaving or have left prior to players/ spectators of the following game arriving.

The facility will be sub-leased to East Ryde Netball Association (ERNA), who advise that with only 29 outdoor courts, ERNA's "*room for growth is minimised in this area for grassroots netball.*" Competitions are currently being held for 6-10 year olds at the 16 courts at Brush Farm on Saturday mornings and is planned to continue. These courts are located at Lawson Street, Eastwood approximately 1km to the north of the subject site. This approach will help to share the scheduling of games in the local area.

The applicant states that the use of the indoor courts will be prioritised, followed by the outdoor courts at the centre of the site (Level 2 top rows); courts along the borders of the site will only be used if all other courts are being used; and full use of external courts will likely only happen on Saturdays and special events.

Overall, the ability of the facility to function to accommodate training activities and series of netball games and other sports in a scheduled and event driven manner is supported. Although not all courts will be occupied for training/games at all times, the overall facility is afforded the ability to operate in a manner which services the needs of participants/athletes.

9.4 Adequacy of the Operational Management Plan

The proposal is accompanied by an Operational Management Plan (OMP) prepared by CBRE which states that the proposed development will be run by a third-party operator. The site will have three distinct stakeholders, plus ancillary stakeholders. The site operator will be running a commercial operation within the site, Department of Education is a key stakeholder with the terms for use of the facility (being the facility owner) currently being developed. The sub-lease to the operator will be East Ryde Netball Association (ERNA).

The OMP states the facility will have an average of 4 full time employees (6.5 at peak periods), and 401,000 estimated annual visits. Section 9.2 above lists the hours of operation, management measures to reduce noise emissions. Cleaning, site maintenance and waste management will be managed by the operator with bin collection undertaken within the car park area. The operator is responsible for emergency response procedures and evacuation plans, in particular as the site contains a flood retention basin and a protected vegetated area.

The OMP also states that a complaints policy and incident register will be implemented and revised on a regular basis by the site operator.

Event management is addressed for large scale events, such as tournaments which can be held 1-2 times per year.

It is important to note, that State wide tournaments are not guaranteed to be hosted at this site. It is anticipated that tournaments will be held elsewhere in NSW and occasionally at the subject site. **Conditions 116 & 159** is recommended to be imposed restricting the number of major events on this site to 2 per year.

For large events, the OMP provides the following traffic and parking management measures:

- Travel access guide for specific events and time periods including access restrictions, transport options and policies and procedures.
- Parking facilities located offsite or nearby parking areas (for example at Ermington Public School to the south for cars).
- Coach and bus facilities on street on Winbourne Street (being the existing bus bay which can service the manoeuvring and unloading of 2 x 12.5m long buses concurrently).
- Off-site coach parking designation and shuttle bus options to nearby transport hubs (West Ryde station, Meadowbank station and offsite parking areas).
- Pedestrian management planning for surrounding roads and pedestrian access routes.
- Service and emergency vehicle planning and procedures.

For clarity, **Condition 180** is recommended to be imposed restricting the parking of any coaches and buses attending the site for large events on surrounding local roads. It is understood that this is the general procedure for large events.

It is also recommended that parking availability and policies are communicated to users of the site, for example via a website which explains available on-site parking and provides information specific explaining how each event is managed to assist with mitigating potential amenity impacts on surrounding residents and the community (**Condition 116**).

As detailed in Section 9.3 *Intensity of use* above, the applicant justifies that 29 outdoor courts are proposed to meet the needs of junior players, and that these

courts will be used in a staggered manner. That is, all outdoor courts may be available for use, and where possible only 18 courts will be scheduled to host games on Saturdays at any one time. Measures to schedule the staggered use of the courts is recommended to be detailed in the OMP (**Condition 116**).

The OMP is also recommended to include specific operational details to reflect the final operational arrangements of the facility in light of the recommendations of the supporting expert reports and conditions of consent, such as restricting the use and dimming of lighting, limiting use of whistles, safety and security matters, etc. This will ensure that the relevant operational information is maintained in a central usable document under the full responsibility of the operator.

Pending the inclusion of the above specifics, the OMP (including its ongoing review and improvements based on user and community feedback) is considered adequate to support the operation of the development in a manner which delivers community benefit balanced with being sensitive to surrounding residents.

9.5 Potential community and social impacts

This application is accompanied by a Social Impact Assessment (SIA) prepared by Ethos Urban on behalf of the applicant, the purpose of which is to analyse the potential social impacts that may arise from the construction and operation of the new community sports infrastructure on the site. The report states that the purpose of this facility is to *'deliver state-of-the-art community sports infrastructure' which will 'contribute to the City of Ryde's vision for its role in sport and recreation planning in the Local Government Areas to contribute to the lifestyle, health and wellbeing and social cohesion of the community.'*

The SIA involves an analysis of social changes and impacts on communities that are likely to occur as a result of this particular development, both positive and negative, for all stages of the project lifecycle for key stakeholders and the broader affected community. The SIA identifies the key strategic drivers for this development as:

- Increasing supply of sports and recreational facilities for youth to meet demand.
- Encouraging healthy and active lifestyles in the community.
- The critical role of sports and recreation infrastructure in building social connection and cohesion.
- The critical role of sports and recreation infrastructure in building social connection and cohesion.
- A priority focus and vision of City of Ryde Council and the community is for provision of recreational spaces.

Population forecasts are provided based on the study areas below.

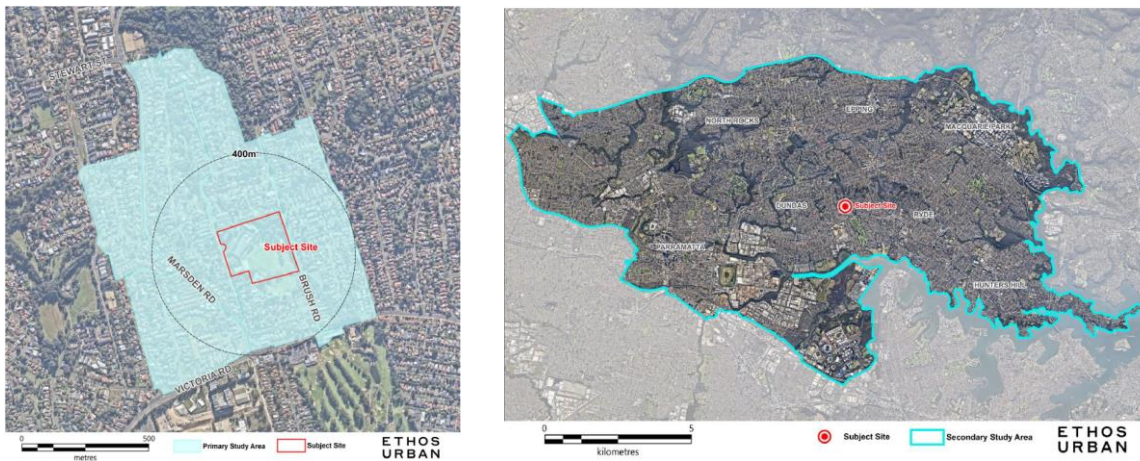


Figure 31: Extract from the Social Impact Assessment indicating the Primary Study Area (left) which represents the local community within the immediate area, and the Secondary Study Area (right).

According to the 2016 ABS Census of Population and Housing data, the primary study area comprised 2,852 residents in 2016, 78.6% of dwellings are family households (of these family households 53.4% are occupied by couple or single families with children), 56.6% of dwellings are separate dwellings and 40.1% are low-medium density semi-detached/row/terrace houses. 31.7% of homes are owned outright, 35.3% are on a mortgage and 32.3% are rented. A high proportion of residents are born overseas (45%). 22% of the population are under 18 years of age.

Population growth for the Secondary Study Area is estimated to be 408,480 in 2020 (an increase of 38,110 residents of 2.5%), which is comparatively higher than the average annual growth rate for Greater Sydney area of 1.7%.

The SIA states that *“within the Secondary Study Area a large share of growth is forecast to occur between 2020 and 2026, at +20,540 residents per year, or an annual average growth rate of +4.5%. This compared to the Greater Sydney growth rate over the same period of +1.1%. Accordingly, it is important that other non-residential development and social infrastructure is provided within the SSA to support and align with this level of population growth.”*

The SIA states that the largest population growth will occur for 35-44 year old residents. In addition, age groups of 15-19 and 20-34 years old represent 12% and 11% of population growth, which *“will be the age groups most likely to use and generate demand for the proposed facility”* as shown in the table below.

Table 3 Age projections SSA (2020-2036)

	2020	2026	2036	Change 2020-2036
0-4 years	28,640	38,130	40,800	+12,160
5-14 years	24,370	32,030	39,030	+14,660
15-19 years	41,470	54,710	67,390	+25,920
20-24 years	30,020	31,570	36,800	+6,780
25-34 years	79,980	100,360	97,260	+17,280
35-44 years	61,830	98,170	105,460	+43,630
45-54 years	48,470	60,910	88,290	+39,820
55-64 years	40,760	47,500	59,220	+18,460
65-74 years	28,070	36,400	44,110	+16,040
75-84 years	16,400	21,700	30,610	+14,210
85 years and over	8,500	10,250	15,980	+7,480
Total	408,510	531,730	624,950	+216,440

Source: DPIE, ABS

Figure 32: Extract from the Social Impact Assessment indicating the projected population growth of the Secondary Study Area.

The SIA identifies that the social issues and trends which impact on the proposed development include:

- Growing demand for sports infrastructure in the City of Ryde: It is estimated that 40-60% more people will be accessing services and facilities in the LGA by 2031. Providing sufficient open space and recreation facilities will be critical to supporting a growing, active and healthy community over the next decade.
- Supporting community wellbeing and social connection through sports.
- Netball as a high participation sport for girls and women: The delivery of high-quality regional facilities will support the hosting of women-focused sporting events, attracting international investment and elevating role models for women in sport.

Netball is the biggest team sport in Australia and the number one sport by participation levels in Australian girls. Nationally, participation is very heavily skewed to female players (88% of adults participating and 97% of under 15yr-olds), with the second largest adult female participation rates (89%).

Based on the nationwide AusPlay survey, almost 3% of the Australian population are participating in netball.

In NSW, Netball NSW's membership has grown to over 115,000 members. In the school setting, in Terms 1 and 2 of 2021, Netball NSW's school programs achieved record participation with over 15,500 students across 169 schools participating in Netball NSW School clinics and/or a Sporting Schools program.

By age, participation is highest among children over 9yrs, teenagers and young adults. Netball as a sport also retains players for longer than other sports, from childhood to young adulthood.

The SIA identifies that community stakeholder engagement projects were undertaken since mid-2018, including website, email and phone consultation, in-person community information sessions and a community survey. The resulting issues raised included light spill, parking and traffic impacts, site orientation and building envelope, noise impacts, amenities, venue management, construction, tree removal, flooding, multi-sport availability, and use of amenities and open space by the public.

The SIA identifies the following potential impacts during construction and operation, and the response integrated into the proposal:

- Impact 1: Way of life - how people live, get around, work, play and interact with one another each day.
- Impact 2: Health and wellbeing - including physical, mental, social and spiritual – and especially for vulnerable people; access to open space and effects on public health.
- Impact 3: Accessibility - access to and use of infrastructure, services and facilities
- Impact 4: Community - including its composition, cohesion, character, how it functions, sense of place.
- Impact 5: Culture - shared beliefs, customs, values and stories, and connections to land, places, buildings.
- Impact 6: Surroundings – access to and use of natural and built environment, including ecosystem services, public safety and security, as well as aesthetic value and amenity.
- Impact 7: Livelihoods - people's capacity to sustain themselves, whether they experience personal breach or disadvantage, and the distributive equity of impacts and benefits.

Each potential impact is accompanied by a responses or mitigation measures and considered in terms of overall impact (low/medium/high negative/positive impact), likelihood, duration, consequences, severity/sensitivity, extent and potential to mitigate/enhance. A summary of these mitigation measures is provided in the table below:


Response / Mitigation Measures	Council comment
Impact 1: Way of life - how people live, get around, work, play and interact with one another each day.	
During Construction: Mitigation measures set out in the Construction Management Plan will be implemented to reduce the impacts associated with noise and vibration and visual amenity during the construction phase.	Agreed. The development will be conditioned to comply with the Construction Management Plan (CMP) (Condition 1).
Develop a communications and engagement strategy to communicate with surrounding residents, workers, students and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions should also be provided.	Supported and imposed in Condition 84 .
During Operation: Consider opportunities to enhance pedestrian connections between the site and surrounding social infrastructure such as neighbouring playgrounds and parks to ensure that residents and visitors are able to easily access surrounding facilities (e.g., ensuring surrounding walking paths are level and well maintained, safe, well signposted).	Pedestrian connections are required to be provided in the vicinity of the site, as shown on the proposed plans. Existing pedestrian pathways are available to nearby green space and children's parks.
Consider opportunities for new accessways and connection points to the site to be designed to enhance the connectivity to the surrounding neighbourhood (e.g., public transport stops, connections through to surrounding parklands with consideration to visitors commuting via bus).	The design is considered to deliver suitable access points.
Increase the frequency of bus services during peak weekend periods.	This approach is supported. However, public bus services are a matter for Transport for NSW to address, and changes to

Response / Mitigation Measures	Council comment
	scheduling on weekends is outside the scope of this DA.
Promote natural assets of the site including Archer Creek conservation zone and inherent cultural heritage attributes for enhanced visitor experience.	This approach is supported and achieved within the conservation area within the site. However, this is outside the scope of the DA for off-site parts of Archer Street.
Explore opportunities to support and promote active transport and sustainable travel to the new facility.	Supported.
Explore opportunities to invite existing residents of the surrounding area to utilise the proposed development when it is operational, to ensure it is welcoming to the surrounding community. Such as farmers markets and community use/hire of the facilities for health and wellbeing activities.	Supported. However, a farmer's market (or similar) does not form part of this proposal.
Work with Netball NSW, local sporting clubs, regional universities, TAFEs and associations to strengthen partnerships and to identify opportunities to enhance positive community benefits to way of life.	Supported.
Ensure any food and beverage services on the site provide fresh, healthy and affordable food options, considering sustainable procurement opportunities for third party vendor management contracts (food and beverage, and maintenance and gardening).	Supported.
Impact 2: Health and wellbeing - including physical, mental, social and spiritual – and especially for vulnerable people; access to open space and effects on public health.	
During Construction: Mitigation measures set out in the Construction Management Plan will be implemented to reduce the impacts associated with noise and vibration and visual amenity during the construction phase.	Supported. The development will be conditioned to comply with the CMP (Condition 1).
Develop a communications and engagement strategy to communicate with surrounding residents, workers, students and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions should also be provided.	Supported.
During Operation: Consider opportunities to enhance accessible pedestrian connections to neighbouring green and recreational spaces that are within walking distance to support wellbeing.	Pedestrian connections are required to be provided in the vicinity of the site, as shown on the proposed plans. Existing pedestrian pathways are available to nearby green space and children's parks.
Consider opportunities to enhance lighting and security for the personal safety of night time visitors around the built facility, including car park and public transport stops in the surrounding area of the site.	Supported. Lighting and security associated with the facility and car parking is incorporated into the proposal. Existing street lighting along the street frontages of the site are to be replaced with LED luminaires (Condition 52).
Consider opportunities to enhance pedestrian connections between the site, surrounding facilities and surrounding neighbourhoods to encourage active transport and promote physical activities (e.g., wayfinding, adequate shade, public art).	The new shared user path along Winbourne Street assist with achieving suitable access. The other examples are external to the site and outside of the scope of this DA.

Response / Mitigation Measures	Council comment
Consider further opportunities to improve access to the facility via public, active, and shared transport (e.g., bike paths, end of trip facilities).	This is considered to be achieved.
Explore opportunities to provide access to healthy and affordable food and drink options at the sports facility that caters to broad range of customers from various cultural backgrounds.	Supported.
Explore opportunities in using the site for community farmers markets during weekdays.	Not considered suitable. A farmer's market (or similar) does not form part of this proposal.
It is important that early arrangements are in place to make sure key community facilities and spaces provide support for the growing and changing community to connect with the redeveloped site. Spaces should be accessible to all and easy to navigate, activated with a balance of engaging spaces and activities through both day and night, and encourage connections between residents of the proposed development and existing residents in the area.	Supported.
Opportunities to explore activation and enhancement of amenity during both day and night should be encouraged through use and operation of public space in accordance with the principles of Crime Prevention Through Environmental Design. Consider noise control measures may be implemented through activity management or via physical noise controls for indoor facilities (Marshall Day Acoustics, Marsden High School Planning Proposal Acoustic report, March 2021).	This is addressed in the Acoustic Report and OMP accompanying this DA. See Section 9.2 <i>Acoustic impacts during operation</i> above. Noise control measures are required to be adhered to and imposed in Conditions 161-167 & 184 .
Impact 3: Accessibility - access to and use of infrastructure, services and facilities.	
During Construction: Mitigation measures set out in the Construction Management Plan will be implemented to reduce the impacts associated with noise and vibration and visual amenity during the construction phase.	The development will be conditioned to comply with the CMP (Condition 1).
Develop a communications and engagement strategy to communicate with surrounding residents, parents and staff at nearby childcare centres, construction workers and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions should also be provided.	Supported. The development will be conditioned to comply with the CMP (Condition 1).
Develop and implement a cultural heritage training programme for construction workers and contractors to minimise adverse impacts to the site, particularly near the Archer Creek Conservation Zone (as recommended in ACHAR report).	The development will be conditioned to comply with the Aboriginal Cultural Heritage Assessment Report (ACHAR) (Condition 1).
During Operation: Recommendations in the Traffic Impact Assessment by Bitzios Consulting to be incorporated in regard to onsite pedestrian facilities including retention of existing pedestrian footpaths along the site frontage and pedestrian connections from both site frontages to the building entrance required (i.e., from Brush Road and Winbourne Street).	The development will be conditioned to comply with (Condition 1).
Ensure that the development is designed in a way that enables convenient access and wayfinding, through detailed design features, including landscaping, road safety signage, seating, lighting and hand railings.	Achieved in the design of the proposal.

Response / Mitigation Measures	Council comment
Ensure the indoor sports facilities follow universal and accessible design principles to allow all members of the community, including those with disability, to easily and safely access facilities and to encourage greater participation in physical activity for all.	The development will be conditioned to comply (Condition 1).
Ensure adequate wayfinding and pedestrian connections to encourage access to public transport and clear linkages with other open spaces such as Maze Park.	Supported. However, such external connections are outside the scope of this DA.
Consider recruitment of volunteers for parking management, with potential use of Ermington Public School for on-site parking to distribute traffic across multiple locations.	Supported.
As per the Bitzios Traffic Impact Assessment (March 2022), given the site layout and frontage to Brush Road, it is likely that some parking and traffic will seek to access the site from the east via Brush Road. It is therefore recommended that mitigation measures be implemented on the surrounding streets and as part of operational planning for the facility. These measures may include but not limited to: <ul style="list-style-type: none"> Additional line marking and regulatory signage is installed to formalise parallel parking bays on Brush Road, maintain two-way traffic flow and ensure residents' driveways are not obstructed by visitors parking on street; The facility's Transport Access Guide (TAG), Green Travel Plan (GTP) and any Event Traffic Management Plans should clearly outline designated parking areas within the facility along with any temporary off-site parking arrangements and alternate transport modes. 	The development will be conditioned to comply (Condition 1). Council's Transport Services section requires signage and linemarking to be considered by the Ryde Traffic Committee and recommendations implemented prior to the issue of an occupation certificate. The development will be conditioned to comply (Condition 1).
Ensure pedestrian connections between the site and surrounding health facilities are accessible to people experiencing reduced mobility (e.g., ensuring surrounding walking paths are level and well-maintained, with frequent resting places).	Supported. Pedestrian connections are required to be provided in the vicinity of the site, as shown on the proposed plans.
Consider opportunities to enhance pedestrian and active transport connections between the site and surrounding neighbourhoods to encourage those accessing the site to use active transport and to promote physical activities.	Supported. However, this is outside the scope of this DA.
Identify opportunities to activate public spaces delivered on the site in ways that are welcoming to all community members and can encourage social interaction.	This is considered to be achieved in the design of the development.
Use of internal roads or car parks is likely to give rise to noise emissions that will need to be appropriately controlled.	Noted. Also see further comments below.
Impact 4: Community - including its composition, cohesion, character, how it functions, sense of place.	
During Construction: Mitigation measures set out in the Construction Management Plan will be implemented to reduce the impacts associated with disruption to the site during the construction phase.	The development will be conditioned to comply with the CMP (Condition 1).
Develop a communications and engagement strategy to communicate with surrounding residents, workers, students and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions should also be provided.	The development will be conditioned to comply with the CMP (Condition 1).
During Operation:	

Response / Mitigation Measures	Council comment
Ensure the design includes outdoor and indoor spaces that are welcoming and culturally safe for all community members and ones that can facilitate social gatherings and casual social interaction, enhancing community cohesion.	This is considered to be achieved in the design of the development.
Explore opportunities for day and night activations of the facilities, ensuring a safe and vibrant space is created through the design and operation without adversely impacting surrounding residents, such as utilising outdoor areas for community farmers markets which may provide an enhanced a sense of place for local residents and visitors from within the region.	The intent of this is supported. However, a farmer's market (or similar) does not form part of this proposal.
Consider developing a venue management plan for the proposed development to identify opportunities to activate the site, providing flexible spaces for hire to ensure that all community members and clubs feel welcome, including those wishing to participate in sports other than netball.	Supported. However, extent and intensification of use is to be strictly in accordance with the hours and number of persons on site set out in this proposal (Condition 116 & 159).
Ensure there is effective communication about the development process with existing district netball clubs and other recreational clubs and community associations in the area, to allow for sufficient clarity around stages of development and assist to ease the transition to a new facility.	Supported. This is a matter that the operator is expected to undertake and is not considered necessary to impose as a condition of consent.
Impact 5: Culture - shared beliefs, customs, values and stories, and connections to land, places, buildings.	
During Construction: Identify opportunities for public art on hoardings or other placemaking opportunities in consultation with Council.	Hoardings not considered necessary as site is already fenced, and construction hoardings may not be required.
Ensure that Aboriginal archaeology and cultural heritage is not adversely impacted upon by the development.	The development will be conditioned to comply with the Aboriginal Cultural Heritage Assessment Report (ACHAR) (Condition 1).
Provide Aboriginal heritage induction to all staff and contractors on site on the significance of the Aboriginal heritage of the site, which includes the Conservation Zone, advising responsibilities under the National Parks & Wildlife Act 1974 in respect of Aboriginal heritage (Comber Consultants, Marsden High School, Aboriginal Cultural Heritage Assessment Report, May 2021).	The development will be conditioned to comply with the ACHAR (Condition 1).
During Operation: Residents of the City of Ryde and neighbouring City of Parramatta constitute culturally and linguistically diverse communities. Team members accessing the facilities from outside the area will also represent a rich diversity of cultures and backgrounds. Opportunities for culturally appropriate spaces and designs should be considered and multi-functional spaces that can accommodate activities which support diversity and inclusion.	Supported. This is a matter that the operator is expected to undertake and is not considered necessary to impose as a condition of consent.
Incorporate Aboriginal and Torres Strait Islander cultural heritage into the design of indoor and outdoor spaces.	Supported. The accompanying Signage and Graphics Schematic Design Report prepared by Cox Architects provides a concept design which indicates potential artist/indigenous engagement for commissioned artwork, such as colouring of the hard courts and circulation paths as shown below:

Response / Mitigation Measures	Council comment
	
Potentially consider opportunities to expand conservation activities at Archer Creek (conservation zone within the site) for native plantings inspired by Australian environments.	Supported. The conservation zone is subject to the requirements of the Vegetation Management Plan as discussed in the Ecological consideration in Section 13.5 of this Assessment report below.
Cultural heritage training for third party vendor management, employees and contractors at the facility as per recommendations in ACHAR report.	The development will be conditioned to comply with the ACHAR (Condition 1).
Impact 6: Surroundings – access to and use of natural and built environment, including ecosystem services, public safety and security, as well as aesthetic value and amenity.	
Mitigation measures set out in the Construction Management Plan will be implemented to reduce the impacts associated with noise and vibration and visual amenity during the construction phase.	The development will be conditioned to comply with the CMP (Condition 1).
Develop a communications and engagement strategy to communicate with surrounding residents, workers, students and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions should also be provided.	The development will be conditioned to comply with the CMP (Condition 1).
Explore opportunities to incorporate consumer feedback into the building design and site layout, including the location of the indoor facility within the site and the placement of the courts.	This is considered to be incorporated into the proposal, and partly directed by the fall of the land and stormwater management design.
Identify opportunities for public art on hoardings or other placemaking opportunities in consultation with the City of Ryde Council, to reduce visual impact of proposed developments.	Hoardings not considered necessary as site is already fenced, and construction hoardings may not be required.
Consider opportunities to enhance pedestrian connections between the site and surrounding facilities to encourage active transport and improve perceptions of safety in the areas surrounding the development (e.g., wayfinding, lighting, adequate shade, public art). Develop an operational plan of management to monitor the impact of the new sports and recreational facility on surrounding residents and other users.	The development will be conditioned to comply with the OMP (Condition 1). This is also supported by the shared user path along Winbourne Street and pedestrian crossing on Brush Road.
Impact 7: Livelihoods - people's capacity to sustain themselves, whether they experience personal breach or disadvantage, and the distributive equity of impacts and benefits.	
During Construction: Mitigation measures set out in the Construction Management Plan will be implemented to reduce the impacts to local businesses associated with disruption during the construction phase.	The development will be conditioned to comply with the CMP (Condition 1).
Develop a communications and engagement strategy to communicate with surrounding residents, workers, patients and carers, students and visitors to ensure that all stakeholders are made aware of the timing and likely impact of the construction period. Any opportunities to coordinate	The development will be conditioned to comply with the CMP (Condition 1).

Response / Mitigation Measures	Council comment
construction impacts with other construction projects in the area should be explored to reduce cumulative impacts. Opportunities for feedback and to ask questions should also be provided.	
Consider social procurement contract clauses in the tendering process for construction used to support social priorities.	Supported. This is a matter that the operator is expected to undertake and is not considered necessary to impose as a condition of consent.
During Operation: Increased access to employment opportunities for surrounding residents through when the facility is in operation, with the estimated provision of 10 additional part-time jobs will be created.	Supported. This is a matter that the operator is expected to undertake and is not considered necessary to impose as a condition of consent.
Consider social procurement contract clauses in the tendering process for third party vendor management of the facilities, as well as landscaping and maintenance contracts, where local employment opportunities may be offered for non-profit organisations or social enterprises operating for community benefit to provide employment opportunities for marginalised or disadvantaged groups. The inclusion of social clauses into tenders and contracts can also assist with advancing government objectives.	Supported. This is a matter that the operator is expected to undertake and is not considered necessary to impose as a condition of consent.

The SIA also recommends that a monitoring and management framework is required to measure the ongoing impact of the proposed development on relevant stakeholders and the surrounding community including:

- During construction: Development of a Construction Management Plan that includes complaints handling procedure for identifying and responding to community issues related to construction impacts.
- During construction: Ongoing consultation with relevant stakeholders, including local residents, the diverse range of envisaged users of the proposed facilities and relevant sports clubs and associations.
- During operation: Continued consultation with relevant stakeholders to identify emerging social issues and trends.

This application is accompanied by a Construction Management Plan and Operational Management Plan which assist with the carrying out of the above recommendation for monitoring and management framework (**Condition 1**).

In summary, the SIA concludes that:

“Each category of impact is appraised with a significance of the impact based on the likelihood, magnitude and resulting social significance rating. Overall, the level of impacts ranges from being low to moderate, with no major significant negative impacts identified in relation to the proposal.

Key negative social impacts to be mitigated relate to:

- *Impacts on the surroundings and amenity of the Primary Study Area associated with dust, noise, vibration due to construction activity to nearby residents, workers and visitors to the area.*
- *Potential impact on public transport provisions for bus services from West Ryde station during peak weekend periods – improving public transport access to the site generally to reduce traffic volumes.*

- *Parking and high volume of car visitations during peak weekend periods with visitation generated from the frequency most likely to occur on a Saturday, which would be the busiest traffic day for the facility.*
- *Temporary negative impacts to way of life associated with changes to wayfinding and pedestrian and vehicle access routes associated with construction activities.*
- *Mitigating impacts to local sensitive receivers – e.g., local residents and childcare centres, particularly on tournament days, which will generate high levels of activity and traffic volumes.*

The development will deliver important community wellbeing benefits at a district and regional scale, as well as a local scale, including:

- *Health and wellbeing benefits directly associated with the provision of sports infrastructure of this scale.*
- *Benefits to the social and economic development of the City of Ryde, through this significant infrastructure investment which will provide wide-ranging long term benefits.*
- *Community connectedness/social cohesion benefits – both locally and at a district/regional scale – associated with creating opportunities for community members to come together through sports-based activities.*
- *Local community benefits – particularly for families, children and young people – likely to use the facility.*
- *Benefits to women, for whom netball is a key sport in participation terms.*

Overall, it is considered that the potential negative amenity and way of life impacts arising from the operation of the facility in the immediate locality can be managed and mitigated.

Broader benefits of the investment in this significant new regional scale sports and recreation infrastructure will be widespread, significant and long term.”

The above assessment is considered to provide an effective broad ranging assessment of social impacts and ongoing community consultation and engagement. (It is noted that specific impacts [such as noise and traffic] are considered elsewhere in this Assessment report on the basis of being direct amenity impacts on immediate neighbours. This social impact assessment is based on the perspective of the community as a whole).

The impact assessment responses recommended by Ethos Urban emphasise the importance of this Facility to be responsive to the needs to the nearby community, as well as sport participants in a manner which responds to the growing population. This approach is supported as this encourages the facility to respond to the changing needs of the community overtime and support community involvement in a dynamic and progressive manner. The primary purpose of this facility is to support the training and development of Netball players, referees and coaches from grassroots to semi-professional.

The projected population growth of the area provides support for the use of the Facility (see **Figure 32** above) being the use of 29 outdoor courts to be occupied in a staggered manner to meet the needs of junior players, as addressed in Section 9.3 above. That is, all outdoor courts will be used and at any one time only 18 courts will be scheduled to host games on Saturdays. Measures to schedule the staggered use of the courts is recommended to be detailed in the OMP to ensure that the extent of use of the Facility is sustained (**Condition 116**).

The above responses and mitigation measures lack several other opportunities which are considered to benefit the community, such as:

- Support for nearby schools, child care centres and similar organisations by prioritising access to hold events (such as sports days and graduation days).
- Scheduling secondary events at alternate times so as not to clash with netball training/games in terms of noise and traffic congestion.
- Priority is to be given to the use of the indoor courts, followed by use of the outdoor courts.
- Accessible information (e.g., regularly updated website) encouraging on-site parking under the building and/or away from residential boundaries to be prioritised.
- A Code of Conduct for users and spectators to avoid creating a nuisance in terms of shouting, blocking roads and pathways, etc.
- An “orientation period” when the facility starts operating/hosting netball competitions to assist with the smooth operation of the facility and traffic movement. This should involve additional staff dedicated to providing information to persons visiting the site for the first time to direct movement of people and vehicles to avoid congestion and disruption to the surrounding community.

Subject to the above items being imposed in **Condition 116**, the design of the proposal and above recommendations of the SIA (in conjunction with the Operational Management Plan provided at **Attachment 4** and discussed in Section 9.4 above) are considered to support the operation of the development in a manner which is capable of being cohesive to the needs of participants, staff, visitors and the community.

9.6 Impact of landscaping as viewed from adjoining sites

The proposal seeks to retain 102 trees within the site and provide 298 replacement trees; which achieves replacement of removed trees at a ratio of 2.8:1, which satisfies Council’s direction to provide replacement planting at a ratio of 2:1 to improve the treed environment. Additional street trees are also being planted (6 at Winbourne Street and 12 at Brush Road).

In conjunction with the conservation of the high value biodiversity vegetation at the north-eastern portion of the site, the retention of 102 trees and planting of additional trees and plants within the site and along the street frontage is considered to complement the presentation of the development and support the continuation of landscaping on this site. Although this site has a history of accommodating a school with buildings focused toward the elevated north-west part of the site with scattered vegetation; this proposal offers well-considered landscape setting which supports community activities being undertaken and creates a softened appearance of the site as viewed from adjoining sites.

The improvements proposed in this DA enable the state of this site, which have deteriorated over time (as shown in the site photos in Section 3 of this Assessment report above and **Figure 33**) to be revitalised to reflect a modern community use in a landscaped setting which invites the use of outdoor recreational spaces (as shown in **Figure 34** to **Figure 36** below).

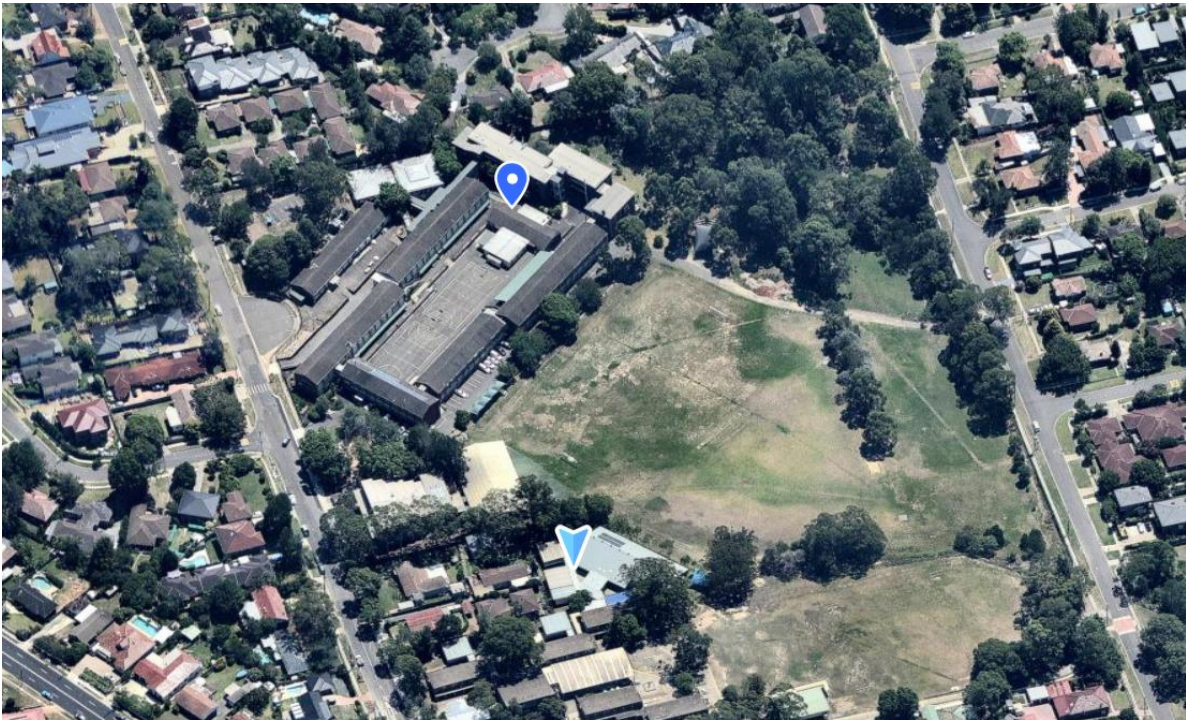


Figure 33: Aerial photo of the site showing the former buildings of Marsden High School (Source: Nearmap dated February 2017).

LANDSCAPE MASTERPLAN | KEY PLACES

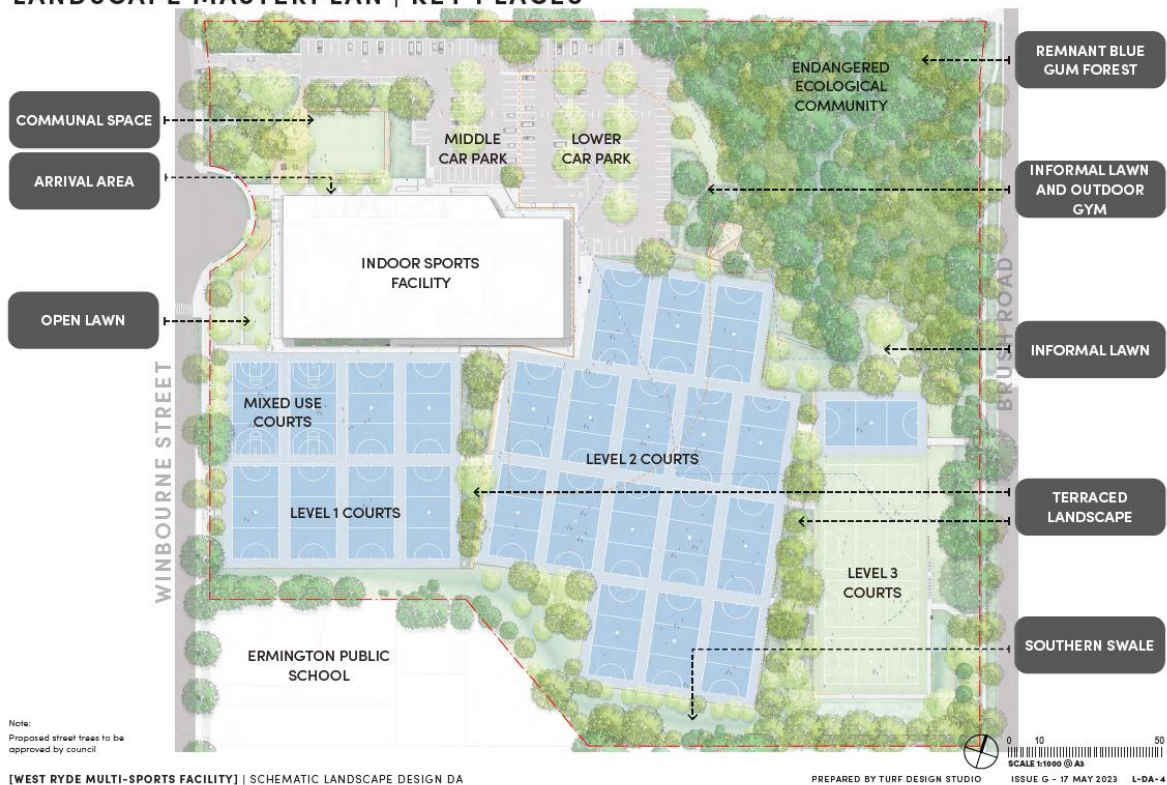


Figure 34: Extract from the Schematic Landscape Design plans showing the *Key Places* which comprise the landscape masterplan.



Figure 35: Extract from the Schematic Landscape Design plans showing an oblique aerial view taken from the north-west corner of the site looking across the site (showing an indicative photomontage of the building, courts and landscaping).

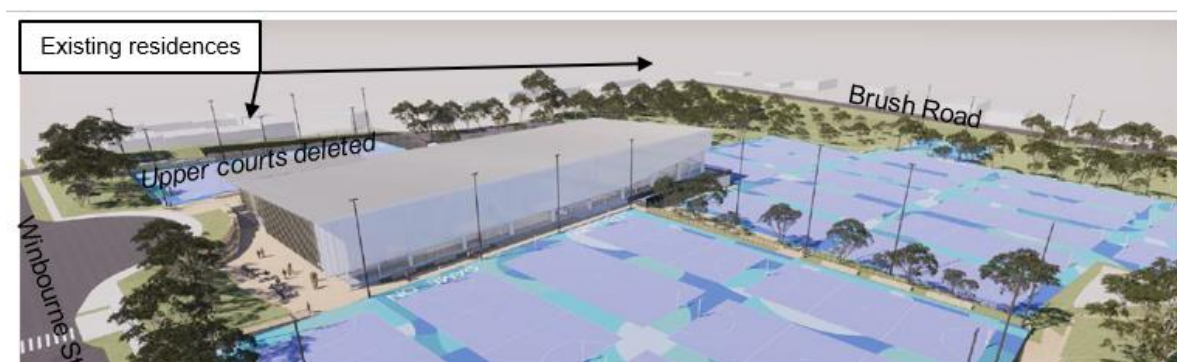


Figure 36: Extract from the Schematic Landscape Design plans showing an oblique aerial view taken from the south-west corner of the site looking across the site (showing an indicative photomontage of the building, courts and landscaping).

9.7 Impact of the building as viewed from adjoining sites

The focus of the proposed built form is the indoor sports building. The applicant states that:

“The indoor court has been located to provide a street presence to Winbourne Street and to reduce the visual impact of on-site carparking. The indoor sports facility is a two storey building and has been designed using two distinct volumes: the low, long amenities volume, and the larger sports courts volume and is designed to appear embedded into the site.

The external fabric of the indoor facility comprises patterned brick to give the impression of a natural structure at the lower level and the overall built form is intended to give the impression of a canopy and pull landscape views into the building. The material palette comprises warm tones and white structures. The sports courts have glazing at low level with a large cut out providing views to the lower eastern courts.

*The indoor facility is orientated southwest to northeast, with the proposed external facilities following the existing slope of the site (see **Figure 37**).”*

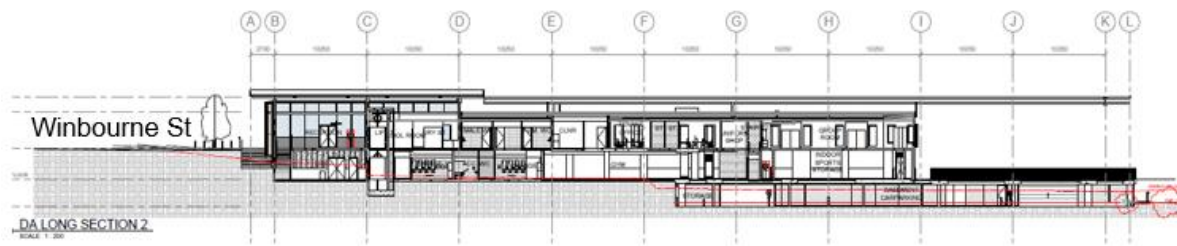


Figure 37: Extract of the Long Section 2 Plan which demonstrates the building mass stepping down with the slope of the land (the existing ground level is shown in red).

As was the case for the previous use of the site as a high school (which comprised multiple buildings), the proposed building is dissimilar to the surrounding dwellings which are the main elements surrounding the subject site. In the context of the subject site, the footprint of the proposed building is not excessive in size. In lieu of the multiple high school buildings previously on the site, the proposal is for a single building only. The building has been designed to address Winbourne Street; with the single vehicular access at the northern end of the site and the main entry to the indoor facility near the bus turning bay.

As viewed from neighbouring residences, the building is a modern design comprising a mix of materials and screens/louvres which presents as an interesting addition to the streetscape.



Figure 38: Photomontage of the proposed building as viewed from the forecourt area near Winbourne Street.

9.8 Movements and access of construction vehicles

The application takes into consideration the frequency and timing of construction vehicles accessing the site and provides suitable measures to mitigate potential impacts on the surrounding roads. This includes:

- Restricting the use of Winbourne Street during peak school periods.
- Scheduling vehicles movements.
- Having traffic controllers to manage truck movements on the street.

Condition 58 is recommended to ensure that the appropriate measures are implemented at all times.

10. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site previously accommodated the buildings and associated structures, parking and trees associated with the former Marsden High School, which ceased operating in April 2022. The peak usage of the school was Monday to Friday 9am to 3pm. The school has relocated to the Meadowbank Education and Employment Precinct and the site is currently vacant.

The site was re-zoned under Planning Proposal LEP2021/1 on 17 February 2023. Ryde Local Environmental Plan 2014 was amended to rezone the site from SP2 (Educational Establishment) to Part RE1 Public Recreation (in which Recreation facilities (indoor) and Recreation facilities (outdoor) are permissible with consent) and Part C2 Environmental Conservation.

The proposal is supported by a Vegetation Management Plan which ensures the appropriate management of the Blue Gum High Forest to be overseen by a suitably qualified Ecologist in the part of the site zoned C2 Environmental Conservation.

The site is well serviced by existing footpaths, and access will be improved by the addition of a pedestrian crossing over Brush Road and the extension of the shared user path along Winbourne Avenue (connecting Victoria Road to Hermoyne Street). These public domain works directly improve accessibility for the site and immediate vicinity.

The site is serviced by existing bus routes, with several bus stops along Winbourne Street, and is in the vicinity of classified roads (Victoria Road and Marsden Road).

The high side of the site is to the north-west, with a cross fall towards the south-eastern corner of the site to Brush Road of up to 13.8m. The site is affected by overland flow which is suitable for the development as it creates the opportunity to grade and bench the site in a manner which directs stormwater flows through the flood storage and bio-retention system in a manner which is generally safe for people and vehicles. The proposal is also supported by a Flood Evacuation Strategy with associated evacuation route, flood signage and alarm system.

The site is proposed to be continued to be used for a public (non-residential) use and appropriate contamination and remediation works can be completed to ensure the site is suitable for this recreational and conservation use.

The site is not mapped as being affected by bushfire prone land. Despite this, the applicant has elected to support the requirements of *Planning for Bush Fire Protection (PBP) 2019* to achieve best practice given the Blue Gum High Forest located in the northeast portion of the site zoned C2 Environmental Conservation. The combined recommendations of the Bushfire Assessment Report and Vegetation Management Plan ensures that the development is provided and maintained in accordance with the performance criteria of *PBP 2019*.

The recent re-zoning of the site is considered to be suitable for the recreation facility development, being permissible in the RE1 Public Recreation zone. The preservation of the north-eastern portion of the site for ecological purposes is also suitable for that portion of the site zoned C2 Environmental Conservation.

The development is considered to offer a built form which appropriately responds to the natural and built environmental assets and constraints of the site.

11. PUBLIC NOTIFICATION & SUBMISSIONS

In accordance with the Ryde Community Participation Plan, the application was extensively notified to surrounding property owners and occupants from 7 to 30 September 2022 and over 40 submissions were received. Due to the timing of the Planning Proposal to re-zone the site, a total of 109 submissions including a petition with 326 signatures were also received for the Planning Proposal which includes issues which relate to this Development Application. The Planning Proposal also received some submissions of conditional support.

In summary, the following issues were raised:

- Increased traffic congestion
- Narrow surrounding streets and access for residents and buses
- Lack of parking (on-site and street)
- Increase in noise levels and the effectiveness of the acoustic screens
- Safety and social impacts
- Environmental impacts on flora and fauna
- Air quality
- Suitability of the site and intensity of the use
- Removal of trees
- Flooding impacts
- Visual privacy and amenity
- Hours of operation
- Management of waste collection
- The facility should be available for use by the whole community.

On 30 May 2023, the applicant submitted amended plans and a response to each of the issues above.

The amended proposal was re-notified extensively from 27 June to 26 July 2023. Due to concerns raised from surrounding residents, the notification period was further extended until 28 August 2023 to allow sufficient time for the general public to consider the amended proposal. As at the date of this report, a total of 60 submissions (comprising 54 unique submissions) were received objecting to the proposal. In addition to the summary of issues above, objectors raised the following separate issues:

- Clarification of the grant issued by Sport NSW for an additional 2,128m² PCYC facility adjoining the West Ryde Multi Sports Facility
- Removal of 3 courts from one perimeter is helpful. However, it will have little impact on overall noise, light pollution and parking/traffic for the area even with mitigation measures.
- Possibly around half of ERNA membership resides outside of the LGA (Parramatta, Hunters Hill, Hornsby, The Hills, Canada Bay and the Inner West). Competitions could be held in these neighbouring LGA's as has happened in the past, allowing for lesser number of courts at site.
- As there was no communication or community consultation meetings between 2018 and 2022 there was no opportunity to advocate for a smaller or broader use facility. Residents have therefore been unable to affect a meaningful reduction in size, scale and usage of land or reach a compromise through representation to government or council representatives or the petition which was made to Council.

- Hours of operation should be restricted to 7am to 9:30pm (or 8am to 8pm) to avoid noise and traffic disturbance to the neighbouring residents. Any operation of the facility outside these hours in a residential area is unacceptable.
- Use of the outdoors areas should conclude at 8pm and prohibit activities on public holidays and Sundays. Lights should be turned off by 8pm.
- Gym is not needed.
- Other roads should be studied as they will be used during peak hour (Perkins, Driver, Glenayr, Morvan, Tramway Streets and Darvall Road).
- Does traffic consider increased housing (including future subdivision and dual occupations) and the trend for more than 1 car per dwelling?
- Victoria Road has limited spare capacity, and accidents on Victoria Road diverts traffic to local roads which will conflict with people accessing the Facility.
- Traffic gridlock means that fire trucks and ambulances will not be able to attend to surrounding residents.
- On-street parking should be in favour of resident parking only. Implement no parking on one side to allow flow of traffic. Mark out the parking bay areas at Farnell Street to ensure no driveways are blocked by parked cars. Make Farnell Street one way only. Regularly police the area issuing infringements to those that breach the parking restrictions.
- The planning proposal traffic report claims that weekly vehicle trips may be down by 132 vehicle trips, but hourly peaks are on average 2.5 times higher than the previous use as a high school. In weekly terms the proposed use will generate 3,055 trips over 10 hourly periods when the school use generated 3,187 vehicle trips over 25 hourly periods. It is highly likely that the traffic impacts of the proposal will be more widespread and greater than the consultant report foresees.
- Will temperatures be excessive with the reduced vegetation?
- Residents need access to more green space and park facilities.
- The 5 courts along Brush Road should be deleted and a green corridor should be provided here to create balance between artificial courts and nature.
- Impact of lights on the C2 Conservation zone.
- Impact of artificial lighting on insects and their ecosystem, plants, birds and bats.
- The flood alarm noise and flashing light on the perimeter fence at Brush Road will cause maximum disturbance to those off-site and result in harmful light and noise pollution. Games will already be called off, and a flood alarm is not needed.
- Intruder alarms can trigger any time and impact neighbours.
- The indoor courts should be used in the first instance, and less outdoor courts will be needed.
- Limitations should be placed on whistle use to avoid nuisance to neighbours 7 days a week.
- The consent should require all neighbouring properties to have double glazing by the applicant.
- Earthworks and construction will create air and noise pollution. Waste materials will pollute the natural watercourse.
- The houses between Midson (Shaftsbury) and Marsden Roads have their primary access via Winbourne Street when travelling west along Victoria

Road. Buses also use this thoroughfare which will be blocked by traffic and parked cars.

- The speedily progressing development of Melrose Park, even though located within the Parramatta LGA, should not be ignored, as it will soon deliver 6,000 new apartments a mere 350m away from the site. Integrated planning should address the overall impact across the affected area. The traffic assessment does not take into consideration increased population growth.
- Existing facilities should be used and upgraded (such as Meadowbank) which is serviced by ferries, trains and buses.
- What penalties / remedies are there and who is accountable for non-compliances. Will the facility be shut down if residents can't carry out their normal life?
- The plans and traffic studies were prepared during COVID and do not reflect the actual conditions.
- The proposal to delete the right hand turn from Winbourne Street into Marsden Road is impractical and dangerous.
- The applicant's traffic engineer must assess potential traffic congestion and devise strategies to mitigate its impact on residents. They have failed to evaluate the consequences of introducing a second gate on Brush Road.
- Vehicular entry should be via Brush Road, or via both Winbourne Street and Brush Road.
- Can the indoor multi-purpose courts include volleyball courts? It's not fair basketball courts are not provide since the boy/girl ratio is 1:1. Is there data showing the popularity of netball courts or will they be unused.
- The site is not large enough to accommodate this facility which is designed to host major state and national netball competition as well as local/metropolitan games. No transport plan has been submitted for major events.
- A Complaints Register must be established with independent or Council oversight to ensure that the rights of the community are not ignored.
- The applicant should purchase the cluster of homes between the site and Ermington Public School as the residents are exposed to traffic, noise and light pollution.
- Although we need more recreational space, it is not appropriate to remove a school in favour of unnecessary netball courts.
- Safety risks to children living in the area and in the playgrounds with a lot of strangers coming into the area.

Consideration of all issues raised are considered below. Due to the number and extent of details raised in the submissions, the description of some issues raised are summarised to enable the key issues to be clearly stated. However, all submissions have been assessed by Council and a copy of all submissions received have been made available to the Sydney North Planning Panel to ensure all issues are captured.

- A. *Issue: Clarification of the grant issued by Sport NSW for an additional 2,128m² facility adjoining the West Ryde Multi Sports Facility to increase its capacity and functionality to offer a diverse program of both court sports and non-court sports and recreational activities. The Stage 2 facility expansion is stated to include multi-purpose activity spaces (dance, martial arts, fitness, meditation/yoga, meetings, community gatherings and events), gymnastics, youth hub, amenities, meeting/education rooms, offices and storage.*

Additional information is required regarding extensions on this site so this issue can be addressed, in terms of the final outcome of the parking demand and traffic, and likely impacts of the Facility in its final form.

Comment: The applicant states *“that the 2,128m² PCYC facility as referred to in the funding extract (if it proceeds at a future date) does not form part of this DA.” “Any reference provided by external sources relating to a separate/future PCYC do not form part of this DA and should not be considered in the assessment of this application.”*

“If the PCYC facility proceeds in the future, it would be subject to a separate DA, which would need to address/assess the intensification of the use of the site, parking, traffic and any other potential impacts based on the merits of that design.

The applicant states that this DA is not a staged application, therefore there is no Stage 2 component of the development.”

Sport NSW indicates that 39 grants were issued in November 2022, with projects expected to commence by July 2023 and be completed by 31 December 2025.

Council has not received any Development Application which aligns with the above grant project on this site.

To enable more detailed consideration of this issue, Council obtained a copy of the PCYC grant documentation. The grant explains that the:

“NSW Government has committed \$200 million to the Multi-Sport Community Facility Fund (the Fund). The NSW Government recognises the critical role local sport infrastructure plays in keeping communities healthy, active and connected. The Fund will deliver the best outcomes for the community by creating places and facilities that enable communities to enjoy and take part in sport.

The NSW Government is seeking to support local communities to future-proof infrastructure by funding universally designed and inclusive facilities that move beyond compliance and provide dignified inclusion for all. The Fund will support the development of well-designed new and improved multi-sport infrastructure projects that will meet the current and future needs of the community.

The Fund will support the delivery of sport facility projects that can directly support sport participation across all levels and provide programs for those people in the community that need it most.”

The outcomes of this Grant project are stated to be:

- (i) The addition will provide flexible multi purposes spaces that cater for a broad range of non-court sports and recreation activities for mainstream and underrepresented groups; provide 15+ sports/activities timetabled per week, 80% occupancy between 12-9pm with members exceeding 5,000 in the first year of operation; hours for gender specific activities, all ability/wheelchair sports, culturally and linguistically diverse, specific and/or gender specific activities.
- (ii) Introduction of gymnastics providing recreational and competitive classes for children to seniors with 500 gymnastics members in the first year. To meet a service provision gap encouraging more local participation.

The PCYC indicates that participation rates for girls and women visiting the site per week will increase from 4,873 to 5,546 with the addition of the Stage 2 infrastructure (673 more female visitations).

This funding is for the construction of the cold shell of the building structure and envelope. The PCYC co-contribution will include facility fitout and fixtures to ensure functionality. It is noted that the PCYC was announced as the preferred facility manager of the Facility the subject of this DA in 2022. The indicative location of the expanded facility is at the north-eastern part of the site currently shown as a lawn and communal space area.

PCYC state that the Stage 2 extension will directly enable PCYC to offer gymnastics, gender-specific and mixed fitness classes, social and competitive sport and recreational activities community users and elite pathway athletes.

Council's assessment is limited to the development proposed in this DA, and weight cannot be given to interests which do not form part of this DA. Any 'Stage II' component of the indoor sports facility is not contemplated in this DA. Therefore, this grant is not a reason to refuse this DA. It is noted that any future modifications to the sports facility of separate DAs will be required to address likely impacts (such as overall provision of parking, traffic generation, built form and amenity impacts).

B. Increased traffic congestion

Examples of detailed objections include:

- *Other roads should be studied as they will be used during peak hour (Perkins, Driver, Glenayr, Morvan, Tramway Streets and Darvall Road).*
- *Does traffic consider increased housing (including future subdivision and dual occupations) and the trend for more than 1 car per dwelling?*
- *Victoria Road has limited spare capacity, and accidents on Victoria Road diverts traffic to local roads which will conflict with people accessing the Facility.*

Comment: Traffic considerations were undertaken by the applicant's traffic consultant and Council's Transport development section, as detailed in Section 13.8 *Referrals* below. The traffic studies appropriately considered roads, intersections and parking demand generated by local residents in the traffic modelling. Council's Transport development section considers it appropriate to require line marking at the Marsden Road / Winbourne Street intersection to support the clear and effective operation of this key intersection.

As discussed in Section 9.5 *Potential community and social impacts* above, an "orientation period" is recommended to be implemented when the facility starts operating/hosting netball competitions to assist with the smooth operation of the facility and traffic movement. This should involve additional staff dedicated to providing information to persons visiting the site for the first time to direct movement of people and vehicles to avoid congestion and disruption to the surrounding roads, including Victoria Road.

C. Narrow surrounding streets and access for residents and buses

Comment: The parking restrictions and location of bus stops are shown in **Figure 8** above. These arrangements respond to the current conditions of the site to support the free flow of traffic in response to the schools and child care centres in this area. This includes the bus stop turning bay on the western side of the site which enables drivers to undertake drop offs / pickups. The proposal seeks to maintain vehicular access via Winbourne Street, which includes parking restrictions to support clear sight lines and paths of travel.

Users of the site are also expected to arrive/leave via the local streets to the north and east, including Brush Road which connects to Victoria Road to the south. This arrangement already occurs in relation to the adjoining Primary School. These roads are narrower than Winbourne Street, and as discussed in Section 9 *Likely Impacts* above, the facility is supported by an Operational Management Plan, which will assist with directing use of the site and managing potential impacts to roads.

D. The applicant's traffic engineer must assess potential traffic congestion and devise strategies to mitigate its impact on residents. They have failed to evaluate the consequences of introducing a second gate on Brush Road. Vehicular entry should be via Brush Road, or via both Winbourne Street and Brush Road.

Comment: Given the importance of this issue, expert advice was obtained from an independent traffic expert and considerable assessment is provided in Section 9.1 *Secondary vehicular access point via Brush Road* and Section 13.8 *Referrals*. Refer to these sections for detailed analysis and recommendations to mitigate impacts on residents.

E. Lack of parking (on-site and street). The site is not large enough to accommodate this facility which is designed to host major state and national netball competition as well as local/metropolitan games. No transport plan has been submitted for major events.

Comment: Parking considerations were undertaken by the applicant's traffic consultant and Council's Development Engineer, as detailed in Section 13.7 *Referrals* below. As discussed in Section 9.5 *Potential community and social impacts* above, the proposal includes mitigation measures to mitigate potential parking impacts which are supported by the facility's Transport Access Guide (TAG), Green Travel Plan (GTP) and Event Traffic Management Plans which must clearly outline designated parking areas within the facility along with any temporary off-site parking arrangements and alternate transport modes.

F. On-street parking should be in favour of resident parking only. Implement 'No Parking' on one side to allow flow of traffic. Mark out the parking bay areas at Farnell Street to ensure no driveways are blocked by parked cars. Make Farnell Street one way only. Regularly police the area issuing infringements to those that breach the parking restrictions.

Comment: The current parking restrictions are shown in **Figure 8** above. The parking restrictions associated with Ermington Public School (such as Kiss and Ride, No Stopping and No Parking) will remain in place and continue to be monitored by Council's Rangers.

Council's Transport Services section require the applicant to submit a signage and linemarking plan (prepared by a suitably qualified traffic engineering consultant) to address any alterations to the public domain that result from this development. This plan is required to be considered by the Ryde Traffic Committee and recommendations implemented prior to the issue of an occupation certificate, such as changes to marking out street parking, 'No Parking' signs and resident parking schemes.

G. The plans and traffic studies were prepared during COVID and do not reflect the actual conditions.

Comment: Traffic reports submitted by the applicant in support of the Planning Proposal were dated March 2021 (which included vehicle count surveys in February 2021); took into account trip generation rates of the Meadowbank Park Netball

Courts in 2009; compared counts to previously recorded counts in 2019 and used data of traffic signal timings. This analysis verified that the traffic assessment was based on traffic similar to pre-COVID-19 conditions.

The Traffic Impact Assessment prepared by Stantec which accompanying this DA included traffic movement counts on Wednesday 9 March 2022 and Saturday 21 March 2022, which are adjusted for 'full/normal' traffic capacity post-COVID, with development on this site, and with the Melrose Park Development to the south.

Council's Development Engineer Transport Services section have considered the traffic modelling and assessment and no objection is raised (see Section 13.8 *Referrals* below).

H. No parking allowance for 4 indoor courts.

Comment: Parking considerations were undertaken by the applicant's traffic consultant and Council's Development Engineer, as detailed in Section 13.7 *Referrals* below. Consideration of parking demand has been applied to the entire development based on scheduling of court use. The applicant states this takes into account the staggering of games scheduled every 90 minutes and proportion of courts occupied at training/game times. Technical consideration of parking is provided by Council's Development Engineer at Section 13.7 *Referrals*.

I. The planning proposal traffic report claims that weekly vehicle trips may be down by 132 vehicle trips, but hourly peaks are on average 2.5 times higher than the previous use as a high school. In weekly terms the proposed use will generate 3,055 trips over 10 hourly periods when the school use generated 3,187 vehicle trips over 25 hourly periods. It is highly likely that the traffic impacts of the proposal will be more widespread and greater than the consultant report foresees.

Comment: The submitter is referring to an analysis of traffic which accompanied the previous Planning Proposal on the site which took into consideration the existing traffic generated by the courts in Meadowbank in the context of the greater road network. For the purpose of this Development Application, the traffic considerations do not compare the difference between the traffic generated by the former school and this facility as they have different weekly traffic profiles (e.g., the peak traffic periods occur at different times and days). Refer to Section 13.8 *Referrals* below for the detailed assessment of vehicle trips associated with this proposal, site and surrounds.

J. The speedily progressing development of Melrose Park, even though located within the Parramatta LGA, should not be ignored, as it will soon deliver 6,000 new apartments a mere 350m away from the site. Integrated planning should address the overall impact across the affected area. The traffic assessment does not take into consideration increased population growth.

Comment: The traffic assessment considers future road and intersection conditions and growth as detailed in Section 13.8 *Referrals* by Council's Transport Services section.

K. The houses between Midson (Shaftsbury) and Marsden Roads have their primary access via Winbourne Street when travelling west along Victoria Road. Buses also use this thoroughfare which will be blocked by traffic and parked cars.

Comment: The dwellings which have limited opportunity to turn right off Victoria Road (into Shaftsbury and Marsden Road) are shown in **Figure 39** below. The bus route

which travels along the intersection at Marsden Road and Winbourne Street services the 544 route which runs each 30 minutes during peak periods and 60 minutes during off-peak periods on weekdays, hourly on weekends and public holidays) travelling between Eastwood and Ryde as shown in **Figure 40**.

The limited access to this area demonstrates the importance of implementing mitigation measures to avoid traffic congestion along Winbourne Street. It is noted that the operator of the bus services does not object to the proposal (see referral comments in Section 13.1 *Transport for NSW* below.)

As discussed in Section 13.1 *Transport for NSW*, Council's Transport Service section recommend that a detailed Events Management Plan is provided to minimise traffic generation and deter spillover of parking onto the surrounding public roads; and upgrades will be required to the junction of Marsden Road and Winbourne Street to assist with the vehicular movements in and out of Winbourne Street, such as a channelised "seagull" treatment which provides an exclusive right turn lane and a short merge lane within Marsden Road. This measure is expected to improve accessibility along Winbourne Street in both directions which will benefit residents and buses when the netball courts are operating at full capacity during regular events and large competitions.

Council's Transport Services section also require signage and linemarking to be considered by the Ryde Traffic Committee and recommendations implemented prior to the issue of an occupation certificate. This process enables appropriate street signs to be installed to provide sufficient vehicular access for vehicles and buses.

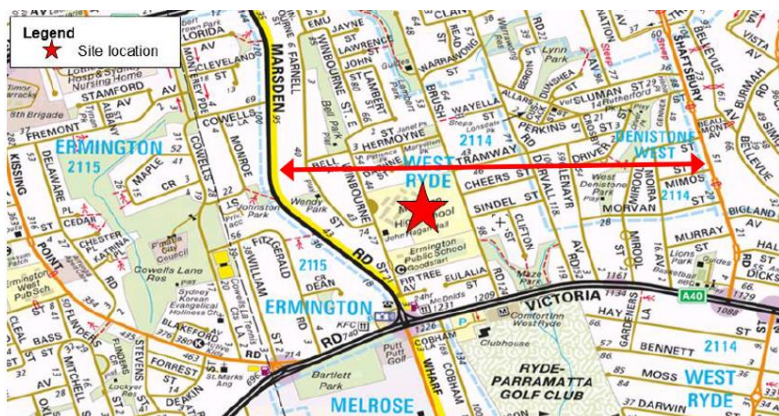


Figure 39: Street map showing the location of Marsden Road and Shaftsbury Road.

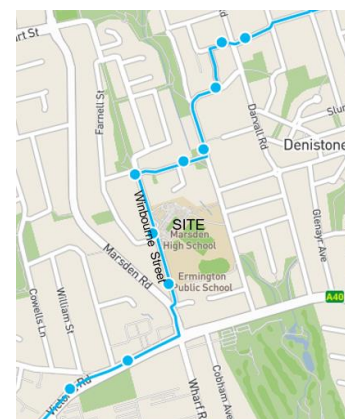


Figure 40: Bus route from Transport for NSW.

L. The proposal to delete the right hand turn from Winbourne Street into Marsden Road is impractical and dangerous.

Comment: There is no change proposed to the existing ability to turn right into Marsden Road. As discussed in Section 13.1 *Transport for NSW* comments below, Council's Transport Services section recommends that the line markings at this intersection are improved to support the flow of traffic in this location.

M. Traffic gridlock means that fire trucks and ambulances will not be able to attend to surrounding residents.

Comment: Access for emergency vehicles and personnel to sites is an important consideration and it is recommended an Emergency Plan is prepared by the applicant and made available to the local emergency services. The Emergency Plan is to detail way finding information for conditions during peak periods (general and

special events) to support the needs of the surrounding community (see **Condition 117**). Mitigation measures to alleviate potential road congestion is provided in Section 9.5 *Potential community and social impacts*, Section 13.1 *Transport for NSW comments* and Section 13.8 *Transport comments*.

N. Increase in noise levels and the effectiveness of the acoustic screens.

Comment: The applicant states that the noise impacts are mitigated by the addition of acoustic walls and removing the outdoor courts proposed at the north-west part of the site. Section 9.2 *Acoustic impacts during operation* provides detailed consideration of this issue. It is agreed that it is not suitable for the site to operate post 10pm on Monday-Saturday, and the hours of operation are recommended to be reduced. As advised by Council's acoustic consultant, the acoustic screens located along part of the northern and southern boundaries assist with reducing noise impacts to nearby residents in those locations. The proposal is accompanied by an Acoustic Assessment and Operational Management Plan which provides specific recommendations and mitigation measures relating to noise impacts generated by the operation of the facility.

O. Suitability of the 3m high acoustic screens against a residential boundary in a quiet cul-de-sac environment.

Comment: In response to this concern, the applicant has amended the proposal to relocate part of the acoustic fence from against the northern boundary. The applicant states they have relocated the acoustic screen “*as far as practicable and to retain vegetation along the boundary. This provides a buffer from the acoustic fence to the majority of residential properties to the north of the site. Acoustic modelling has determined the acoustic fence in the amended location will meet the relevant acoustic criteria for noise impacts to the neighbours. The acoustic fence location also allows for additional planting to screen the fence from view from neighbouring properties.*”

Detailed consideration of the potential acoustic impacts of the development and the location and effectiveness of the acoustic screening is provided at Section 9.2 *Acoustic impacts during operation* above. The Figure below shows the relationship of the proposed acoustic barrier to the northern boundary and adjoining dwellings. This arrangement achieves acoustic attenuation in a manner which also achieves buffer landscaping.



Figure 41: Overlay of the acoustic barrier scheme proposed by the Applicant's acoustic consultant over an aerial view of the site. This overlay indicates where the existing boundary fence is proposed to be retained (red), where a new 3m high acoustic barrier is proposed on the boundary and set back behind buffer landscaping (blue and green).

As viewed from the dwellings to the north, the boundary fencing will generally be maintained, with buffer landscaping behind comprising trees such as a Blueberry Ash tree with a mature height of 3-15m. As advised by Council's acoustic consultant, the acoustic screens located along/near part of the boundaries assist with reducing noise impacts to benefit the amenity of the nearby residents and are a suitable noise mitigation measure which is supported in this instance.

The proposal is for a 3m high acoustic barrier to the western end of the northern boundary. This will result in a 3m high fence abutting 2 villas at No. 46 Winbourne Street. The current condition of this boundary is shown in the Figure below. And the location of the proposed 3m high boundary acoustic fencing is shown in **Figure 41** above.



Figure 42: Photo showing the northern boundary of the site. The adjoining villas at No. 46 Winbourne Street are shown behind. The northern boundary near Winbourne Street comprises existing screen planting (left); followed by the side wall of the garage of the first villa (centre); followed by the rear courtyards of the first 2 villas which are proposed to be screened 3m high acoustic wall.

The installation of a 3m high acoustic barrier (of solid construction with a surface density of 10-15kg/m²) will be provided adjacent to 2 villas at No. 46 Winbourne Street, and this will have a negative impact for these properties with reduction in their opportunity to have an outlook/sense of openness above the existing fencing. In its place, they will have a boundary treatment of a 3m wall with some planting above once new planting matures. This amenity impact is considered on balance in respect to the public benefit delivered by this development and the effectiveness of the acoustic screening; and the installation of a 3m fence is considered suitable in this context. It is also noted that the relationship with the site previously consisted of the staff parking and buildings of Marsden High School. The villas did not previously have views across/over the site as shown in the Figure below.



Figure 43: Photo showing the previous conditions of the site (car park and buildings behind of Marsden High School - right) and the villas at No. 46 Winbourne Street (left).
Source: Google Streetview.

It is also noted that part of the boundary shared with No. 4 Daphne Street is to be treated with a 3m high acoustic barrier. As shown in **Figure 41** above, this part of the acoustic barrier is required in this location to attenuate acoustic impacts that may go beyond the acoustic treatment along the northern side of the proposed parking area. This acoustic barrier is designed to protect part of the private open space and shed associated with the dwelling at No. 4 Daphne Street and surrounding residences. The applicant's acoustic consultant has confirmed that although this shed is relatively new, the 3m acoustic barrier is required for this part of the boundary to achieve sufficient noise attenuation for residents.

P. Replace umpire whistles with squeeze whistles. At The Willoughby Leisure Centre, the Northern Suburbs Netball Association, umpires use a modified whistle for games on Sunday mornings following complaints from neighbouring residents. Limitations should restrict use to avoid a nuisance 7 days a week.

Comment: The applicant states that the use of squeeze whistles is a matter for the operator to consider, once appointed. The applicant's acoustic consultant also states that *"the operator's weeknight usage is for training where no whistles are used (except in summer competitions from October to March when whistles will be used until 6pm). There will be parents/spectators present, however the number of these will be considerably lower than for competition games and no cheering occurs at training. Saturday competition (April to September) where whistles and spectator cheering occur will in most instances be finished by 6pm."* **Condition 116** is imposed to ensure these management measures are carried out to reduce noise emissions from the site and emphasise that whistle use is to be minimised and replaced with a squeeze whistle.

Q. Objection to the flood alarms.

The flood alarm noise and flashing light on the perimeter fence at Brush Road will cause maximum disturbance to those off-site and result in harmful light and noise pollution. Games will already be called off, and a flood alarm is not needed.

Comment: The applicant states that “*the flood alarm system is located in the area which is likely to be first affected by flood. This will enable spectators and players to evacuate. It is not suggested that the flood evacuation system will be sounding loudly for a period of days as suggested in the submission. Once the facility is evacuated and closed to the public, there will be no need for the alarm to keep sounding.*”

The evacuation system and associated flood alarm has been considered by Council’s Drainage engineer at Section 13.9 *Referrals* below and is considered suitable to be installed on a site which attracts a large number of participants and is available for public access. **Condition 118** is recommended to be imposed to ensure that the alarm system is capable of being manually controlled at all times to avoid unduly impacting on the amenity of the local community.

R. Safety and social impacts

Comment: Detailed consideration is provided in Section 9.4 *Adequacy of the Operational Plan of Management* and Section 9.5 *Potential community and social impacts* which considers that:

- Subject to the implementation of the Operational Management Plan (including its ongoing review and improvements based on user and community feedback) is considered adequate to support the operation of the development in a manner which delivers community benefit balanced with being sensitive to surrounding residents; and
- Subject to the implementation of the recommendations in the Social impact Assessment the development is capable of being carried out in a manner which is cohesive with the needs of participants, staff, visitors and the community.

S. Removal of trees. Environmental impacts on flora and fauna.

Comment: The proposed works are clear of the area marked as containing vegetation of biodiversity value and trees in the adjoining sites are to be retained and protected.

Council’s Consultant Landscape Architect/Arborist and Ecologist have undertaken an independent review of the DA and supports the proposal as discussed in detail in Section 13 *Referrals* below. The proposal is supported by a Vegetation Management Plan which ensures the appropriate management of the Blue Gum High Forest to be overseen by a suitably qualified Ecologist in the part of the site zoned C2 Environmental Conservation. The proposal appropriately considered potential impacts on the foraging and breeding habitat for a variety of fauna species including arboreal mammals, owls, frogs and microbats.

Although the proposal includes the removal of trees on the part of the site zoned RE1 Public Recreation, 102 trees are to be retained and 298 replacement trees planted. The overall landscaping outcome protects the biodiversity values of trees and other vegetation and preserves the amenity of the area by providing replacement planting at a ratio of 2.8:1 to improve the treed environment.

T. The 5 courts along Brush Road should be deleted and a green corridor should be provided here to create balance between artificial courts and nature.

Comment: The eastern side of the site is proposed to provide a green corridor area in conjunction with the courts as shown in the Figures below.



Figure 44: Photo of the site taken from the footpath on Brush Road looking north showing the existing trees on the eastern side of the site.

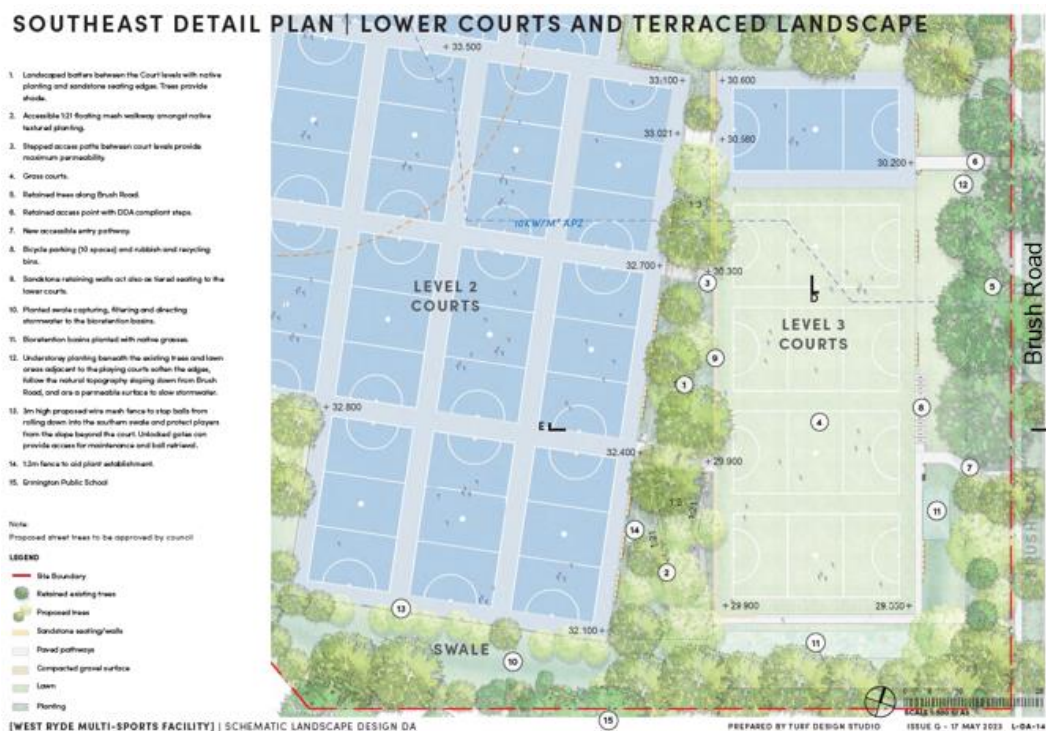


Figure 45: Extract from the Schematic Landscape Design Plan showing the grass courts and planting along the eastern side of the site, both within the site and new street trees.

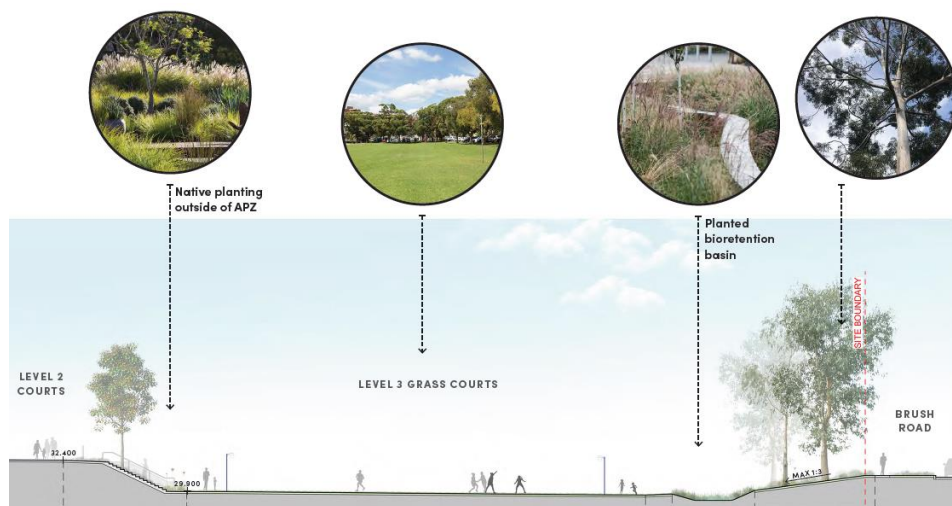


Figure 46: Extract from the Schematic Landscape Design Plan. This Section shows the grass courts, planted bioretention basin and buffer trees along Brush Road (right).

U. Lighting impacts on the conservation area and change to the microclimate.

Comment: The lighting of the site is directed away from the C2 Conservation area at the north-eastern part of the site, as discussed at Section 13.5 *Referrals* below. Council's Consultant Ecologist has reviewed the mitigation measures proposed and advises they are suitable to minimise potential impacts on the foraging and breeding habitat for a variety of fauna species including arboreal mammals, owls, frogs and microbats. The lighting is designed to protect the conversation area from lighting and heat and support its viability.

V. Increase of temperature due to removal of vegetation.

Comment: The central part of the site is currently vacant of trees which offers substantial shading, as shown in **Figures 3 and 4** above. (There are still existing trees at the perimeters of the site). The proposal seeks to remove 73 existing trees. In culmination with trees already removed to enable the demolition of structures on the site, this will result in the removal of a total of 103 trees (including some groups of trees). 102 existing trees are to be retained. This proposal seeks to provide 298 replacement trees; which achieves replacement of removed trees at a ratio of 2.8:1, which satisfies Council's direction to provide replacement planting at a ratio of 2:1 to improve the treed environment. Given the proposed use of the site is predominantly to provide outdoor netball courts, the types of vegetation should be carefully considered to avoid safety hazards, such as fallen seeds or branches. In this context, the mix of trees, shrubs and vegetation throughout the site complements the built form and offers some shading and benefits in terms of temperature management.

W. Increase in air pollution from traffic.

Comment: The Planning Proposal Traffic and Transport Impact Assessment prepared by SCT Consulting on behalf of Department of Education and dated March 2021 states that the former Marsden High School 7 day trip generation was 3,187 trips. In comparison, the proposed development has a 7 day trip generation of 3,055 trips (based on the original intention for 36 courts [now reduced to 33 courts]).

In addition, the Planning Proposal Traffic Impact Assessment prepared by Bitzios Consulting and dated September 2022 states that the school vehicle trips were more concentrated; and the impacts of the proposed use will be spread over a larger period of time.

Whilst the proposed is anticipated to generate traffic directly associated with this development; it is generally consistent with the existing traffic (and associated air pollution).

X. Suitability of the site and intensity of the use

Comment: Consideration of suitability of the site for a recreational facility is provided at Section 10 above. Consideration of intensity of the use is provided at Section 9.3 *Intensity of use* above. The overall assessment provided in this report establishes that the continued use of the site provides a community and social benefit which improves the current condition of the site and offers an outcome which services the needs of the community.

The proposal for a Multi Sports Facility which primarily provides for Netball training and games with indoor and outdoor facilities is a unique development. The site is now vacant as the former high school was relocated to a new school facility at the Meadowbank Education and Employment Precinct. The continued use of this site for an alternate educational purpose was a matter for the owner/applicant, (Department of Education). The applicant does not seek to construct a school on this site.

Portions of the site are affected by overland flow and high value biodiversity vegetation. The proposed development provides stormwater management measures to manage overland flow across the site as well as a Vegetation Management Plan to ensure the Blue Gum High Forest is appropriately managed and overseen by a suitably qualified Ecologist (see Sections 13.5 & 13.9 *Referrals* below for details). Therefore, the site is considered suitable for this non-residential community use given these environmental constraints are satisfactorily mitigated.

Y. Flooding impacts, including flooding and blocking of stormwater drains.

Comment: Detailed consideration of the proposed stormwater and flooding management is provided at Section 4 *The Proposal* above, and Council's Drainage Engineer has confirmed the proposal is satisfactory to address the overland flow affectation on the site and surrounds. Specific conditions are imposed to address the required works and maintenance of flood mitigation measures and stormwater management, as detailed in Section 13.9 *Referrals* below.

Z. Visual privacy and amenity. The car park is tiered and higher than neighbouring fences in some places resulting in people looking into neighbouring properties.

Comment: The figures below show the relationship between the development and adjoining residential properties.

The proposed parking area at the north of the site has a level that is RL39.38, which then slopes down up to 4.88m with the fall of the land to RL34.5. The gradual lowering of the parking levels, buffer landscaping and boundary and/or acoustic fencing ensures users of the site are unable to look into neighbouring residences.

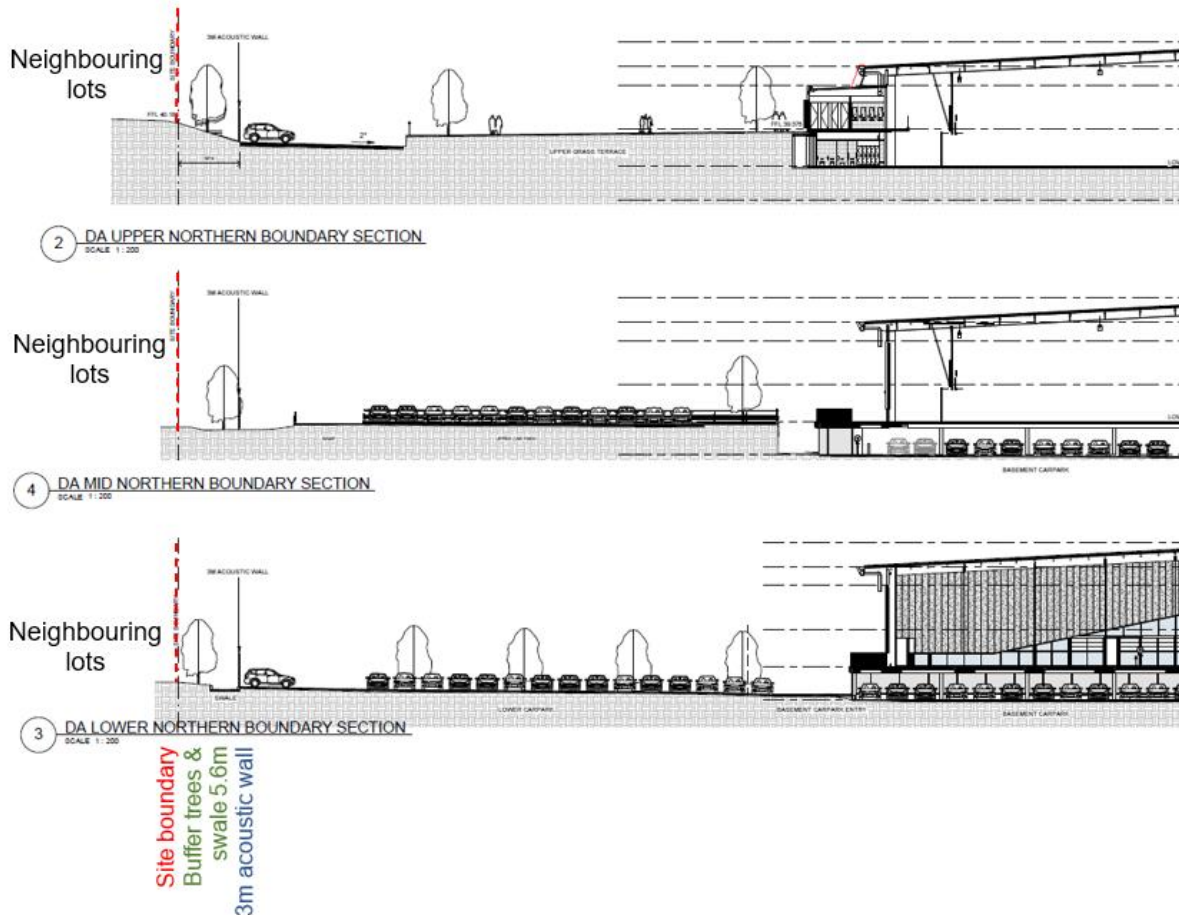


Figure 47: Extract from Site Section Plan DA-40-03 showing the neighbouring residences to the north (multi dwelling units at 46 Winbourne Street & dwellings at 4, 5, 6 & 7 Daphne Street) (left), 5.6m wide buffer trees & swale, acoustic wall, open parking area & building (right).



Figure 48: Photo of the site showing the northern boundary shared with the multi dwelling units at 46 Winbourne Street (left) & dwellings at 4, 5, 6 & 7 Daphne Street (right). The proposal seeks to remove these trees.

The relationship to the southern boundary shared with Nos. 18 and 20 Winbourne Street and the level of the proposed courts is generally consistent with the existing site levels. A buffer area of 10.3m is provided to this boundary which is not able to be accessed and consists of a swale, existing trees and a 2m high acoustic fence. This arrangement ensures users of the site are unable to look into neighbouring residences. Mitigation measures to protect residents to the south include prioritising

the use of the Level 2 outdoor courts in the centre of the site (not the courts immediately next to the dwellings) and limiting hours of operation to 8pm on weekdays and 7pm weekends and public holidays (**Condition 116**).

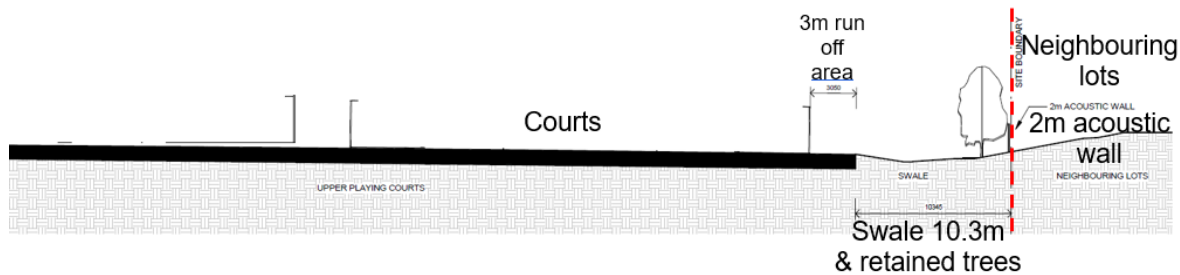


Figure 49: Extract from Site Section Plan DA-40-04 showing the upper courts (left), swale and existing trees, and neighbouring residences to the south (18 & 20 Winbourne Street) (right).

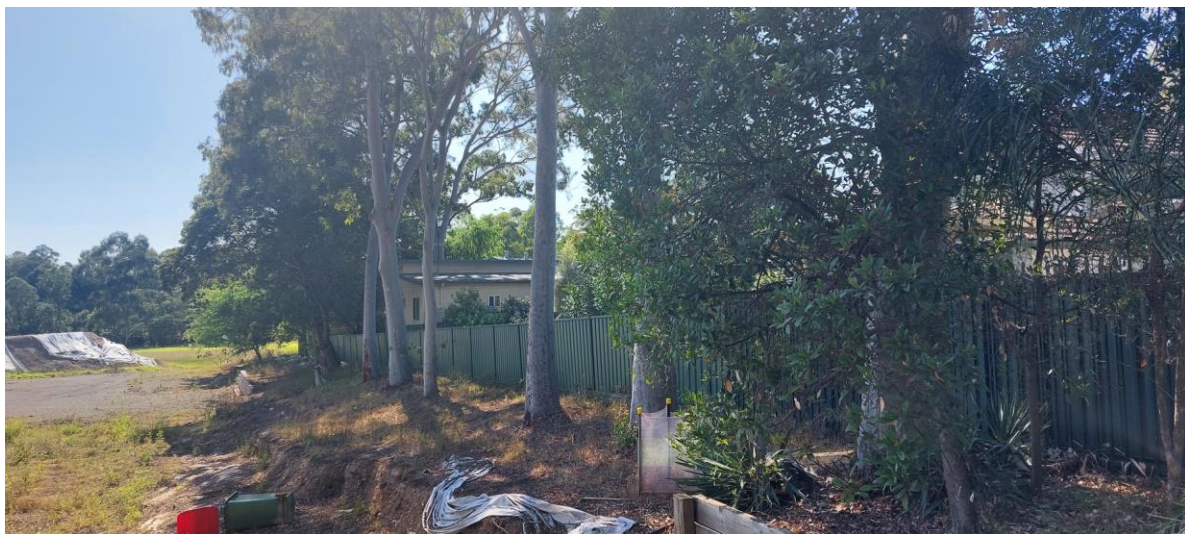


Figure 50: Photo of the site showing the southern boundary shared with 18 Winbourne Street (centre) & 20 Winbourne Street (right). The proposal seeks to retain these trees.

AA. Hours of operation

Submitters request restricted hours of operation (e.g. 7am-9pm, or 8am-8pm) to reduce the noise and traffic impact. There are 5-6 local gyms that operate 24/7. This gym is not needed. Use of the outdoors areas should conclude at 8pm and prohibit activities on public holidays and Sundays. Lights should be turned off by 8pm.

Comment: The proposal states that the gym for athletes to train for 'strength and conditioning.' The gym is proposed to operate 5:30am-11pm in a manner ancillary to the facility and is not a standalone attractor/use. As discussed in Section 9.2 *Acoustic impacts during operation* the hours of operation are considered excessive and are required to be reduced given the relationship to the surrounding residences. The hours of operation of the gym are recommended to be restricted to 6:30am to 10pm Monday to Saturday and 7:30am to 7:45pm Sunday and Public Holidays (**Condition 159**).

The hours of operation of the outdoor courts are also recommended to be restricted to 9pm on weekdays (not 9:30pm) to ensure the residential nature of the area is protected. This includes ensuring all staff and vehicles exit the site by 9:00pm (**Condition 159**).

Hours of operation of the development are proposed to be 7:30am to 7:45pm on Public Holidays and Sundays. Objectors request that activities are prohibited on

Public Holidays and Sundays. Concern is raised that the ancillary passive and active open space areas will not be available for the use of the public. It is not warranted to require this facility to be closed on Public Holidays and Sundays, however further reducing the hours will assist with protect the residential nature of the area. **Condition 159** requires the hours to be limited to 8am to 7pm.

BB. Access and management of waste collection

Comment: Waste management and collection has been considered by Council's Environmental Health Officer at Section 13.13 below and is supported. The applicant has demonstrated that the site is capable of being accessed by a private waste collection vehicle for collection outside of peak usage periods.

CC. The facility should be available for use by the whole community. Residents need more green space and park facilities.

Comment: The north-eastern portion of the site containing Blue Gum High Forest to be conserved is to be fenced off, as detailed in the recommendations of the Vegetation Management Plan (see details at Section 13.5 below).

The site operator will implement an Operational Management Plan which will restrict access to the site outside of operating hours. This is supported for safety and security, as lighting will be turned off after hours.

The applicant states that during opening hours local residents will be able to utilise the open spaces of the development (excluding courts as addressed in **Condition 116**.) The proposal offers an opportunity for outdoor recreational spaces for the benefit of the community.

DD. Use of the facility for netball. Can the indoor multi-purpose courts include volleyball courts. It's not fair basketball courts are not provide since the boy/girl ratio is 1:1. Is there data showing the popularity of netball courts or will they be unused. Although we need more recreational space, it is not appropriate to remove a school in favour of unnecessary netball courts.

Comment: Concerns were raised that the facility should be reserved for use for netball only and conversely the facility should be available for a mix of sports. The purpose of this proposal is predominantly for netball ranging from young children to semi-professional. Participation in netball is described in Section 9.5 *Potential community and social impacts* above, which demonstrates existing and future participation in this sport.

Linemarking for 'mixed use courts' will be provided to 2 outdoor and all 4 indoor courts. Further recreational spaces are available for public use. The mix of sports and activities able to be undertaken as the potential to include volleyball and basketball and is considered to be suitable.

The return of this site to a high school is a matter for the applicant (NSW Education). The assessment of this proposal is limited to the scope of its use as a Multi sports facility only (see discussion at Section 10 *Suitability of the site for the development*).

EE. Possibly around half of the Eastwood/Ryde Netball Association (ERNA) membership resides outside of the LGA (Parramatta, Hunters Hill, Hornsby, The Hills, Canada Bay and the Inner West). Competitions could be held in these neighbouring LGA's as has happened in the past, allowing for lesser number of courts at site.

Comment: The proposed facility primarily seeks to provide netball courts for training and games to service the current and growing demand for this sport, and associated

training and coaching development. The facility will generate a direct benefit to residents in the immediate vicinity of the site, as well as participants residing outside of the LGA. Other sports facilities will continue to operate and share the scheduling of netball competitions run by ERNA and other sports organisations.

FF. The indoor courts should be used in the first instance, and less outdoor courts will be needed.

Comment: This approach is considered suitable. **Condition 116** is imposed requiring court use to priorities the indoor courts, followed by the outdoor courts. As detailed in Section 9.2 *Acoustic impacts during operation* above: use of the indoor courts will start at the centre of the site (Level 2 top rows); courts along the borders of the site will only be used if all other courts are being used; and full use of external courts will likely only happen on Saturdays and special events.

GG. Lack of community consultation between 2018 and 2022 and notices to only one street around the site.

Comment: The applicant (Sports Infrastructure NSW) states that consultation was undertaken with multiple opportunities for the community to engage with Council and the applicant through the DA process.

The applicant has maintained a website with up to date information regarding the planning proposal and development application processes associated with this site, which were supported by letter box drops.

Council's DA process ensured extensive notification to surrounding properties; with extensive notification periods. This is reflected in the number and detail of submissions received from the public. The notification requirements are satisfied.

HH. Intruder alarms can trigger any time and impact neighbours.

Comment: The Operational Management Plan is to specify how the operating manager of the development will respond to alarms in a prompt manner.

II. The consent should require all neighbouring properties to have double glazing by the applicant.

Comment: Consideration of acoustic impacts to surrounding residents is discussed in Section 9.2 *Acoustic impacts during operation* above. The DA Acoustic Assessment prepared by Marshall Day Acoustics and dated March 2023 considers noise impacts to within surrounding residences and states that noise levels from this development will exceed the recommended amenity noise levels as shown in the table below.

Table B3: NPfl derived project amenity noise levels

Receiver	Receiver type	Period	Recommended Amenity Noise Level $L_{Aeq, period}$ dB	Project Amenity Noise Level $L_{Aeq, 15min}$ dB
Residential	Residential (Suburban)	Day	55	58 (55 + 3)
		Evening	45	48 (45 + 3)
		Night	40	43 (40 + 3)
R5 – Ermington Public School	School classroom	When in use	35 $L_{Aeq(1hr)}$ (internal)	35 $L_{Aeq(1hr)}$ (internal)
R8 – Ermington Public School outdoor play area	Active recreation area	When in use	55 $L_{Aeq(6hr)}$ (9am-3pm)	58 (55 + 3)

Figure 51: Extract from the DA Acoustic Assessment prepared by Marshall Day Acoustics showing the project amenity noise levels in accordance with the NSW Noise Policy for Industry.

The acoustic recommendations from the applicant's acoustic consultant are detailed in Section 9.2 above and did not include works on private property such as replacing windows.

It is noted that these recommendations take into account noise impacts at the boundary, and do not measure noise levels within each dwelling house.

Council's Environmental Health Officer has recommended the imposition of **Condition 164** which states that Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria at the operational stage of the development. This condition is a means of verifying if the development complies with the noise limits specified in the Applicant's Acoustic Report and provides the opportunity for further necessary mitigation measures to be implemented to protect the amenity of residents.

A requirement for an applicant to undertake works on neighbouring properties is outside the scope of what can be imposed in this DA.

JJ. Earthworks and construction will create air and noise pollution. Waste materials will pollute the natural watercourse.

Comment: The accompanying Demolition, Construction and Operational Waste Management Plan prepared by WSP, Preliminary Construction Management Plan prepared by CBRE, Sediment and Erosion Control Plans prepared by Henry & Hymas Engineers which provide measures to address potential pollution. It is noted the site's street boundaries are already fitted with dust sheets. Council's Environmental Health Officer has also recommended conditions to manage air and noise pollution and for water protection, including **Conditions 42, 99, 161 & 168**.

KK. Existing facilities should be used and upgraded (such as Meadowbank) which is serviced by ferries, trains and buses.

Comment: The use of other recreational facilities is intended to continue where possible, subject to maintenance and improvements to sustain and improve community services. However, the opportunity to use other facilities does not negate the assessment of the use proposed in this DA.

LL. *What penalties / remedies are there and who is accountable for non-compliances? Will the facility be shut down if residents can't carry out their normal life? A Complaints Register must be established with independent or Council oversight to ensure that the rights of the community are not ignored.*

Comment: The recommended conditions of consent require the applicant to adhere to their proposed operations and recommendations in their accompanying expert reports, as well as further specific requirements imposed as detailed in this Assessment report. The applicant also states that the Operational Management Plan (OMP) states that a complaints policy and incident register will be implemented and revised on a regular basis by the site operator. **Condition 185** requires this register and the updated OMP to be submitted to Council and the Police annually, as well as an annual review which audits the operations of the facility and improvements to be implemented. This review will hold the operator accountable against the requirements of any consent issued and to the community.

MM. *The applicant should purchase the cluster of homes between the site and Ermington Public School as the residents are exposed to traffic, noise and light pollution.*

Comment: The applicant has been made aware of the interest of the owners of 16, 16A, 18 and 20 Winbourne Street to sell their residential properties via previous submissions to the Planning Proposal and this DA.

The applicant is not required to acquire adjoining sites, as they are not affected in terms of site isolation (they are already developed as dwelling houses) and a recreational facility is not permissible.

The relationship of the proposed development to the dwellings is shown below. A 10.3m buffer area is provided along this boundary and mitigation measures are imposed to limit noise and light pollution, including prioritising the use of the level 2 outdoor courts further to the east of these dwellings, and turning off lights by 8pm on weekdays. The consent authority does not have any further powers requiring these dwellings to be purchased as a result of this DA.



Figure 52: Extract from the Schematic Landscape Design Plan showing the landscaping and buffer area at the south-west part of the site.

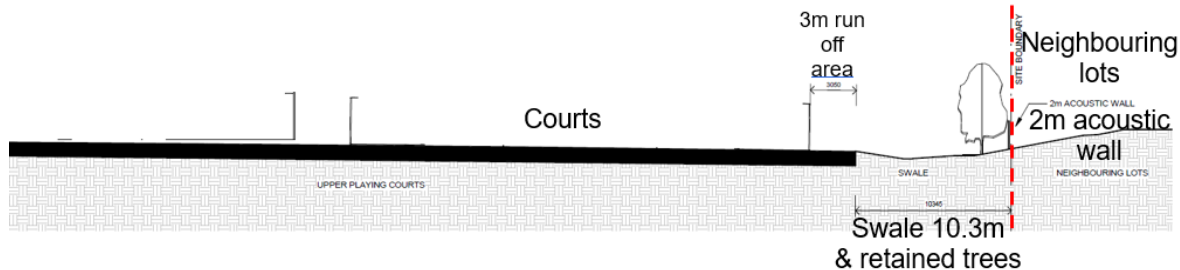


Figure 53: Extract from Site Section Plan DA-40-04 showing the upper courts (left), swale and existing trees, and neighbouring residential lots (right).

NN. Safety risks to children living in the area and in the playgrounds with a lot of strangers coming into the area.

Comment: Comments regarding safety are provided in Section 13.2 *NSW Police Force* below. The proposal seeks to restrict access to the site after hours to assist with safety and deter anti-social behaviour during these times. The development will attract players and supporters from Greater Sydney for games, and from NSW for regional competitions (possibly 2 per year).

The proposed Multi sports facility is a permissible land use on this site, with suitable security measures incorporated, such as the use of CCTV within the site and opportunities for casual surveillance to and from the site to deter anti-social behaviour.

Overall, the design of the proposal and Operational Management Plan are considered to support the operation of the development in a manner which is capable of being cohesive to the needs of the community, staff, participants and visitors. Where specific concerns are raised above, conditions are imposed to assist with ensuring potential issues are mitigated and the interests of the community are upheld.

12. THE PUBLIC INTEREST

The public interest is best serviced by the consistent application of the requirements of the relevant environmental planning instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised. This is a unique site, being a former high school, which is bounded by residential and educational uses, and affected by environmental constraints including overland flow and high value vegetation. In response, this assessment acknowledges the unique assessment framework, and on balance it is considered that the statutory requirements are adequately addressed, and the proposal is supported.

The applicant states that:

“The proposed multi sports facility will introduce a facility in to the local area that will provide a public benefit for the community. A variety of public domain works are also proposed as part of this development. The proposal also retained the areas mapped as having biodiversity value and the vegetated area is retained and proposed to be enhanced through the implementation of a vegetation management plan. This revegetated area will be visible from Brush Road and visible to the broader community and

therefore serve the public interest both in terms of biodiversity values and positive visual outcomes.”

The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposed building is generally located in the location of the former Marsden High School buildings, and trees clear of the netball courts are sought to be retained (102 trees).

The proposed building, courts and associated parking areas and pathways are complemented by 298 new trees and general landscaping and open turfed areas. All trees and vegetation in the north-eastern portion of the site which are classed as high value biodiversity vegetation are to be protected and retained. This outcome to retain and replace trees throughout the former school site demonstrates that the proposal is not contrary to the public interest.

The proposed Facility is supported by an Operational Management Plan which addresses the appropriate operation of the development to protect the amenity of neighbours and the community. This includes detailed event management plans which comprise robust mitigation measures to protect against potential adverse impacts to the surrounding properties and the local area. Given the Applicant has committed to implementing these mitigation measures, which are also recommended to be enforced by conditions of consent, the issues raised in the submissions are not considered to warrant the refusal of the DA.

The provision of car, motorcycle and bicycle parking is considered sufficient to cater to the parking needs of the development and mitigate the risk of pressure on street parking and congestion. This is supported by improvements required to be carried out by the applicant, including the extension of the Winbourne Street shared user path and line marking at the Winbourne Street / Marsden Road intersection to improve functionality and safety. On balance, the proposal is anticipated to generate parking and traffic demand at times which differ to the existing non-residential uses in the immediate vicinity, notably Ermington Primary School and the child care centres. This offset in key operating periods supports the suitability of this site for a recreational facility.

The proposal has been assessed against the relevant planning instruments and is considered to be acceptable as it offers a high quality development outcome that does not significantly or unreasonably affect surrounding sites and is consistent with the development envisaged by the development standards and controls afforded to the site.

The issues raised in the submissions do not warrant the refusal of the DA. The issues raised are significant, however the DA documentation and Council assessment demonstrate that the issues raised do not warrant the refusal of this DA, subject to imposition of conditions to ensure the required mitigation measures are carried out.

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

13. REFERRALS

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

External Agency Referrals

13.1 Transport for NSW

This application was referred to Transport for NSW (TfNSW) under clause 2.122 Traffic-generating development of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The following comments were provided:

TfNSW has reviewed the application and notes that the peak traffic generation of the development proposal is similar to the previous use of the site as a local high school. In any event, the Agency has undertaken a desktop review of the traffic modelling for the proposed development and advises that there is unlikely to be a detrimental impact on the classified road network.

TfNSW provides the following advisory comments to Council for consideration in the determination of the application:

- 1. Any special events on the subject site should include a requirement to undertake a Special Events Traffic and Transport Management Plan in accordance with the NSW Government guidelines.*
- 2. Off-street parking should be designed in accordance with AS2890.1.*
- 3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the classified road during construction activities.*

These requirements are imposed in **Condition 15**.

13.2 NSW Police Force

The Ryde Police Area Command do not raise any major concerns and provide areas which should be considered for the safety of the community using the venue. These items are imposed in **Condition 16** and include:

- 1. Lighting and Technical Supervision: It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit.*

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.

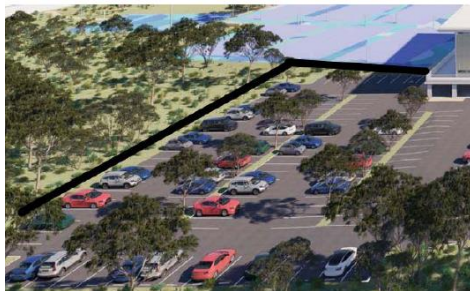
The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e., reducing a person walking from dark to light places.

- 2. CCTV: High quality CCTV must be used at the site and should be a minimum of 30 frames per second and be stored for a minimum of 30 days. The CCT must record all entrance and exit points to the buildings, including the foyer area to the buildings, any communal areas, lifts, public spaces and the outdoor and basement car parks.*

Police would recommend number plate recognition cameras at the entrance/exit of the driveway.

Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. The owner should train all relevant staff of how to use the CCTV cameras. Each tenancy should also be encouraged to install CCTV at access points.

3. *Car Park: Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car parks.*
4. *The Safety Bollards: Police would recommend safety bollards or a natural safety barrier where the carparks meet the netball courts. As indicated in the image below, police recommend bollards in the following locations to prevent and mitigate the risk of vehicles entering the netball courts and causing damage / injuries to the community.*



The above review takes into account safety and security and the principles of Crime Prevention Through Environmental Design (CPTED) which the applicant considered as part of their design process.

13.3 Sydney Water

Sydney Water do not raise any concern regarding the proposal and advise that potable water servicing should be available via a DN100 oPVC watermain (laid in 2006) on Winbourne Street and that wastewater servicing should be available via a DN225 VC wastewater main (laid in 1967) within the property boundary. **Condition 125** is imposed requiring a Section 73 application to be referred to Sydney Water, at which point Sydney Water will provide detailed requirements, including any potential amplifications, adjustments, and/or extensions which may be required.

Internal Referrals

13.4 Consultant Electrical Engineer: Lighting

Council's Consultant Electrical Engineer supports the proposal subject to conditions. The following comments were provided:

1. *The facility has 3 zones of lighting at various heights labelled as Groups 1, 3 and 4:*

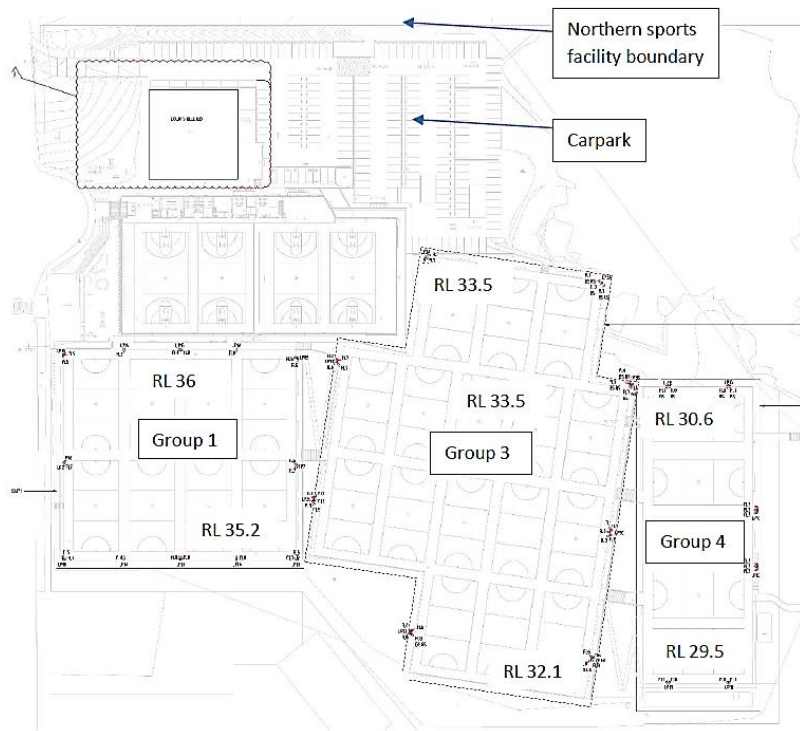


Figure 54: Indicative layout of lighting zones for the outdoor courts (Groups 1, 3 & 4).

2. The court lighting appears sound with good court illumination to 200 lux horizontal average, uniformity to $U1 \geq 0.6$, $U2 \geq 0.4$ and low obtrusive light towards the residential boundaries. The light loss factor used was 0.88 which is considered adequate to end of life.

3. Based on the aiming of the floodlights in each of the 3 groups/zones we assume the 3 zones can be switched separately and used independently (courts within each group cannot be switched individually):

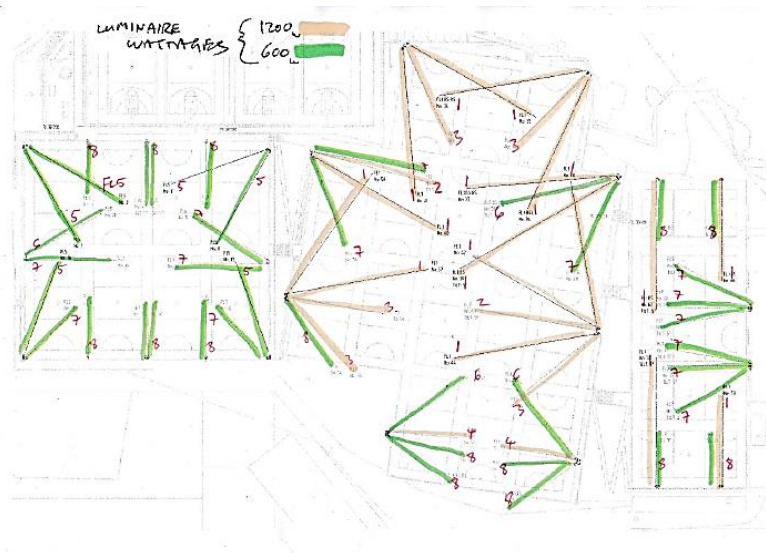


Figure 55: Indicative luminaire wattages and aiming.

4. The lighting design uses the latest Sylvania Raptor 1200 and 600 watt luminaires which are considered one of the best available in Australia with comprehensive support and warranties.

5. We have verified the court and obtrusive levels along the western, southern and eastern residential boundaries. The obtrusive levels are well below the

maximum recommended by Australian Standard (AS) 4282:2019 Outdoor Lighting Obtrusive Effects.

6. The light poles vary in height, being 22m, 20m and 15m:



Figure 56: Indicative pole heights

7. The designer has made their best efforts to comply with the standard for pole locations in an area with multiple courts. The poles are located in both side mount and corner mount in an attempt to maintain the intent of, and comply with, the recommendations of AS2560.2:2021 Sports Lighting. The AS recommends poles are mounted along the side of the courts and not behind the back line. Strict compliance cannot be achieved for this facility for all pole locations. Side mount is generally the preferred option for pole locations when courts are parallel to each other and have around 6m clearance between courts along the sidelines but due to the layouts of the courts this is not possible for all courts.

Netball Australia has stated on several occasions (for separate projects) that, in general, they prefer corner mount high mast lighting and do not want side mounted light poles near the courts as they are considered a hazard for the umpires as they walk this area during matches. The AS states that the obstacle free zone for run off is 3.65m between parallel courts and 3.05m around single courts.

8. The current design uses a combination of side mounted and corner mounted poles to achieve both court lighting and obtrusive compliance for the 3 grouped areas. If all areas were switched together there may be scope to reduce the quantity of poles and luminaires, but this would require a redesign. We estimate a redesign may result in a majority of corner mounted poles providing the obtrusive light can remain well below the maximum levels recommended by AS4282: 2019.

9. The northern residential boundaries are reasonably distant from the courts floodlighting and as such obtrusive light is not an issue.

10. The carparks along the northern boundaries do not appear to be lit, which is expected for safety and security. Lighting of the carparks could potentially introduce obtrusive light along the northern residential boundaries which are around 8m from the sports facility northern boundary.

Conclusion:

The lighting design achieves good court lighting and low obtrusive levels (well below the maximum allowable).

Conditions are recommended to be imposed to address the following:

- The construction certificate documentation for lighting must be certified by a suitably qualified lighting expert verifying that the lighting is designed based on the approved ground levels throughout the site and generates the lowest possible obtrusive lighting levels to all surrounding residential properties. The lighting system must be capable of configuration of illumination levels (dimnable, responsive to ambient light conditions, automatic and manual switching) and lighting control arrangement (glare shields).
- Upon installation of the lighting, the effectiveness of the glare shields (to minimise light spill and backward light distribution) is to be verified by a suitably qualified lighting expert to ensure its effectiveness to protect residential properties from obtrusive lighting.
- The car park area is to be lit during operating hours for safe movement and security lighting. This lighting is to be low level (pole mounted) and designed to ensure light spill does not cause a nuisance and affect the amenity of surrounding residential properties.
- Lighting groups 1, 2 and 3 are only permitted to be turned on when the courts in that area are being used.
- Lighting of the outdoor courts is only permitted when the courts are in use, and only until 9pm on Monday to Friday; until 7:45pm on Saturday and until 6:30pm on Sunday and Public Holidays. Lighting of the outdoor courts is required to be dimmed to at least 50% between 9-9:30pm on Monday to Friday.
- Lighting of the outdoor courts must suit the activity being undertaken at time of use. Mid-level local and regional competition and high level training is permitted to use 100% to achieve 200 lux average. Recreation, training, and low-level local competition must be dimmed to 50% to achieve 100 lux average.
- Lighting of the Multi-sport facility is only permitted when the building is in use, and only until 10pm on Monday to Saturday and until 7:45pm on Sunday and Public Holidays.

13.5 Consultant Ecologist

Council's Consultant Ecologist supports the proposal subject to conditions as follows:

Protection of Blue Gum High Forest: This review is of the Blue Gum High Forest located in the northeast portion of the site zoned C2 Environmental Conservation. This is a critically endangered ecological community listed under both the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

As lodged, the proposal was accompanied by a Vegetation Management Plan prepared by Abel Ecology which was required to be revised to address the following matters:

- *The separation of the C2 Environmental Conservation Zone into 3 distinct zones based on existing environmental condition, management issues and actions required to achieve the desired outcome;*
- *The addition of measurable performance criteria;*

- *The separation of year two within the schedule of works to allow for ongoing secondary weeding and assisted regeneration planting;*
- *Additional annual data collection for quantitative analysis of site condition and improvement; and*
- *A nest box monitoring and maintenance schedule.*

*All matters were satisfactorily addressed in the applicant's revised Vegetation Management Plan prepared by Travers Bushfire & Ecology dated May 2023 and conditions recommended to be imposed to ensure the appropriate management of the Blue Gum High Forest to be overseen by a suitably qualified Ecologist (see **Condition 64**).*

Lighting: Potential lighting impacts on the part of the site zoned C2 Environmental Conservation were also required to be addressed by the applicant. The applicant addressed this as follows:

Mitigation strategies from the Sports and Lighting Impact Assessment prepared by WSP and dated March 2023:

- Review of operational controls and timing / use of courts adjacent to the forest;
- Utilise glare control accessories and shielding devices on sports luminaires to minimise glare and spill light beyond the netball courts;
- Use of directional lighting techniques to direct light away from the Blue Gum High Forest wherever possible;
- Use of appropriate beam angles on luminaires to ensure lighting is focused where required, so that spill light is minimised, and direct views of light sources are minimised;
- Restrict illumination levels to the minimum required for operations, safety and security requirements;
- Priority use of illuminated netball courts located away from the Blue Gum High Forest whenever possible;
- Dim down or switch off lighting whenever possible;
- Minimise indirect illumination from reflective surfaces;
- During construction phase, the lighting designer is to attend the commissioning of the sports lighting to ensure all luminaires are aimed correctly and illumination levels are set appropriately to minimise light spill or direct light aimed towards the Blue Gum High Forest.

Mitigation measures recommended in the Ecological Lighting Impact Assessment prepared by Traves Bushfire & Ecology include:

- Planting a 5m wide vegetation barrier along the western boundary of the conservation zone to reduce lighting impacts, using plant species that are associated with Blue Gum High Forest (details provided in the Vegetation Management Plan).
- Positioning all light posts that have the potential to affect the conservation zone to face away from the conservation zone.
- Installation of light baffles on all lighting posts to minimise spill and concentrate lighting vertically down to the ground.
- After nightfall, strategically use courts where those furthest away from the conservation area are filled first, allowing the lights to be switched off in close proximity to the conservation zone if not being actively used.

Council's Consultant Ecologist's provided the following comments:

The above measures are suitable to minimise potential impacts on the foraging and breeding habitat for a variety of fauna species including arboreal mammals, owls, frogs and microbats.

The above recommendations are addressed in **Conditions 63, 64, 80 & 179.**

13.6 Consultant Landscape Architect and Arborist

Council's Consultant Landscape Architect and Arborist supports the proposal subject to conditions. The following comments were provided:

As lodged, concern was raised regarding:

- *The scale of hard paving associated with the proposed netball courts, at-grade carpark and curtilage areas being considered excessive and not suitably offset by the proposed landscape scheme;*
- *Insufficient information provided within the landscape documentation to obtain a clear understanding of external design levels; and*
- *Insufficient information provided in the Arboricultural Impact Assessment (AIA) to obtain a clear understanding of impacts to existing trees as a result of the proposal.*

The applicant submitted amended plans and supporting reports, and the following comments are provided:

Tree Removal

The proposed removal of 73 trees (Trees 10, 12-13, 22, 27, 30, 43, 49-51, 54, 59, 81-83, 86, 88-89, 93-143 & 145-148) located on the subject site and within the adjoining street verge is supported. The removal of these trees is expected to have a moderate-high impact on the landscape character of the site however this is considered to be commensurate with the scale of the wider development and is capable of being suitably offset by the proposed landscape scheme which is to include the planting of 298 replacement trees.

*The proposed retention of 102 trees (Trees 1-9, 11, 14-21, 23-26, 28, 29, 31-42, 44-48, 52, 53, 55-58, 60-80, 84, 85, 87, 90, 91, 92, 144 & 149-175) located within the subject site, adjoining allotments and street verge areas is supported. Tree protection measures are addressed in **Conditions 32-34, 43, 65-70 & 102-106.***

The amended landscape concept is considered to be satisfactory with regard to overall layout, design, plantings and areas dedicated to open space. Whilst the extent of external hard paving associated with the development is still considered to be undesirable from a landscape amenity perspective, the need for the site to function as a high-use sporting facility is acknowledged and the currently proposed arrangements are therefore generally considered acceptable on balance.

The following table provides a synopsis of trees to be removed/retained, their retention value and recommendation:

Proposal	Identified Retention Values			Total No. of trees	Assessment comment
	High	Medium	Low / Very low		
Remove	3 trees (Trees 59, 96 & 126)	24 trees (Trees 10, 22, 30, 51, 89, 93, 102, 104, 105,	46 trees (Trees 12, 13, 27, 43, 49, 50, 54, 81, 82, 83, 86, 88, 94, 95, 97, 98,	73 trees	Removal Acceptable

		106, 107, 108, 110, 117, 118, 119, 123, 125, 127, 133, 135, 140, 141 & 143)	99, 100, 101, 103, 109, 111, 112, 113, 114, 115, 116, 120, 121, 122, 124, 128, 129, 130, 131, 132, 134, 136, 137, 138, 139, 142, 145, 146, 147 & 148)		Unsustainable impacts from proposed works. Trees capable of replacement as part of the proposed landscape scheme.
Retain	10 trees (Trees 11, 16, 23, 39, 41, 48, 52, 58, 65 & 76)	52 trees (Trees 2, 8, 14, 17, 18, 20, 21, 25, 31, 32, 34, 35, 40, 45, 47, 61, 63, 64, 70, 71, 72, 73, 74, 75, 77, 79, 80, 84, 85, 90, 149, 152, 153, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, 171, 172, 173, 174 & 175)	40 trees (Trees 1, 3, 4, 5, 6, 7, 9, 15, 19, 24, 26, 28, 29, 33, 36, 37, 38, 42, 44, 46, 53, 55, 56, 57, 60, 62, 66, 67, 68, 69, 78, 87, 91, 92, 144, 150, 151, 154, 155 & 169)	102 trees	Retention Acceptable Tree Protection Zone impacts agreed to be sustainable. Suitable for retention and conditioned accordingly.

The location of the existing trees on the site and nearby public domain is shown below.



Figure 57: Aerial photos showing the trees to be retained and removed on site and in the public domain. Source: AIA Truth About Trees.

Proposed landscaping

The Landscape Documentation prepared by Turf Design Studio (Revision G, dated 17th May 2023) has been reviewed as part of this assessment against the relevant provisions for landscaping and open space contained within the Ryde DCP 2014.

Whilst there are few numerical planning controls relating to landscaping and open space that can be applied to this site and this type of development, a merit-based assessment of the proposal has been undertaken. It is noted that this assessment follows previous concerns raised by CPS in relation to the extent of external hard paving being considered excessive and not suitably offset by the proposed landscape scheme as well as insufficient information that had been provided pertaining to external design levels.

Within the amended landscape documentation received, these issues have generally been addressed with 3 formally proposed netball courts located to the north of the indoor sports facility now being deleted and dedicated to

communal landscaped area. All external design levels have also now been provided and have been assessed as being acceptable.

Although the retention of much of the previously proposed at-grade carpark and 25 hard surface netball courts to the south of the indoor sports facility is still largely undesirable from a landscape perspective, it is understood that there is high demand for this type of community-based development and that there is perhaps little else that can be done given design requirements to cater for the volume of expected future users. Taking this into consideration, the currently proposed layout is generally considered acceptable on balance.

Where possible, areas of open space have been suitably activated via a well-considered pedestrian access network, surface treatments, seating, shelters and open play areas – each of which are complimented by appropriate soft landscape areas which are to include plant species which are considered to be well suited to the site-specific environmental conditions. Further, street tree planting and embellishment of paved areas within the streetscape is consistent with prescribed requirements.

*Conditions are recommended to be imposed to ensure a positive outcome for the development with regard to landscaping and open space, including **Conditions 35, 36 & 119.***

The proposal seeks to remove 73 existing trees. In culmination with trees already removed to enable the demolition of structures on the site, this will result in the removal of a total of 103 trees (including some groups of trees). 102 existing trees are to be retained. This proposal seeks to provide 298 replacement trees; which achieves replacement of removed trees at a ratio of 2.8:1, which satisfies Council's direction to provide replacement planting at a ratio of 2:1 to improve the treed environment.

13.7 Development Engineering

Council's Senior Development Engineer supports the proposal subject to conditions of consent. Comments regarding their assessment is as follows:

Stormwater management - design

The proposed onsite stormwater detention (OSD) system is aligned with the stormwater objectives in Council's Development Control Plan 2014. The DRAINS modelling stormwater system demonstrates that although the proposed OSD system in a location subject to overland flow from the upstream catchment; the OSD system will attenuate stormwater runoff from the site to a level which is significantly less than the existing system. It is acknowledged that the provision of onsite detention on this site is quite difficult due to the degree of flood affectation over the lot. The DRAINS modelling demonstrates a configuration which is accepted.

Stormwater management - safety

Safety of the OSD basin design is satisfactory given the following:

- *The floor of the basin is graded at a slope of 2% (approximating the current condition) allowing for easily walk in / walk out conditions.*
- *The modelling indicates the maximum depth of the basin for the 5 year ARI storm event is up to 750mm in depth (RL30.26m) near the discharge*

control pit (located in the smaller of the two bio-retention basins). This depth reduces to some 400mm (knee height) 35m from the pit. For the 100yr storm event, the depth (RL30.63m) increases by a further 400mm above the levels above, presenting some 1.15m above the discharge control pit and 800mm at points 35m away.

- This water is of very low velocity (less than 0.6m/s) and would generally appear to be ponding. It would be safe enough persons could enter the OSD basin but not be swept away.
- The maximum levels above would occur broadly 30 minutes from the start of the storm event. There would be sufficient time for people to readily evacuate the area.
- The flood study report has recommending warning signage with flashing lights surrounding the basin in the event of flooding.

Notwithstanding this, there is some concern that the public may elect to enter the basin and potentially enter in proximity to either of the stormwater inlet pits located in the bio-retention basins. With the degree of flow entering the pits, in combination with the depth of water in these areas, there is some concern that a person immediately over the pit would present a significantly higher degree of risk than suggested on the flood risk mapping. It is therefore prudently advised that open style fencing be implemented around the basins to prevent entry to the area and that a third inlet pit be provided in the larger bioretention basin, no less than 2m from the one being proposed, so as to reduce the inlet velocity at these pits. This is addressed in Condition X.

Rainwater tank

The plans are inconsistent in terms of the volume and number of rainwater tanks. The MUSIC stormwater modelling considers 90kL storage volume (despite 60kL being shown on some civil plans), therefore 90kL must be provided (**Condition 39**).

Parking demand

The applicant was advised that, as lodged, the presented parking demand analysis was not considered appropriate. In short, the proposal for 296 car parking spaces (for 36 courts) is based on an analysis of other facilities, averaging the parking capacity for those areas and so it does not present an accurate portrayal of actual parking demand. An analysis undertaken on first principles utilising travel mode ratios and such, indicates that a potential parking demand of 365 parking spaces would be more realistic. The applicant was required to provide further validation of the parking demand.

In response, the applicant amended the proposal by reducing the courts by 3 (now 33 courts) and providing 293 car parking spaces. The statement of response from the applicant's traffic consultant has maintained that 8 spaces per court is an adequate representation for parking demand and has not considered the matter on first principles as suggested. 8 spaces per court for 29 courts results in a parking demand of 232 car parking spaces. (The applicant's traffic consultant has applied this rate to the 29 outdoor courts only, as the 4 indoor courts are anticipated to largely be used for major / elite games). Note: This approach is applied for the purpose of considering parking demand. The requirement to prioritise the use of the indoor courts as

discussed in Section 9.3 Intensity of use above, is an operational matter which is considered separately.

Separate to the applicant's analysis above, an analysis of parking demand is as follows:

- *Each court presents 18 players, 3 coaches and 2 referees (23 people).*
- *The proportion of players arriving by vehicle is estimated to be 65% (11.7 vehicles per court).*
- *The proportion of coaches arriving by vehicle is estimated to be 90% (2.7 vehicles per court).*
- *The proportion of referees arriving by vehicle is estimated to be 50% (1 vehicle per court).*
- *In total, this presents approximately 15 vehicles per court.*
- *Not all courts will be utilised during the Saturday period at any one time (as games will be scheduled in a staggered manner). The usage is anticipated to be 60% of all 33 courts, being 20 courts, which generates a net parking demand in the order of 300 car parking spaces.*

With 293 car parking spaces provided (being 97.7% of the net parking demand of 300 spaces), the proposal is considered to be sufficient to accommodate this parking demand on the site and therefore is accepted.

Vehicle access and parking design

*The parking area is accessed via Winbourne Street by a 6.2m wide vehicle entry carriageway and the 12.7m crossover width is maintained. The entry is separated by a small median which will assist to delineate traffic. The entry configuration is practical to manage the likely level of traffic generation of this development on this busy local road (say, 200 vehicle trips in a 30min period – equivalent to 400 vehicle trips per hour). The vehicle access, grades and parking design are required to comply with Australian Standard (AS) 2890.1 Parking facilities - Off-street car parking (**Condition 38**).*

*The reconfiguration of the driveway entry shows boom gates. In the absence of details of the access arrangement, it is essential that the gates are left open during peak operation (**Conditions 182 & 137**).*

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the conditions of consent detailed above.

13.8 City Works – Transport

Council's Acting Transport Manager supports the proposal and provides the following comments:

Council's Transport section does not endorse a second vehicular access driveway via Brush Road on the eastern site frontage, as discussed in Section 9.1 above.

Traffic generation

Transport for NSW's Guide to Traffic Generating Developments does not provide traffic generation rates for netball courts. As a result, the Traffic Response Letter prepared by Stantec dated 17 May 2023 has estimated the

traffic generation for the proposed development based on surveys of other existing netball facilities. **Table 1** below, being an extract of Stantec's report, provides a summary of the weekday PM and Saturday midday peak hour vehicle trips, potentially generated by the proposed development.

Table 1: Forecast Traffic Generation

Day and time	Maximum court occupancy for day ¹	Likely occupancy during selected period ²	Number of courts in operation	Maximum number of persons entering and exiting the site ³	Two-way vehicle volumes per hour ⁴	Trip rate per court
Weekday 5pm-6pm	70%	70%	20	1,280	461	23
Saturday 12pm-1pm	90%	60%	18	1,152	415	23

Source: Planning Proposal TIA (Bitzios, 30 March 2022)

1 Based on court occupancy bench marking

2 Factored court occupancy based on estimated daily profiles

3 Assuming all players leave at termination of the game, all players/ spectators arrive in the 15 minutes prior to a game, and one game changeover during peak hour. 16 players and 16 spectators assumed per court

4 Assuming 90 percent private vehicle mode share and 2.5 persons per vehicle

Table 1 above indicates that the proposed recreational facility is anticipated to generate an additional 461 weekday PM and 415 Saturday midday peak hour vehicle trips to and from the site. (Note: The applicant's traffic consultant states that these estimates are considered conservative, given they do not account for some visitors staying on site for multiple games. The above number of courts in operation takes into account the staggered scheduling of games and number of courts to be used at any one time).

Intersection of Marsden Road and Winbourne Street

The SIDRA modelling output contained in Stantec's Transport Impact Assessment Report indicates that the future post-development queue length on Marsden Road measured from its intersection with Victoria Road is anticipated to be 144m and 123m for the weekday PM and Saturday midday peak hour periods respectively (see **Figure 58** below).



Figure 58: Aerial photos showing existing traffic conditions with traffic blocking the Marsden Road / Winbourne Street intersection. (Source: Google maps).

The distance between the T-junction of Marsden Road and Winbourne Street and the intersection of Victoria Road and Marsden Road is approximately 105m. The projected post-development peak hour queue lengths on Marsden Road could therefore block the intersection of Marsden Road and Winbourne Street affecting the safety and efficiency in which traffic can exit from Winbourne Street onto Marsden Road.

*The applicant considers the existing markings to be sufficient (see **Figure 59**). However, this is considered to be insufficient, and it is recommended that “KEEP CLEAR” pavement marking be provided by the applicant on Marsden Road (as a minimum measure) to assist with the future safety and efficiency of vehicles turning out of Winbourne Street onto Marsden Road, in particular during peak periods. Other mitigation measures such as the provision of channelised “Seagull” linemarking treatment at the intersection of Marsden Road and Winbourne Street should also be considered. It is noted that any traffic and parking changes on Marsden Road requires approval by Transport for NSW, as Marsden Road is a State Road (**Condition 142**).*



Figure 59: Aerial photo showing the existing line marking at the Marsden Road / Winbourne Street intersection.

Active Transport Improvements

One of the key active transport upgrades that the applicant is to provide as part of this DA, is a new shared (pedestrian/cyclist) path along the eastern side of Winbourne Street between Hermoyne Street and Fir Tree Avenue adjacent to the site frontage. This new infrastructure is expected to help reduce vehicular traffic generated by the proposed development and consequently, reducing traffic implications on Winbourne Street and Brush Road.

13.9 City Works – Drainage

Council's Drainage Engineer supports the proposal, subject to the issue of **Deferred Commencement Conditions (A) 1 & 2** to ensure the existing Council pipe on the site is afforded sufficient vertical clearance between Council pipe DN1500 and the proposed pipe DN900 (between the 2 basins). The applicant was notified of this matter on 18 July 2023 and verification of this matter is ongoing. The deferred commencement conditions also require the easement widths shown on the plans to be amended to reflect the existing widths, being a 3m and 3.5m over the existing Council pipes.

Details of the proposed drainage measures is provided in Section 4 *The Proposal* above. The proposal demonstrates adequate details of the existing pipe/pit/headwall on site, appropriate safety fencing and sufficient minimum floor levels to the basement. Subject to verification of the location of the existing Council pipe on the site, the proposal is capable of being supported on the basis that the proposed bioretention basins are clear of Council's drainage asset and associated easement.

Conditions 49, 50, 71, 140 & 141 are also recommended to be imposed to address drainage matters.

13.10 City Works – Public Domain

Council's Public Domain Engineer supports the proposal subject to conditions and the following comments are provided:

Due to the expected increase in visitation to the site, public domain upgrade works must be carried out in both Winbourne Street and Brush Road.

Winbourne Street Shared Path: The applicant confirmed that the existing street trees are to be retained. The applicant states that their Arborist will advise on construction impacts prior to issue of a Crown Certificate.

Brush Road: Additional public domain upgrades in Brush Road include widening of the existing concrete footpath and new street tree planting in the nature strip. The selection of street trees species is to consider the constraints of existing overhead powerlines.

*Brush Road pedestrian crossing: The applicant accepts a condition for a raised pedestrian crossing. However, states that this design will result in the loss of 8 street parking spaces (see comment below). **Condition 52** is required to be imposed to address construction of the pedestrian crossing.*

Council's Transport Services section did not object to the removal of on-street car parking spaces on Brush Road in support of the installation of a raised pedestrian crossing to support safety and amenity (**Condition 109**).

Condition 52: The proposed conditions at **Attachment 5** were provided to, and accepted by the applicant, as is the process for a Crown Development Application.

At the time of finalising this report, the applicant subsequently advised they do not accept items in **Condition 52 Public Infrastructure Works / Improvements** relating to the cost of some public domain works. Council's position is that the extent of public domain improvement requirements imposed in Condition 52 (such as road reconstruction, kerb and gutter replacement, replacement of street lighting, 1.8m wide footpath upgrade to Brush Road and new linemarking for the shared user path crossing at Fir Tree Avenue) are standard requirements for development in accordance with Council's DCP and/or Public Domain Technical Manual.

Council's Public Domain Engineer have provided comments on the necessity for these standard public domain upgrade requirements to be undertaken in accordance with this development:

- 52(a) Half-road width / full depth reconstruction: This is a requirement of the DCP (Part 8.5, Section 1.1.4). In practice, a review of the condition of the road pavement will be completed following the developments works. Council may also request road pavement testing to be completed. If it is demonstrated that the road pavement or its sub grade is in an adequate condition, Council may consider a reduced scope of road pavement works.*
- 52(b) Removal of redundant gutter crossings: If there are driveways or other crossings that become redundant following the works, they must be removed and replaced with standard kerb and gutter.*
- 52(c) New kerb and gutter on Winbourne Street and Brush Road: This is a standard requirement for a new development of this size. Council has taken into account the current condition of the kerb and gutter and*

potential amendments to provide improved connection / alignment as noted in the condition.

52(d) *New 1.8m footpath on Brush Road: Based on Council's assessment of the expected utility of the footpath adjacent to the new development site, it is expected that a wider 1.8m footpath will be required (the current 1.2m width is insufficient). This is a standard requirement for publicly accessible areas such that they must be delivered as part of the development works.*

52(g) *Shared user path (SUP) pedestrian crossing: Council's traffic section confirmed that this is necessary for the functionality of the SUP. Wording in this condition has been changed to show it can be linemarking only. This is an important safety component of the SUP.*

52(i) *Lighting Upgrade: Replacement of existing luminaires with the current standard of LED luminaires is a standard requirement to provide for adequate luminance of the frontage of the development site in accordance with current Australian Standards.*

Planner's comment: This site will now include use at night, and lighting is an important public domain requirement and CPTED consideration.

These are practical improvements which are warranted given the circumstances of this development and level of use, particularly outside of daylight hours. In lieu of such improvements being undertaken, the proposal would not demonstrate long term sustainability and safety of users and the community. **Condition 52** is necessary to impose in its current form.

13.11 Waste

No objections were raised from Council's waste section. It is noted that the development is to be serviced by a private waste contractor and does not rely on Council collection.

13.12 Parks

Council's Senior Coordinator of Parks Planning supports the proposal, given the matters below are considered. Each of these items are capable of being resolved by conditions, as detailed below.

Issues raised	Resolution
Equitable accessible access is to be provided to all courts of the Level 3 outdoor courts (being the 5 courts along the eastern side of the site).	Access is provided to all courts via pathways and ramps.
<p>The proposed fence along the Winbourne Road frontage is considered excessive in height, given the offset to the playing area of the court and difference in level. Elevations on DA-30-04 appear inconsistent with the notation on DA-11-05 whereby the height of the fence is to be 3m higher than the level of the court surface, rather than 3m above FSL.</p> <p>The fence should either be removed so it is consistent with the northern section of Winbourne Street frontage or the type should match the Brush Road frontage of 1.2m black mesh.</p> <p>This will be a more welcoming appearance in the street scape, demonstrating to the community that this facility available for use by the general public when not being used for organised sport.</p>	Addressed by Condition 46 requiring the boundary fencing along Winbourne Street next to the outdoor courts to be 3m in height above the finished site level to provide fencing which has a scale consistent with the ground level.
The response to RFI dated 26 May 2023 states that for weekday day usage (e.g., schools) and parking of buses, it is proposed that	Addressed by Condition 116 requiring buses to

the Operational Management Plan will require buses to return to the bus depot after drop off and return for pick up. It appears that this is not reflected in the Operational Management Plan v2.1 submitted.	return to the bus depot or off-site parking overlay facilities after drop off and return for pick up to ensure vehicular travel along the surrounding streets is not obstructed by buses.
All street tree species are to be designated by Council's Tree Management Officer.	Addressed by Condition 37 .
Consultant to engage a specialist sports turf consultant to provide advice for the proposed grass courts. The current proposal of <i>zoysia macrantha</i> turf and distance between subsurface drainage lines will potentially lead to a poor user outcome, subject to maintenance and use. It is unclear whether the proposal includes irrigation to these courts.	Addressed by Condition 45 requiring the design, installation and maintenance of the grass courts to be certified by a suitably qualified and experienced sports turf consultant. Ongoing maintenance and use is to be included in the Operational Plan of Management (Condition 116).
To improve the sustainability of the passive lawn to the north of the indoor centre, it is suggested to include subsurface drainage and irrigation.	Addressed by Condition 45 requiring the lawn to be appropriately irrigated to support its success and longevity.
The boom gate is to be set back from the Winbourne Street and located closer to the car park area. It would still play the same function, just not be so visible from the street.	<p>The boom gate is located 9.5m from the kerb, and 3.7m from the property boundary.</p> <p>The applicant has advised that locating the boom gate further within the site is not possible as the driveway slopes down beyond this point and is inconsistent with the relevant Australian Standard.</p> <p>Condition 38 requires the boom gate to be located 6m from the footpath to enable a car to activate the control point clear of the footpath. The boom gate is also required to be kept open during hours of operation to support ease of access.</p> <p>From a safety and security perspective, a certain degree of visibility of the boom gate is supported to deter anti-social behaviour, and no objection is raised.</p>

13.13 Environmental Health

Council's Environmental Health Officer supported the proposal and provides the following comments:

Acoustics:

Given the sensitive nature of the proposal and significant issues raised in public submissions, the proposal was referred to an independent external acoustic consultant for review. See details in Section 9.2 Acoustic impacts during operation above, including assessment and recommended conditions.

Food

*The amended plans provide some level of detail, including the location of the cool room, dry goods area, hand wash basins and wash up skins. **Conditions 26, 128 & 129** are recommended to be imposed to ensure compliance with the relevant Australian Standard (AS 4674) and Food Standards Codes.*

Waste:

Waste collection is to be undertaken weekly by a private contractor in a vehicle up to and including 8.8m long medium rigid vehicles. Waste collection will occur outside the operational times of the courts, when site activity is minimal, and the car park is generally empty. Waste collection will occur from the circulation aisle adjacent to the waste storage room.

The facility is estimated to generate 5,000L of waste and 5,000L of recycling per week. Four 240L mobile bins will be provided for general waste and four for recycling within the Facility. The bins will be stored in a waste room adjacent to the top terrace of the outside onsite carparking. Additional, localised bins will be provided throughout the site and waste will be transferred to the bin store daily.

14. **CONCLUSION**

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the site is considered suitable for the development, and the development is not contrary to the public interest. The proposal provides an opportunity to maintain community facilities/services on this site with a contemporary building that is complemented by management of stormwater and ecological affectation.

The proposed development offers opportunities for the community to participate in organised sports or utilise the active and passive recreational spaces provided. The proposal is subject to an Operational Management Plan and specific conditions of consent recommended to be imposed to assist with ameliorating potential impacts such as noise, lighting, privacy, traffic and parking impacts. On balance, the proposed development is considered capable of operating in a manner which is cooperative with the local community.

The development is recommended for approval subject to appropriate conditions of consent provided in **Attachment 5** of this report.

The proposed conditions at **Attachment 5** were provided to, and accepted by the applicant, as is the process for a Crown Development Application under section 4.33 *Determination of Crown Development Applications* under the *Environmental*

Planning and Assessment Act 1979. The applicant subsequently advised they do not accept items in **Condition 52 Public Infrastructure Works / Improvements** relating to the cost of some public domain works. Council's position is that the extent of public domain improvement requirements imposed in Condition 52 (such as road reconstruction, kerb and gutter replacement, replacement of street lighting, 1.8m wide footpath upgrade to Brush Road and new linemarking for the shared user path crossing at Fir Tree Avenue) are standard requirements for development in accordance with Council's DCP and/or Public Domain Technical Manual. These are practical improvements which are warranted given the circumstances of this development and level of use, particularly outside of daylight hours. In lieu of such improvements being undertaken, the proposal would not demonstrate long term sustainability and safety of users and the community. Condition 52 is necessary to impose in its current form.

The reasons for approval are as follows:

1. The proposed sports facility and ecological preservation is consistent with the objectives of the part RE2 Public Recreation and C2 Environmental Conservation zones under the RLEP 2014. The development is also consistent with the relevant provisions of the RLEP 2014.
2. The building form is responsive to the slope of the land and existing levels on the site. The presentation of the building form is consistent with the scale anticipated on this site and will read favourably in the context of surrounding residential and educational premises.
3. The proposal includes suitable provision of car, motorcycle and bicycle parking, and fosters the use of cost effective travel modes, including walking and cycling.
4. The proposal is accompanied by a comprehensive Operational Management Plan which supports positive social outcomes for sports participants and the community.
5. The proposed development does not create unreasonable environmental impacts to existing adjoining development with regard to parking and traffic, visual privacy, acoustic privacy, solar access, amenity, visual presentation or overshadowing impacts.
6. The issues raised in the submissions do not warrant the refusal of the Development Application and have been addressed in the Assessment report.
7. The proposed development is consistent with the intent of the site and will foster additional opportunities for sporting events.
8. The proposal is not contrary to the public interest.
9. The site is considered suitable for the proposed development.
10. The development will provide adequate amenity to future attendees whilst imposing appropriate mitigation measures to assist with protecting the amenity of residents and the local community.

15. RECOMMENDATION

Under section 4.7 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

1. That the Sydney North Planning Panel, as the consent authority, grant consent to LDA2022/0267 for the construction and operation of a Multi Sports Facility at 22 Winbourne Street, West Ryde, subject to the recommended conditions in **Attachment 5**.
2. That Transport for NSW be advised of the decision; and
3. That submitters be notified of the decision.

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