

Cumberland Council
16 Memorial Avenue
Merrylands NSW 2160

Ref: Formal objection to Development Application 2018/283/1, 22 Austral Ave Westmead

Dear Sir/Madam,

Alongside residents in the general area of Austral Ave, Westmead, our objection is made on the primary issues with the safety and amenity of not only immediate neighbours, but also the residents of this surrounding area.

Background of the Objection

We have lived in this area for almost 16 years and sent our children to neighboring childcare facilities in Westmead and to the Westmead public school. We understand the need of childcare centres, however, the proposed development caters 20 places for the age group of 3-5 years old and there are number of centres around the proximity that cater for that age group.

Westmead Public School which is in close proximity to Austral Ave, has over 1600 students enrolled and due to that, the traffic in Austral Av has significant vehicle and pedestrian traffic. Not only that, Austral Avenue has been a major thoroughfare for surrounding suburbs to access to Parramatta and for the Westmead hospital precinct and for the eastern part of Westmead residents to head to Wentworthville and other western suburbs.

Safety is a major concern in Austral Avenue with regards to heavy traffic and it is evident that Council has installed number of traffic calming measures which includes 3 speed humps and one median strip with an artificial bend.

Noise generated from the center, and the increased flow of traffic is going to be significant for the residents in particular, with my property being one of the adjacent properties. Please also note that there are a number of community housing facilities for the elderly in close proximity of the newly proposed child care facility.

The inconsistency of this application *in its current form* with the NSW Government Childcare Planning Guideline dated August 2017.

We note that the application of the abovementioned guideline is somewhat considered however, it is not necessarily applied appropriately and consistently. We do not believe that the application *in its current form* achieves a design which maximises the safety, health and overall care of young children, nor is it sympathetic to the surrounding environment or in keeping with the character of the area.

Objective C1: To ensure that appropriate zone considerations are assessed when selecting a site.

To quote from the Guideline “For proposed developments in or adjacent to a residential zone, consider: • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity”

The proposed centre being 47 children + 8 adult staff with an open-air backyard and the car parking, it is very hard to comprehend that the noise created will not be far above what is normal ambient noise in a low density residential environment.

The building proposed, is a large 2-storey building plus underground garage, takes up a major proportion of the available building envelope, and far exceeds the typical floorspace of housing in the low density residential area. Other childcare centres are normally built on very large blocks of land for example KU preschool, Jolly frog Kindergarten and etc.

The proposed parking accommodation poses a number of issues:

1. The proposed parking is underground and therefore not visible to the parents/guardians dropping off their children;
2. Per Page 5 of the Statement of Environmental Effects, 8 of the 16 places will be reserved for staff members, leaving only 8 carparks for the use of parents;
3. Given the limited area of the site, the underground parking is extremely tight and relies upon vehicles making a series of very precise 3-point turns to navigate the basement. It is obvious that Australian standards AS 2890 haven't been applied in the design. Particularly this parking is for short term purposes with high turnover. We submit that Carpark space number 7 will be practically unusable if a vehicle already occupies spaces 1 or 2, and the 'stacked' spaces of 13, 14, 15 & 16 are likely to provide at best 1 viable parking space (assuming vehicles are even capable of performing the maneuvers as described in Appendix 2 of the Traffic & Parking Impact Assessment). We request Council to confirm the validity of the vehicle swept paths indicated in the aforementioned Appendix as these appear to have been designed without consideration for vehicles occupying the opposite bank of parking, as would be expected from early morning in relation to staff parking, nor realistic turning circles and related skills associated with the use of large 4WD and SUV vehicles.

Our street parking is already limited by the use of neighbouring residents and this will be exacerbated due to the defects in planning identified above. This will be further reduced on waste disposal day with 8 bins occupying the kerb.

Based on the points above, we submit that it is reasonable to conclude that traffic, parking and safety issues will significantly increase in and around the vicinity of the proposed development given the proposed parking is not fit for purpose.

Objective C2: To ensure that the site selected for a proposed child care facility is suitable for the use.

The Guideline includes the following matters for consideration:

The location, being wholly low density residential, is not compatible with the proposed development which is very high density. The site in question is also not particularly large by local standards, adjoins 5 neighbouring properties, and sits opposite a number of other residential dwellings. The effect of a large-scale change of use will be significant on neighbours.

Despite underground parking being proposed, as mentioned above, given that this will not be visible to parents/caregivers during drop-off and pickup and will be partially filled with staff vehicles and difficult to navigate, it is likely that vehicular movements will be concentrated on the street in the immediate and neighboring vicinity of the proposed development. Significant safety issues already exist within the Westmead Public School precinct, there is reason to believe that this danger may be mirrored and exacerbated by this proposed development.

The Holroyd Development Control Plan 2013 limits child care centres to a maximum of 45 children in low density residential areas. Even though the Holroyd DCP may not technically apply in this situation, it is clear that Council's view is that 45 children is the maximum that should be considered for a low residential site, and it is reasonable therefore to infer that for a proposal to include 45+ children, the site should be perfectly suited to a child care setting. We submit that the proposed site is far from perfectly suited for a child care centre and as such the number of children proposed to attend the centre should be significantly below 45.

Objective C6: To ensure clear delineation between the child care facility and public spaces.

Given the real concerns about the process of drop-off and pickup, and noting the relatively small land area for a centre of this scale, it is difficult to comprehend how the delineation between public and private spaces will be achieved without significant detriment to the streetscape.

Objective C12: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.

As mentioned above, the proposed development over 3 levels would result in a useable floorspace which is unparalleled and inconsistent with the area zoned low density residential. In addition, cut and fill up to the both eastern and western boundaries will be required to facilitate the underground carpark.

Objective C25: To ensure that outside noise levels on the facility are minimised to acceptable levels.

Noise due to:

1. Noise during operating hours
2. Traffic noise during picking and dropping off

Regarding noise during drop-off and pickup times, as mentioned above it is likely that incremental traffic will be generated during drop-off and pickup times at street level, adding to the existing noise concerns in Austral Ave.

Regarding noise during operating hours, the Acoustic Impact Assessment submitted by the Applicant states that the guideline of sound power levels for groups of 10 children aged 3 to 6 years playing is 84 to 90dBA (Page 11). It would be reasonable to assume, given the proposed attendance number of 47 children + 8 adult staff, that this sound power level will be reached or exceeded on a regular basis within the backyard area. The Assessment goes on to state for this development application "The criterion...becomes 51dBA. The proposed outdoor play area shows exceedance with the criteria...with 1.8m standard fencing. The proposed outdoor play area will achieve criteria with recommendations in this report." (Pages 11 & 12).

In summary, without further noise controls above and despite the acoustic fences already proposed, the proposal fails the noise criteria even using relatively conservative assumptions.

No evidence of the effectiveness of these 'rules' has been provided in respect of expected reduction in noise levels from the current projected level of exceedance. Given the assessment criteria is failed but for these 'rules', the burden of proof should be on the Applicant to demonstrate that these 'rules' are both reasonable and effective, and would in fact reduce levels below the criteria level of 51dBA, given the expected sound power levels emitted within the backyard outdoor play area will be equal to or exceed 84 to 90 dBA at source (based on only 10 children).

It is quite obvious that this noise management plans are impractical and not robust enough, unreasonable and/or will not effectively reduce noise levels below the required criteria level. In addition, no method of monitoring and/or self-enforcement of noise control have been proposed:

It is very unlikely that these rules presented in the report can provide certainty for noise control and therefore the residents of the surrounding in particular, adjacent neighbours like us will be affected significantly.

Objective C31 & 33: To provide parking that satisfies the needs of users and demand generated by the centre.

Given the proposed parking will

1. Be partially utilities by staff
2. Not be visible to parents/caregivers given that it will be underground
3. The parking arrangement found not to be regulatory, given that 4 tandem parking and not enough room for navigation given that the parking is not for long term and has to be designed as short term parking. There is potential for parents to park on street and there isn't much room for on street parking.

There are also a number of pieces of contradictory information in relation to the proposed parking:

1. The Statement of Environmental Effects states “a total of 16 car parking spaces within a basement level and comprise of 8 staff parking spaces...and a total of 8 visitor car spaces” on Page 5;
2. The Statement of Environmental Effects states that the proposed parking complies with the Holroyd DCP at 12 car parking spaces for 47 children and 4 for staff on Page 60;
3. The submitted architectural plans note a total of 15 carparks, being 1 Shared space, 1 Disabled space, and 14 Visitor spaces.

Apart from 3. above being mathematically incorrect, this adds to the confusion over what parking is actually to be provided for what purpose (putting aside the concerns previously raised over the practical usability of a significant proportion of the proposed parking).

There is no Parking and Impact assessment report attached to substantiate the claim of the development will not result in unacceptable traffic and parking impacts. We would like Council to consider the undertaking of a traffic and parking study on the applicant’s expense to determine the actual impact.

The incompatibility of this application *in its current form* with the safety and amenity of not only immediate neighbours, but also residents in the general area of Austral Ave, Westmead.