

# Randwick Local Planning Panel (Public) Meeting

Thursday 26 May 2022



## **RANDWICK LOCAL PLANNING PANEL (PUBLIC)**

Notice is hereby given that a Randwick Local Planning Panel (Public) meeting  
will be held online via Microsoft Teams  
on Thursday, 26 May 2022 at 1pm

### **Declarations of Pecuniary and Non-Pecuniary Interests**

#### **Address of RLPP by Councillors and members of the public**

*Privacy warning;*

*In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded.*

#### **Development Application Reports**

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Kerry Kyriacou  
**DIRECTOR CITY PLANNING**

## Development Application Report No. D24/22

**Subject:** 263-269 Clovelly Road, Clovelly (DA/538/2021)

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### Executive Summary

<b>Proposal:</b>	Increase in capacity of children and staff numbers for the existing child care centre, addition of a motorcycle parking space, conversion of one on-street accessible parking space into a multi-purpose space, and reduce the time-restriction for on-street parking from 15min between 7am-9am and 4pm-6pm, to 10min between 7am-9:30am to 2:30pm-6:30pm Monday-Friday.
<b>Ward:</b>	North Ward
<b>Applicant:</b>	Urbis Pty Ltd
<b>Owner:</b>	Hnl Properties Pty Ltd
<b>Cost of works:</b>	\$15,400
<b>Reason for referral:</b>	20 submissions

### Recommendation

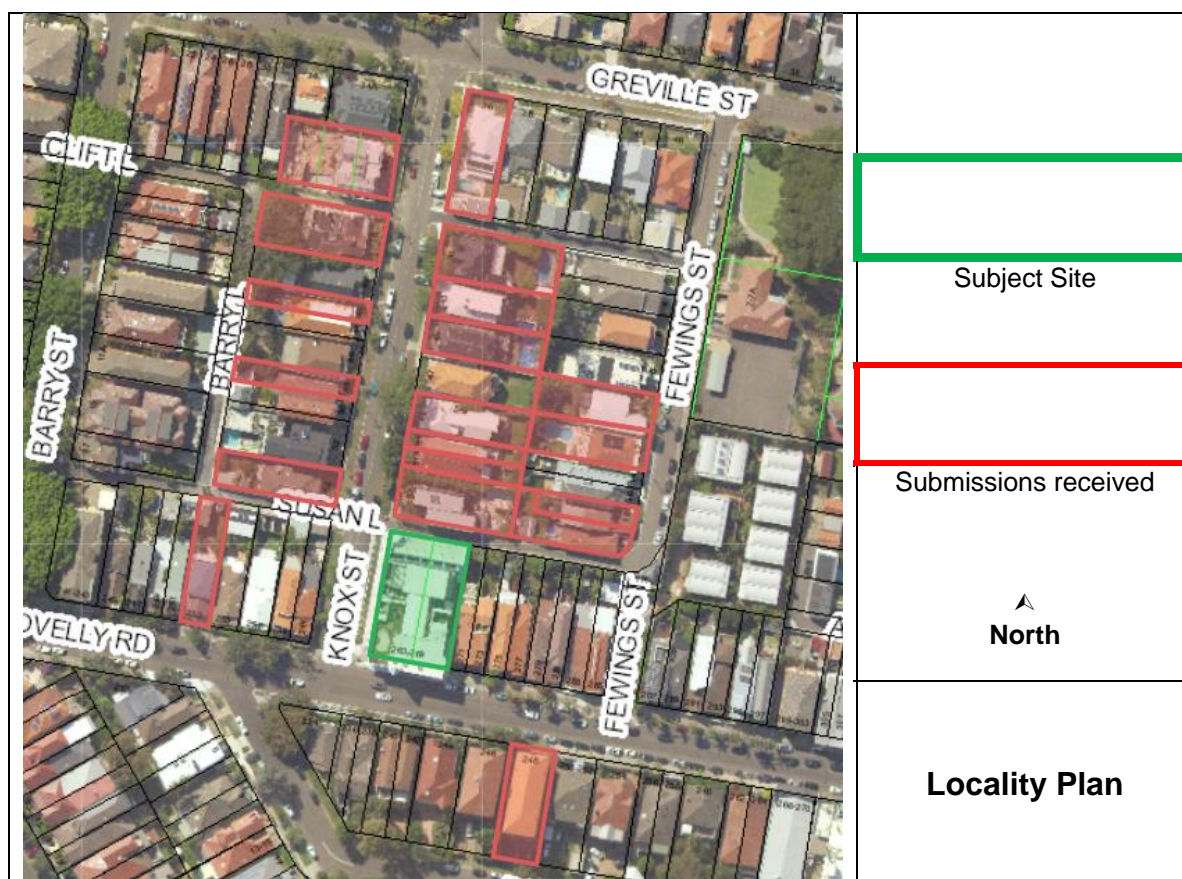
That the RLPP approve consent under Section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/538/2021 for the increase in capacity of children and staff numbers for the existing child care centre, addition of a motorcycle parking space, conversion of one on-street accessible parking space into a multi-purpose space, and reduce the time-restriction for on-street parking from 15min between 7am-9am and 4pm-6pm, to 10min between 7am-9:30am to 2:30pm-6:30pm Monday-Friday.

### Attachment/s:

1.  RLPP Dev Consent Conditions (commercial) - DA/538/2021 - 263-269 Clovelly Road, Clovelly - Urbis Pty Ltd

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## 1. Executive summary

The application is referred to the Randwick Local Planning Panel (RLPP) as:

- 20 unique submissions by way of objection were received

The proposal seeks development consent to increase in capacity to the existing child care centre from 90 to 122 children and 16 to 19 staff, the addition of a motorcycle parking space, the conversion of one on-street accessible parking space into a multi-purpose space, and the reduction to the time-restriction for on-street parking from 15min between 7am-9am and 4pm-6pm, to 10min between 7am-9:30am to 2:30pm-6:30pm Monday-Friday.

The key issues associated with the proposal relate to the impacts to surrounding road network from traffic and limited on site parking as a result of the proposed capacity increase. Council's Development and Integrated Traffic Engineers have raised concerns in relation to the proposed number of children and the likely impacts to traffic and parking for parents and staff of the child care centre. It is recommended that the number of children and staff be reduced to 112 children and 18 staff. Council's Environmental Health Officer has recommended a one year trial period be implemented in relation to the increase of children at the child care centre to ensure the operation of the premises does not adversely impact the amenity of the surrounding environment.

## 2. Site Description and Locality

The subject site is located at 263-269 Clovelly Road, Clovelly, and currently contains a part 2 and part 3 storey child care centre in a former RSL and Airforce Club. The site is rectangular in shape and slopes gently to the south and east towards Clovelly Road. The site benefits from frontages to Clovelly Road, Knox Street and Susan Lane.

The site currently contains child care centre operates in a part 2 and part 3 storey building. The existing building envelope extends across the entirety of the site, occupying a locally listed heritage item identified as the "Clovelly RSL and Air Force Club (formerly Kings Theatre)" (item I13). The

heritage listed item was previously approved by Randwick Council to be retrofitted to accommodate the needs of the child care centre. The site benefits from vehicular access from Susan Lane to existing staff car parking facilities (accommodating seven vehicles). Pedestrian access is available from Clovelly Road.



Picture 1 – Clovelly Road Frontage (north-east view)



Picture 2 – Clovelly Road Frontage (north-west view)



Picture 3 – Clovelly Road Frontage (north-west view)



Picture 4 – Knox Street & Susan Lane Frontage (south-east view)

### 3. Relevant history

#### Child Care Centre

##### DA/566/2014

Development Application No. DA/566/2014 was approved on 13/04/2015 for the partial demolition, alterations and additions to the existing RSL building for the establishment of a child care centre catering for 90 children and new parking area fronting Susan Lane.

##### DA/566/2014/A

Development Application No. DA/566/2014/A was approved on 24/11/2015 for the change of use of the approved training room of the child care centre to a caretakers unit, retention of the existing rock wall and removal of the approved basement store area.

##### DA/566/2014/B

Development Application No. DA/566/2014/B was approved on 05/01/2016 to correct Council error in relation to the numbering of a condition.

##### DA/566/2014/C

Development Application No. DA/566/2014/C was approved on 28/02/2017 for the alteration to eastern boundary fence, removal of window to meter room, demolition of existing eastern stairs, construction of new stairs, increase in finished floor level, alteration to some materials.

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## Trial Period

### DA/962/2018

Development Application No. DA/962/2018 was approved on 12/12/2019 for the increase in capacity of the child care centre from 90 to 102 children. The approval restricted the number of children and staff to 102 and 16 subject to a 12 month trial period.

### DA/962/2018/A

Development Application No. DA/962/2018/A was approved on 08/04/2021 for the extension of the 12 month trial period for an additional 2 years. This enabled the child care centre to operate with 102 children and 16 staff until 12 December 2022.

## 4. Proposal

The proposal seeks development consent for the following:

- Increase in capacity to existing child care centre from 90 to 122 children (+32), and 16 to 19 staff (+3).
- Addition of a motorcycle parking space.
- Conversion of one on-street accessible parking space on Clovelly Road into a multi-purpose space.
- Reduction of the time-restriction for on-street parking from 15min between 7am-9am and 4pm-6pm, to 10min between 7am-9:30am to 2:30pm-6:30pm Monday-Friday.

## 5. Notification

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Randwick Community Participation Plan. The following submissions were received as a result of the notification process:

Letters of Objection	Letters of Support
<ol style="list-style-type: none"> <li>1. 36 Knox Street, Clovelly</li> <li>2. 38 Knox Street, Clovelly</li> <li>3. 41 Knox Street, Clovelly</li> <li>4. 42 Knox Street, Clovelly</li> <li>5. 43 Knox Street, Clovelly</li> <li>6. 45 Knox Street, Clovelly</li> <li>7. 48 Knox Street, Clovelly</li> <li>8. 49 Knox Street, Clovelly</li> <li>9. 51 Knox Street, Clovelly</li> <li>10. 51A Knox Street, Clovelly</li> <li>11. 53 Knox Street, Clovelly</li> <li>12. 54 Knox Street, Clovelly</li> <li>13. 36 Gerville Street, Clovelly</li> <li>14. 10 Fewings Street, Clovelly</li> <li>15. 12 Fewings Street, Clovelly</li> <li>16. 18 Fewings Street, Clovelly</li> <li>17. 20 Fewings Street, Clovelly</li> <li>18. 6/248 Clovelly Road, Clovelly</li> <li>19. 253 Clovelly Road, Clovelly</li> <li>20. Address withheld</li> </ol>	<ol style="list-style-type: none"> <li>1. 86-69 St Mark's Road, Randwick</li> <li>2. 11 Barry Street, Clovelly</li> <li>3. 88 Dolphin Street, Coogee</li> <li>4. 11/244 Alison Road, Randwick</li> <li>5. 12/83-87 Carrington Road, Randwick</li> <li>6. 18/37 Arden Street, Clovelly</li> <li>7. 9A Arden Street, Bronte</li> <li>8. Address withheld x 2</li> </ol>

Issue	Comment
On-street parking and impacts	Parking issues are detailed below in the engineering comments in Appendix 1.
Visibility and safety impacts to pedestrians from traffic and parking	Visibility and pedestrian safety impacts are discussed in Appendix 1.
Adverse noise impacts from traffic and additional children	Acoustic issues are detailed below in the Environmental Health comments and in the Key Issues section of this report.

Issue	Comment
The trial period should finish for the assessment of the DA	Sufficient information has been submitted with the application to form an assessment prior to trial period ending.
Density of the centre is too high within the R2 zone	For the reasons discussed in this report, the increased child and staff numbers are suitable for the subject site.
The physio and running business were retrospectively approved without neighbour consultation and consideration of parking impacts	This is beyond the scope of the subject application.
Increase waste and rubbish	The Plan of Management outlines appropriate responses to the waste management of the centre and no significant adverse impacts are likely to occur.

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## 6. Relevant Environment Planning Instruments

### 6.1. SEPP (Transport and Infrastructure) 2021

Chapter 3 of the SEPP applies to child care facilities. Clause 3.22 requires the consent authority to not grant development consent except with the concurrence of the Regulatory Authority (Regulatory Authority for New South Wales).

Clause 3.22 (1) states:

*(1) This clause applies to development for the purpose of a centre-based child care facility if:*

- (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*
- (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

Regulation 107 requires 3.25m<sup>2</sup> indoor space per child and 7m<sup>2</sup> outdoor space per child. The proposed increase to 122 children would require 396.5m<sup>2</sup> of indoor space and 854m<sup>2</sup> of outdoor space. The Statement of Environmental Effects states that the proposal results in 402.8m<sup>2</sup> of indoor space and 860.4m<sup>2</sup> outdoor space, which complies with the minimum space requirements under Clause 107(4) and (5) of the Regulations.

Clause 23 of the SEPP requires Council to take into consideration any applicable provisions of the *Child Care Planning Guideline* (Guideline). The Guideline contains matters for consideration in Council's assessment of the DA, including site selection, local character and streetscape, building design, landscaping, acoustic and visual privacy, hour of operation and traffic, parking and pedestrian circulation.

The Guideline provides the following considerations in relation to traffic, parking and pedestrian circulation in Clause 3.8:

- *Objective: To provide parking that satisfies the needs of users and demand generated by the centre.*
- *C31: Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.*
- *C33: A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:*
  - *the amenity of the surrounding area will not be affected*
  - *there will be no impacts on the safe operation of the surrounding road network.*

The modification proposes to extend the number of children permitted at the centre from 90 to 122 and 16 to 19 staff. The site is located in the R2 Low Density Residential zone. The application has been reviewed by Council's Environmental Health Officer, Development Engineer and Integrated Transport Officer. Refer to the comments in Appendix 1.

The referral officers raise concerns in relation to the proposed number of children and the likely impacts to traffic and parking for parents and staff of the child care centre. It is recommended that the number of children and staff be reduced to 112 children and 18 staff. Council's Environmental Health Officer has recommended a one year trial period be implemented in relation to the increase of children at the child care centre to ensure the operation of the premises does not adversely impact the amenity of the surrounding environment. As conditioned, the proposal is consistent with the objectives and controls in Clause 3.8 of the Guideline.

## **6.2. Randwick Local Environmental Plan 2012 (LEP)**

The site is zoned R2 Low Density Residential under Randwick Local Environmental Plan 2012 and the proposal is permissible with consent.

The proposal, as conditioned, is consistent with the specific objectives of the zone.

The following development standards in the RLEP 2012 apply to the proposal:

### **6.2.1. Clause 5.10 - Heritage conservation**

The subject site is identified as an item of local heritage significance in the RLEP. As discussed in Annexure 1, Council's Heritage Officer raises no objections to the proposed development. The proposal is therefore satisfactory with regards to Clause 5.10 of the RLEP.

## **7. Development control plans and policies**

### **7.1. Randwick Comprehensive DCP 2013**

The DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in Appendix 2.

## **8. Environmental Assessment**

The site has been inspected and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

<b>Section 4.15 'Matters for Consideration'</b>	<b>Comments</b>
Section 4.15 (1)(a)(i) – Provisions of any environmental planning instrument	See discussion in Appendix 1 and 2.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013. See table in Appendix 2 and the discussion in key issues below
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.



Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the Regulations have been satisfied.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is consistent with the dominant character in the locality.</p> <p>The proposal will not result in detrimental social or economic impacts on the locality.</p>
Section 4.15(1)(c) – The suitability of the site for the development	The site is located in close proximity to local services and public transport. The site has sufficient area to accommodate the proposed land use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in the submissions have been addressed in this report.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

### 8.1. Discussion of key issues

Refer to the referral comments in Appendix 1 and the RDCP table in Appendix 2.

## 9. Conclusion

That the application to increase the capacity to the existing child care centre from 90 to 122 children and 19 staff, addition of a motorcycle parking space, conversion of one on-street accessible parking space into a multi-purpose space, and reduce the time-restriction for on-street parking from 15min to 10min between 7am-9:30am and 2:30pm-6:30pm Monday to Friday be approved (subject to conditions) for the following reasons:

- The proposal is consistent with the relevant objectives contained within the RLEP 2012 and the relevant requirements of the RDCP 2013
- The proposal is consistent with the specific objectives of the R2 zone.
- The proposed development will make a positive contribution to enable other land uses that provide services to meet the day to day needs to residents.

As discussed in Appendix 1, Council's Engineer has recommended that the children and staff numbers be reduced to 112 children and 18 staff. Council's Environmental Health Officer has also recommended a one year trial period be implemented in relation to the increase of children at the child care centre to ensure the operation of the premises does not adversely impact the amenity of the surrounding environment.

## Appendix 1: Referrals

### 1. Internal referral comments:

#### 1.1. Heritage planner

The site is located on the northern side of Clovelly Road on the eastern corner of Knox Street. It is occupied by a part 2, part 3 storey 'Art Deco' building which is identified as Heritage Item (I13) 'Clovelly RSL and Air Force Club (formerly Kings Theatre)' within Schedule 5 of the Randwick LEP 2012. The NSW State Heritage Inventory provides the following statement of significance for the site.

*'One of the few remaining examples of Inter War Art Deco style architecture surviving in the Sydney Region.'*

Consent was granted for alterations and additions to the RSL building for the establishment of a child care centre (catering for 90 children), and new parking fronting Susan Lane in 2015 (DA/566/2014). A number of subsequent modifications to layout and function of the spaces were approved, later that year as well as in January 2016 and February 2017.

In December 2019 consent was also granted for an increase in capacity of the child care centre for a 12-month trial period. A further extension was granted by RLPP 8 April 2021 to amend Condition 1 for an extension to the trial period from 12 months to 36 months (2 years). The DA was lodged following the delays arising from the challenges of the Covid-19 pandemic and the child care centre being unable to act on the previously approved trial period.

The current proposal seeks to increase the capacity of the child care centre to a maximum of 122 children and 19 staff at any time; remove restrictions to the on-street car parking space for multi-purpose use; reduce the time restricted on-street parking on Clovelly Road from 15min to 10mins between drop off and pick up hours and associated amendments to the existing plan of management for the use.

The proposed increase in capacity and changes to the associated parking arrangements do not involve any physical changes to the existing building. The proposal will have no adverse impact on the building's heritage significance, and there are no heritage objections.

#### 1.2. Development Engineer

This report is based on the following plans and documentation:

- Site Plan by Evison group dated 01/06/2021;
- Statement of Environmental Effects by Urbis dated 23rd August 2021
- Traffic and Parking impact Assessment Report by McLaren Traffic Engineering dated 23rd July 2021
- Minutes of Randwick Traffic Committee meeting February 2022

### **SUMMARY PARKING COMMENTS**

- Under the parking rates specified in Part B7 of the DCP, the proposed additional 20 child places (to 122 places) and 3 staff will generate an **additional parking demand of 4 spaces** (2.5 drop-off + 1.5 staff) above the current DA approval for 102 staff and 16 places (DA/962/2018). It should be noted however that this earlier DA already received a significant concession on parking provision when compared to the rates outlined in the DCP. The trial period associated with this DA was designed to monitor these additional impacts.
- Based on all the available evidence future parking demand for the 19 staff associated with this DA will likely exceed the 7 off-street spaces provided that are accessed from Susan Lane. Development Engineering's own observations indicate the staff carpark is already operating at or close to capacity. To address this issue, the applicant has proposed one motorcycle space be added to the staff carpark at its eastern end. It is the Development

Engineer's view this will only partially address the additional parking demand. A restriction on staff increase is therefore considered warranted.

- Based on all the available evidence, there does appear to be some spare limited capacity for increased future demand for pickup and drop-off parking within the timed zone on Clovelly Rd and Knox St during peak times although on occasion this demand may exceed the current capacity of the zone. This could potentially extend parking impacts beyond the site frontages. To address this issue, the applicant proposed the on-street timed pick-up and drop-off zones be reduced from 15 min to 10 minute to increase the turnover of spaces and have extended hours. The mobility space is also proposed to be converted to an additional normal pickup and drop-off space.
- The changes to the timed zone were supported in principle by Randwick Traffic Committee (RTC) at its February 2022 meeting however the proposed conversion of the mobility space to normal timed parking was not supported by Council's community development officer as required by RTC. This was only supported for conversion to normal parking after-hours. Hence signage may be replaced to indicate disabled parking "7:00am-6:15pm only.
- The centre is situated within a locality that is experiencing a significant demand for on-street parking as a few older dwellings just north of the site do not have access to off-street parking. There are also other competing parking demands in the locality including a physiotherapist practice within the same building. It is also noted that a bus stop nearby on Clovelly road is attracting commuters who may park all day in Knox Street. Restricting the parking demand/impacts to on-site and/or along the site frontages is therefore considered a critical part of this assessment.
- **In consideration of the above factors Development Engineering does not support the expansion of the child care centres to 122 places and 19 staff but would not object to a smaller increase of 10 child places to a maximum of 112 children & 18 staff in acknowledgement of the observed limited spare capacity. This is equivalent to an additional parking demand of 1 staff space and 1 pick-up and drop-off above the existing approval and can be addressed by the new motorbike space, green travel plan, and changes to the timed zones.**
- The extended hours of the timed pickup and drop off zone are only partially supported. For example, there appears to be little benefit to patrons of the centre or to the public by extending the timed zone to 6:30pm when the centre itself closes at 6pm. There does appear to be some benefit for commencing the zone earlier in the afternoon at 3:30pm however. The recommended hours of the timed zone are therefore;

#### **10-minute parking Mon-Friday 7am -9:30am & 3:30pm-6:15pm**

- To further encourage sustainable transport for staff and patrons of the child care centre moving forward, the Plan of Management of the child care centre shall now include a Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development. The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, management of workplace parking spaces, & incentives for public transport use and could be used to support any further future applications.
- Council's coordinator of Ranger services has advised that no significant issues have been identified with the current operations of the child care centre during the extended 3yr trial period of the earlier DA for 103 places and 16 staff. The trial period will expire in Dec 2022. Should the panel not approve the proposed expansion proposed under this DA, a permanent extension of the numbers approved with this earlier consent would also be supported,

**DETAILED PARKING COMMENTS****CONTEXT AND EXISTING APPROVALS**

The existing child care centre operating on the site was approved under DA/566/2014 in 2015 for 90 children and 14 staff.

Seven off-street spaces for the 14 staff were approved and provided at the rear of the site accessed from Susan Lane which complied with the staff parking requirement of 1 space per 2 spaces for child care centres specified in Part B7 of the DCP.

Pickup and drop off parking for patrons of the child care centre is provided along the site frontages with 3 spaces on Clovelly Road and 5 spaces on Knox Street. With the exception of the mobility impaired space, the spaces are currently time restricted to 15 min during the peak pick-up and drop-off times (Mon-Fri - 7-9AM, 4-6pm). Knox Street was also required in the original consent to be widened along the site's frontage to improve pedestrian and driver safety and comply with Australian Road Rules.

There is also a DA approval for a physio-therapist operating on the site approved under DA/625/2018. One of the staff spaces is shared with the physiotherapist.

A development application to expand the child care centre to 123 places was received in 2018 under DA/962/2018 and was approved with a reduced provision of 102 places and 16 staff for a trial period of 12 months. A subsequent Section 4.55 application extended the trial period for a further 2 years to expire in Dec 2022 after which the consent will revert back to the original approval for 90 places.

From observations undertaken by the Development Engineer for the current and past applications, the parking arrangements of the centre appear to be operating well with little discernible impacts extending beyond the site frontage. Council's Coordinator of Ranger Services has also advised that no significant issues have been identified or reported with the parking and traffic arrangements of the child care centre during the 3 year trial period.

**PROPOSED DEVELOPMENT (INCREASE to 19 STAFF & 122 CHILD PLACES)**

The application seeks to increase child numbers by 20 places (from 102 to 122 places) with 3 additional staff (16 to 19 staff) as previously approved under DA/962/2018 (with trial period of 3yrs).

Part B7 of Council's DCP currently states that parking be provided for child care centres at the rate of 1 space per two staff plus 1 space per 8 children for pick-up and drop-off. This would translate to a total parking requirement of 9.5 spaces for staff and 15 spaces for pick up and drop-off being a total of 25 spaces. As only a total of 15 spaces (7 for staff and 8 for pickup and drop off) have been provided the parking provision for the expanded centre appears to fall well short of the DCP requirements of 25 spaces. It should be noted that some of this shortfall has already been assessed as part of DA/962/2018 and as a result that DA was approved as a trial because of specific concerns on the parking shortfall.

An examination of Council records has found there has been no complaints received on the parking arrangements during the trial period for the expanded child care centre approved under DA/962/2018 and then extended under DA/962/218/A. Development Engineering also notes that the pick-up and drop-off parking zones appear to be operating as well as intended. Notwithstanding a number of objections have now been received for the current proposal to expand the centre to 122 places.

Another viewpoint is to relate the increased parking demand to the existing approval of 16 staff and 102 children. From this perspective the proposed development would result in an increased parking demand of 1.5 spaces (for 3 additional staff) and 2.5 spaces (for 20 additional places) for pickup and drop-off being a total increased demand of **4 spaces** above the existing approval.

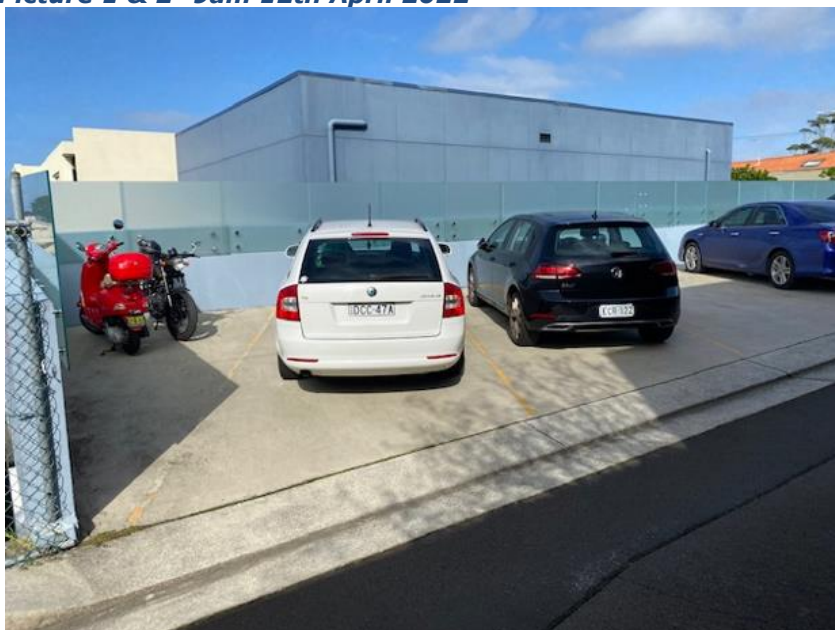
Development Engineering's assessment is therefore primarily concerned with the impacts of the additional parking demand of 4 spaces while also taking into account the existing trial period for the 103 place centre.

### Staff Parking

The applicant has submitted a report prepared by Traffix Pty Ltd dated 23<sup>rd</sup> July 2021 that includes a travel mode survey of staff which indicates that the existing operation demands a minimum of 6 spaces and 2 motorcycle spaces. The submitted plans indicate 7 spaces and 1 motorbike space which the report argues will meet the existing and future staff parking demand.

Development Engineering's own observations on 12th & 13th April 2022 & also the 3rd & 4th May being outside school holidays reveal the staff carpark to be at or close to capacity. Pics 1 & 2 below taken 12th April 2022 show 1 vehicle space available in the carpark however it is noted the two motorbikes shown are parked in non-approved spaces hence the carpark is technically at capacity. A second photo taken the next day at 8:45am on 13th April shows all 7 vehicle spaces occupied hence once again the carpark is at capacity.

**Picture 1 & 2- 9am 12th April 2022**





**Picture 3 - 8:45am - 13th April 2022**

Pics 4 & 5 below were taken 3rd & 4th May respectively and shows 1 staff space available on the 3rd May while all 7 staff spaces are occupied on the 4th May being at capacity.

**Picture 4 – 8:22am 3rd May 2022**



**Picture 5 - 8:01am 4th May 2022**

A motorcycle space is proposed to be permanently added at the eastern end of the staff carpark and currently where it was observed bikes are already parking (see pic 1 above). It will technically be a tandem space as a vehicle parked in the car space immediately adjacent may need to be shifted to access the motorbike space. This is acceptable however for staff parking.

Based on all the available evidence future parking demand for the 19 staff will likely exceed on occasion the 7 off-street parking provision that is accessed from Susan Lane. It is the Development Engineer's view that the provision of the motorbike space will only partially address this additional parking demand. It is therefore recommended the staff increase be restricted to only two additional staff being a total of 18 staff. The two additional staff will generate a parking demand of 1 space which can be addressed by the provision of the motorbike space and more efficient use of the parking by submission of a green travel plan.

#### Pickup and Drop-Off

The additional 20 child places will technically require an additional 2.5 spaces (20/8) when assessed against the DCP rate of 1 space per 8 children. Eight on-street spaces are currently available for pick-up and drop-off including 1 disability space on Clovelly Rd frontage hence the existing 103 place centre is technically 5 spaces short of the 13 pick-up and drop off spaces required under the DCP.

During assessment of DA/962/2018 a submitted site-specific parking study suggested a lesser parking rate for pickup and drop-off (around 1 space per 13 children) was appropriate for the site. It should be noted however that even based on this far more generous rate a 122 place centre would still require a minimum of 9 pickup and drop-off spaces of which the development does not provide.

The traffic consultant's parking survey submitted with the current application has a similar argument and has determined that the existing demand for pick-up and drop off amounts to 6 spaces in the AM period and 7 spaces in the PM period for the existing approval of 103 places. This conclusion is however based on a single day of observations on 23rd July 2021 and omits one critical point as it

has been observed during a morning peak that if on-street unrestricted parking is available on the west side of the Knox Street (being directly opposite the timed zone on the eastern side) parents and carers may also utilise this area for pickup and drop-off since most traffic to the site is predominantly coming from the west down Clovelly Road and then turning left into Knox St. The detailed parking accumulation study shown on Figure 4 of the study only shows the occupancy of the timed zone.

Development Engineering has also undertaken number of observations on the timed zone over different days & times. The following was noted

- Site inspections were conducted at various times between 12th -14th April and 3rd-4th May 2022. Generally the timed zone was observed to be operating well with the current approval. No significant issues were identified.
- During site inspection the timed zone was observed to reach capacity at 8:18am on the 4th May 2022 but generally there is some spare capacity within the zone at other times.
- The disability space was not occupied
- After 9am (but before afternoon peak) demand is observed to be generally low
- After 6pm there is little need for the timed restrictions.

During the times of site inspection the pickup and drop-off zone was observed to reach capacity for a period of 5 minutes at 8:18am on the 4th May 2022 (see pics below).

*Pictures 6 & 7 - Timed zone 8:18am 4th May*



Generally though there does appear to be some limited spare capacity within the timed zone especially outside of the peak pick-up and drop-off times as demonstrated below (see pics below).



**Picture 8 - Timed zone 9:20am 12th April**



**Picture 9 - Timed Zone 4:40pm 14th April**



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Hence based on all the available evidence, future demand for pickup and drop-off parking during the peak pick-up and drop-off times may on occasion exceed the current capacity of the existing approved timed zone on Knox Street and Clovelly Road, potentially extending parking impacts beyond the site frontages. This is only expected to occur infrequently and for short periods of time.

To address and minimise these impacts the proposed changes to the timed zone are supported by Randwick Traffic Committee & Development Engineering as it will assist in increasing the turnover of spaces during the peak pick-up and drop-off times.

The limited spare capacity in the timed zone noted in the traffic study and also observed by the Development Engineers also suggests a small increase in child numbers could be supported.

#### Changes to timed zone

Apart from the disability space, parking along the Knox and Clovelly Street frontages is currently time restricted 15-minute parking Mon-Friday 7am-9am and 4pm-6pm (see pic)

This time limit is proposed to be reduced from 15 min parking to 10-minute parking (to increase turnover of spaces) but the hours are proposed to be extended to 7am-9:30am and 3:30pm-6:30pm. These changes have now been approved in principle by Randwick Traffic Committee at its Feb 2022 meeting.

Given the existing approved operating hours of the child care centre are Mon-Fri 7am-6pm, extending the end time of the pick-up/drop-off zone to 6:30pm provides little benefit to patrons or the public and will only impact on residents who may rely on the current after-hours parking availability when the timed zone currently ends at 6pm. This extension is therefore only supported to 6:15pm to allow for some late pick-ups.



The recommended hours of the pick-up and drop-off zone are therefore;

- **10-minute parking Mon-Friday 7am-9:30am & 3:30pm-6:15pm**

A suitable condition has been included in this report

With regards to the mobility space, the conversion to normal parking did not receive concurrence from Council's Community Development Officer (see D04549166) as required by Randwick Traffic Committee at its February 22 meeting although they did support reverting the space back to normal parking outside of the operational hours of the child care centre. In light of this a condition has been included in this report to change the signage of the mobility space to indicate disabled parking "7:00am-6:15pm only."

#### Traffic Comments

The study estimates the additional traffic movements are likely to be in the order of 9 vehicle movements in the am period and 8 trips in the pm period. This level of additional traffic is minor and will not have any noticeable impact on the surrounding local road network. This will be even less with the proposed additional numbers being reduced by 10.

#### Notes on Resident Objections

A significant number of public submissions were received both in support and objecting to the proposed expansion of the child care centre.

The objections appear to be centred on the alleged unsafe nature of the pick-up and drop-off zone, driver behaviour and the extension of hours of the timed zone as well as general parking and traffic concerns. It is considered that these will be addressed by the reduction in the proposed numbers, the additional space for motorbikes and the changes to the timed zone.

It should also be noted that some of the observed parking & traffic impacts cannot all be directly attributable to the operations of the existing child centre. For example a high demand for on-street parking in Knox Street can be partially attributed to the nearby bus stop on Clovelly Road and where it was observed commuters park in Knox Street and then walk around the corner to the bus stop to go to work. Some of the residents in Knox St also do not have access to off-street parking and so park on-street. Restricting the on-street parking impacts of this development is however considered to be a critical part of this assessment hence the recommended reduction in numbers.

With regards to safety, it should be noted that as part of the original 2014 application Knox Street was required to be widened with an indented parking bay along the site's frontage to directly address these safety concerns. The pickup and drop-off zone complies with Australian Road Rules, and currently appears to be operating well and is safe.

One resident observed that some drivers are driving up Knox Street from Clovelly Road and then using Susan Lane as a u-turn bay so they can then drive south & park within the pick-up and drop-off zone. This was also directly observed by the Development Engineer during site inspection however this is not necessarily an illegal manoeuvre however as current road rules do permit u-turns at intersection unless there is signage prohibiting such a manoeuvre. Any such signage would however not be supported in this case as it would then extend traffic impacts further up Knox Street as parents/carers look for an alternative location to turn around. The current situation restricts any traffic impacts to the site frontage.

It was noted however that sightlines at the Susan Lane/Knox St intersection are poor and to improve visibility from Susan Lane, it is recommended that the required No stopping zone on the northern side of Susan Lane be reinforced by no stopping signage. This has been conditioned in this report.

#### INTEGRATED TRANSPORT COMMENTS

Development Engineering have been liaising with Council's Department of Integrated transport throughout the assessment process especially with regards to the proposed changes to signage and the timed zones. In email dated 20th April 2022 Council's Manager of Integrated transport indicated support for the reduced numbers and proposed changes to signage outlined in this report (see D04549305).

#### GREEN TRAVEL PLAN

To further encourage sustainable transport for staff and patrons of the child care centre moving forward, the Plan of Management of the child care centre shall now include a Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development. The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, management of workplace parking spaces, & incentives for public transport use.

The Travel Plan shall be submitted to and approved by Council's Department of integrated Transport prior to the increase in numbers and shall be in effect for the life of the development. A suitable condition has been included in this report."

### **1.3. Integrated Transport**

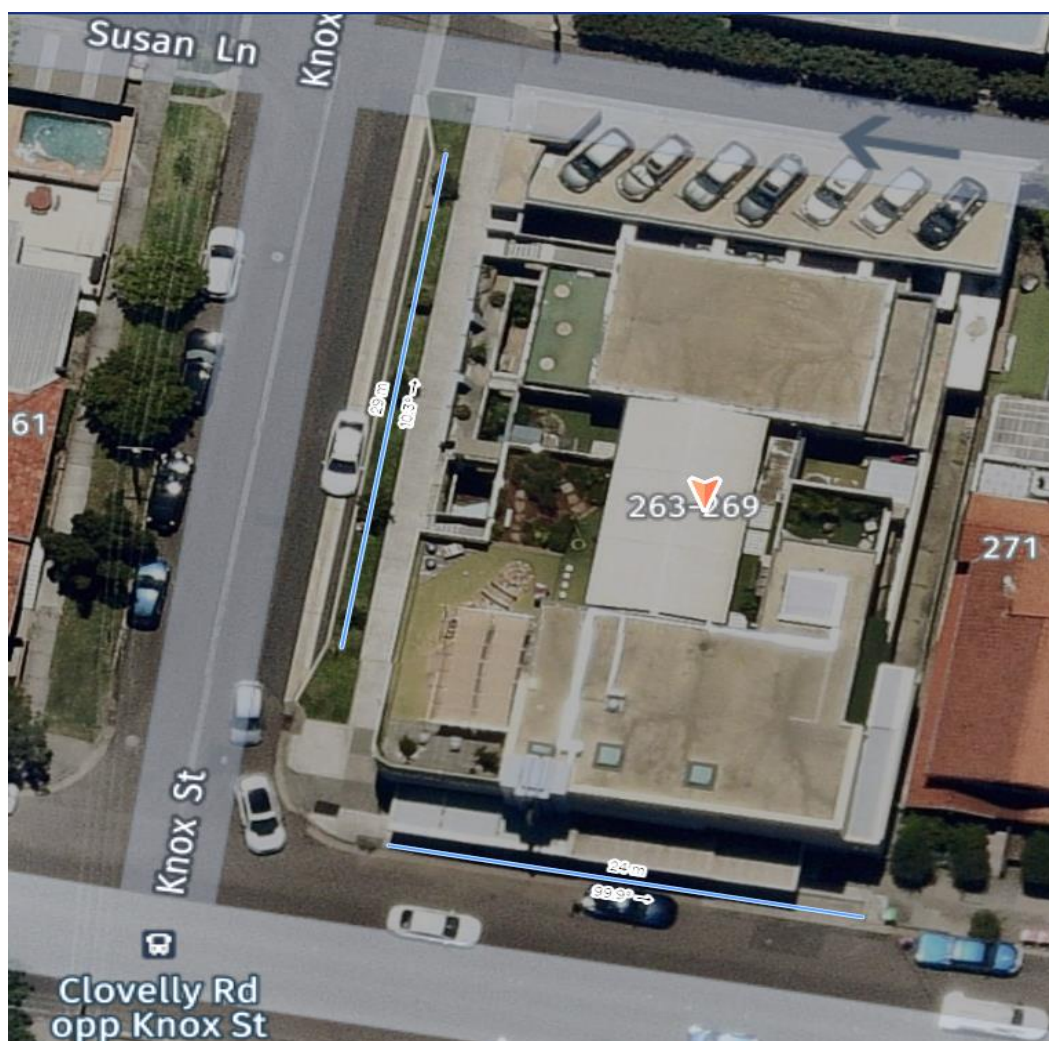
The Roly Poly child care centre at 263-269 Clovelly Road, Clovelly (DA/538/2021), has requested to increase child numbers attending the facility.

To address the current parking restrictions consideration is sought to increase the time limit and the length of the current timed pick-up and drop-off zone, from 15 minutes parking to 10 minute parking. And increase the available space to include the Mobility Impaired Person's Parking Space (MIPPS) zone on Clovelly Road.



- See accompanying markups

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### Resourcing Strategy implications

There are no financial implications arising from this report.



## Recommendation

That:

1. The existing P 15 min 7:00am-9:00am M/F parking restriction on the east side of Knox Street (extending for some 30m north of Clovelly Road) and on the north side of Clovelly Road (extending for some 20m east of Knox Street) be altered to a P 10 min, 6:30am-9am & 4:00pm-6:30pm M/F restriction, and
2. The matter of the Mobility Impaired Persons Parking Space in Clovelly Road, outside the centre, be discussed at the meeting.

### 1.4. Environmental Health

#### Acoustic Amenity

Submissions received have raised concerns about noise from the children in the outdoor play areas. An acoustic report prepared by Acoustic Group Pty dated 12 July 2021 was submitted with the application.

The current capacity of the Child care Centre is 102 children and the proposal to increase the capacity of the Child care Centre to 122 children will involve an additional 10 children in the 2 to 3 year-old age group on the ground floor level and an additional 10 children in the 3 to 5-year-old age group on the second floor level. With respect to the first floor level, there are no increases to the number of children but the proposal changes the age group of 10 children from 2 to 3-years-old to 3 to 5-years-old.

The acoustic report concludes that with the noise mitigation measures in place the proposed additional children will satisfy the noise criteria.

Plan of management dated 25 July 2021 (version 6) submitted with the application details the measures proposed to minimise impact to neighbouring residents including:

- no amplification of music or sound outside the building.
- Air conditioning will only be run during business hours.
- Acoustic fencing and balustrades are installed and maintained in accordance with the with the recommendations of the acoustic consultant.
- approved development application plans and in accordance with the recommendations of
- the acoustic consultant.
- Continue to review annually or as relevant legislation changes.

While it seems that the centre can comply with the noise requirements, the assessing planner should consider a trial period for the proposed increase in children to be consistent with the previous development consent (DA/962/2018/A) granted for the increase in children.

An additional acoustic assessment should also be carried when the centre is at capacity to validate whether the existing mitigation and management measures in place are adequate for the centre to comply with the requirements.

## Appendix 2: DCP Compliance Table

### 2.1 Part D11 Child Care Centre

DCP Clause	Controls	Proposal	Compliance
	<b>Classification</b>	Zoning = R2	<b>Yes</b>
<b>2</b>	<b>SITE SELECTION</b>		
	<p>i) DAs are to address the suitability and context of the proposal including:</p> <ul style="list-style-type: none"> <li>Proposed size, number of children and age breakdown for the centre.</li> <li>The number of staff to be employed.</li> <li>Proposed hours of operation.</li> <li>Nature of the location and surrounding development (including proximity to residential, business, industrial uses and sex services premises etc.).</li> <li>Likely effect of the development on surrounding properties (e.g. privacy, noise, solar access, views and the means to offset these effects).</li> <li>Likely effect of the development on the road network in the surrounding area including traffic and on street parking availability.</li> <li>Availability of on-site vehicular access and parking.</li> <li>Proximity to public transport.</li> <li>Proximity to existing community and children's services.</li> <li>Demonstrated demand for the service and identification of any special needs the centre will address.</li> </ul>	<p>The site is a corner allotment which is a suitable location for a child care centre.</p> <p>The additional children will not significantly vary the existing use of the site and despite the intensification of the use, the child care centre, as conditioned by Council's Engineer to reduce the numbers, remains compatible with the proposed development. Council's Environmental Health Officer has recommended a one year trial period be implemented in relation to the increase of children at the child care centre to ensure the operation of the premises does not adversely impact the amenity of the surrounding environment.</p>	Yes
<b>4</b>	<b>AMENITY</b>		
<b>4.1</b>	<b>Acoustic Amenity and Privacy</b>		
	<p>i) Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:</p> <ul style="list-style-type: none"> <li>Adequate site planning and building design measures are proposed to minimise noise impacts.</li> <li>Noise levels generated from the child care centre, when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the</li> </ul>	<p>An acoustic report has been submitted by the applicant and Council's Environmental health section considers that the proposed development will comply with the relevant noise criteria pending implementation of the mitigation measures outline in the acoustic report. A one year trial period has been recommended in relation to the increase of children at the child care centre to ensure the operation of the premises does</p>	Yes

DCP Clause	Controls	Proposal	Compliance
	background level. <ul style="list-style-type: none"> <li>Suitable noise attenuation measures have been incorporated into the proposal.</li> </ul>	not adversely impact the amenity of the surrounding environment.	
<b>5</b>	<b>TRAFFIC, PARKING AND PEDESTRIAN SAFETY</b>		
	i) Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to: <ul style="list-style-type: none"> <li>prevailing traffic conditions</li> <li>likely impact of the proposal on existing traffic flows</li> <li>pedestrian and traffic safety</li> <li>Appropriate arrangements for safe and convenient pick up and drop off at the site.</li> </ul> ii) A reduction in car parking controls in Part B, section B7 may be considered where: <ul style="list-style-type: none"> <li>The site is located in proximity to high frequency public transport.</li> <li>The site is co-located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks).</li> <li>There is sufficient on street parking available at appropriate times within proximity of the site.</li> <li>The development is not likely to result in any adverse impact on the safe operation of the surrounding road network.</li> </ul>	See comments from Council's Engineer in Appendix 1.	Acceptable, subject to conditions.
<b>6</b>	<b>Hours of Operation</b>		
	i) DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses.	Unchanged	Yes

**Responsible officer:** Tegan Ward, Senior Environmental Planning Officer

**File Reference:** DA/538/2021

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## Development Consent Conditions



<b>Folder /DA No:</b>	DA/538/2021
<b>Property:</b>	263-269 Clovelly Road, CLOVELLY NSW 2031
<b>Proposal:</b>	Increase in capacity to existing child care centre, addition of a motorcycle parking space, conversion of one on-street accessible parking space into a multi-purpose space, and reduce the time-restriction for on-street parking from 15min between 7am-9am and 4pm-6pm, to 10min between 7am-9:30am to 2:30pm-6:30pm Monday-Friday.
<b>Recommendation:</b>	Approval

**GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

**Approved Plans & Supporting Documentation**

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Received by Council</b>
Site Plan	Envision Group Pty Ltd	01/06/2021	01/09/2021

**OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

- There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and *Regulations*.
- A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the operation of the child care centre with the capacity as per Condition 9 and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise and vibration from the development satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Office of

Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment and noise generated from children in the outdoor play area. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

4. The requirements and operations of the child care centre must be carried out in accordance with the relevant acoustic reports prepared for the proposed development, except as modified by the conditions of consent. All acoustic mitigation measures required by the selected acoustic consultant for the proposed development are to be implemented at all times and be included in the Plan of Management.
5. The Plan of Management dated 25 July 2021 (version 6) is to be implemented at all times and reviewed by a suitably qualified person every 12 months or as relevant legislations change. The Plan of Management shall be amended to reflect the reduced number of children and staff as per Condition 9.
6. Outdoor areas shall be used in accordance with the approved Plan of Management at all times.
7. Signs shall be erected in each outdoor area with the maximum permitted number of children clearly displayed in accordance with the approved plan of management.
8. The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the use and operation of the premises (including all plant and equipment) shall not give rise to a sound pressure level at any affected premises that exceeds the background ( $L_{A90}$ ), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15 \text{ min}}$  and adjusted in accordance with the NSW Office of Environment & Heritage/Environment Protection Authority Noise Policy for Industry 2017 and Environmental Noise Control Manual (sleep disturbance).

**Children and Staff Numbers**

9. The child care centre shall be restricted to a total of 112 children and 18 staff at any one time.

Both 112 children and 18 staff are subject to a 12 month trial period from the date of commencement of the increased capacity for the child care centre.

A new application must be submitted to Council including appropriate supporting evidence (including, but not limited to, relevant acoustic measurements and an updated plan of management) prior to the cessation of the 12 month trial period in order to continue to operate the child care centre with 112 children and 18 staff thereafter.

If no new application is received by Council (or a new development application or modification application to extend the trial is refused) at the end of the trial period, the number of children places and staff will revert back to the original approval (DA/566/2014) as follows:

- a) 90 children at any one time;
- b) 14 staff at any one time.

**Council's Infrastructure, Vehicular Crossings, street verge**

10. Subject to the approval of Randwick Traffic Committee where appropriate, the applicant must meet the full cost for a Council approved contractor to:

- a) Remove and replace road signage at the location of the pickup and drop-off zones on

Clovelly Road and Knox Street frontages to now read "**10 minute parking 7:00-9:30am & 3:30-6:15pm Mon-Fri**".

- b) Remove and replace road signage at the location of the mobility space to now indicate disabled parking "**7:00am-6:15pm only**".
- c) Install "No Stopping" signage on Knox Street to the north of Susan Lane to reinforce the existing mandatory no stopping requirement at intersections and improve sight lines at the intersection of Susan Lane and Knox Street.

All signage must be installed prior to the operation of the child care centre with the capacity as per Condition 9.

#### **Green Travel Plan**

- 10. The Plan of Management of the child care centre shall now include a Workplace Travel Plan which endeavours to minimise the parking and traffic generation of the proposed development. The plan may include but not be limited to aspects such as support for walking and cycling, car sharing, management of workplace parking spaces, & incentives for public transport use.

The Travel Plan shall be submitted to and approved by Council's Department of integrated Transport prior to the increase in numbers and shall be in effect for the life of the development.

#### **Parking**

- 11. The motorbike space shall be line marked and labelled in accordance with the requirements of AS 2890.1 prior to the operation of the child care centre with the capacity as per Condition 9 above.

#### **Operational Hours**

- 12. The hours of the operation of the child care centre (excluding residential activities associated with the caretakers unit) are restricted to the following:-

Monday – Friday only: 7:00am – 6:00pm.

Deliveries (including the loading and unloading of goods, but excluding residential deliveries to the caretakers unit) are restricted to:

Monday to Friday only: 7:00am - 6.00pm.

#### **GENERAL ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

- A1 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

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