

21 June 20224

Our Ref: P112023

Liverpool City Council
52 Scott Street
LIVERPOOL NSW 2170

Attention: Liverpool Planning Panel Members

Dear Panel Members,

RE: ITEM NO.1: DA NO.629/2023 – 123 EPSOM ROAD, CHIPPING NORTON

1 INTRODUCTION

Planning Bricks act on behalf of the Applicant (ArtMade Architects) in relation of DA No.629/2023 for the demolition of existing structures and construction of a 120 place child care centre with basement parking at 123 Epsom Road, Chipping Norton. The DA is due to be considered at the Local Planning Panel (LPP) meeting on 24 June 2024.

This letter has been prepared after a thorough review of the council assessment report. We note that whilst the recommendation from the officer is for refusal of the application there are no issues raised in the report which cannot be readily addressed either through the submission of additional information or appropriate conditions of consent. There are also some errors or misunderstandings in the report which we would like to bring to the panels attention. Provided below is a response to the matters which council has identified as remaining as outstanding by the application (page 6 of the report to the LPP).

2 RESPONSE TO MATTERS IDENTIFIED AS BEING OUTSTANDING BY COUNCIL

2.1 Unencumbered outdoor play area

Council have undertaken a calculation of the outdoor play area spaces (page 19 and 20 of the report to the LPP) and generally calculated a slightly larger provision of outdoor play area than the Applicant, with exception of outdoor play area “3, 4 and 5” (page 20). In this instance council have calculated an area 48.19m² less than the Applicant citing that they have excluded “clusters of shrub planting and significant tree trunks that are no suitable for children’s play”.

A review of the diagrams on page 20 shows that both Council and the Applicant have excluded dense screen planting from the calculations. The difference in calculations then appears to be that council have excluded “significant tree trunks”. The proposed trees/shrubs in this area are identified by the Landscape Plan as being Crepe Myrtles (2 difference species) which have thin trunks and wider canopies.

Relevantly, the Child Care Planning Guideline (CCPG) provides the following design guidance for calculating unencumbered outdoor play areas:

“Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children’s play.”

The proposed trees do not constitute dense hedges or plantings along boundaries and should not be excluded as encumbered play space. In fact, the CCPG encourages trees as a major element for natural shade in outdoor play areas.

Notwithstanding the above, if the panel disagrees with the above position that the proposed trees are not encumbered space, a condition of consent requiring the removal of the trees from the landscape plan would render the outdoor play area compliant with the requirements of the SEPP and Regulations, and in accordance with the approach taken by the council officer.

2.2 Relocation of outdoor play area behind the building line, Safety and Fencing

The report to the LPP raises concerns with the location of outdoor play area 2 close to the intersection of the roundabout and what is stated as a concern with heavy and high-speed vehicles. The report requests that:

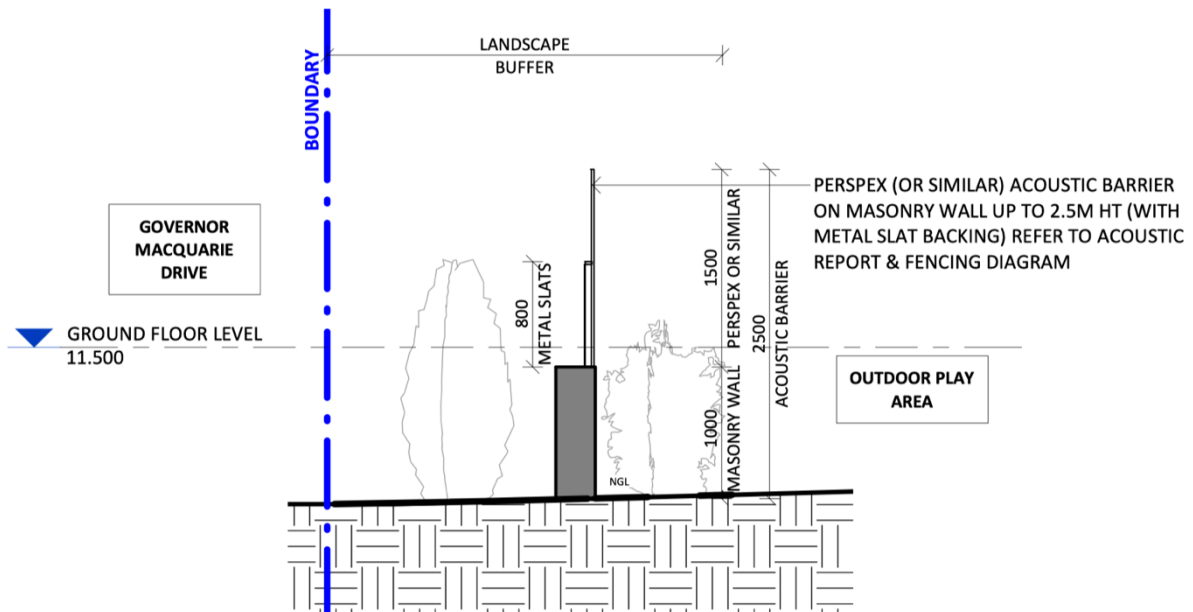
The applicant is to provide specialist advice (traffic engineer, civil engineer, Safety by Design consultant and/or other) to justify the arrangement of the current design and how children’s safety and mitigation measures have been incorporated into the design, particularly the outdoor play areas and playrooms fronting Governor Macquarie Drive and the roundabout.

Appended to this letter is a letter from the traffic consultant (TTPP Transport Planning) which includes details of crash history over a 5 year period (2018 – 2022) of the adjoining intersection. The data shows that in the 5 year period, there has been 2 rear end crashes and 2 vehicles who have lost control of their vehicle. The vehicles who have lost control are both located on Governor Macquarie Drive, one on the east leg and one on the west leg. The letter notes that:

These crashes suggest speeding vehicles which is unlikely to occur in the peak hours or when there is heavy traffic flow. It is further noted that both out-of-control crashes were in the year 2020, when traffic volumes were significantly lower due to pandemic restrictions, therefore, making it easier for drivers to speed past the site.

As such there has been a low incidence of accidents at the intersection. Nonetheless, the proposal has sought to provide safety fencing to the outdoor area closest to the intersection (outdoor play area 2). Noting that outdoor area 2 is setback 11.5m from the boundary with Epsom Road and 3m from the northern boundary of the site (and 16m from the current alignment of Governor Macquarie Drive).

Outdoor area 2 is provided with 2.5m high fence consisting of a 1m high, 0.3m wide , masonry wall, with a 1.5m Perspex fence above which has a 0.8m high metal slat backing. A section of the proposed fence is provided below.



4 **ACOUSTIC FENCE DETAIL 3**
1 : 50

Overall, given the low occurrence of accidents on the roundabout, the setback of the outdoor play area from the intersection and the proposed provision of a solid fence, the proposal has addressed the safety of the outdoor play space. Notwithstanding, if the LPP were of the view that additional safety measures are required, a condition of consent requiring bollards in front of the outdoor spaces (within setback area) would be accommodated. Similarly, if there are concerns with the small proportion of outdoor area 3 adjoining Governor Macquarie Drive (located 30m from Epsom Road), a condition requiring a 1m high masonry fence and/or bollards could also be accommodated. It is also relevant to note that the play areas are setback beyond the existing Date Palms located on the site and within the road reserve.

Boundary fencing

The report to the panel (page 47) also raises concerns with the fencing to the neighbouring properties stating that it “appears to have transparency”. As shown on Drawing No.DA03.02, the boundaries adjoining residential properties (southern and western boundaries) are to be provided with a 1.8m high Colorbond fence. The Perspex acoustic barrier adjoin the outdoor play areas and are setback approximately 1m from the Colorbond boundary fence.

2.3 Variation to Materials/colours

The report to the LPP raises concerns with the proposed colours and states that:

“a lighter shade, warmer shade and/or more variation in shades/colour throughout the development is required.”

In our opinion, this issue could be easily remedied with an appropriate condition of consent which reflects the above requirements.

2.4 Traffic Queuing along Epsom Road

The report to the LPP states:

The applicant is to be requested to submit a revised traffic report addressing the issues raised in the objections including queueing analysis and propose measures to mitigate the problem

Appended to this letter is a letter from the traffic consultant (TTPP Transport Planning) which provides additional details and analysis of the queuing of traffic from the left turn movement from Epsom Road onto Governor Macquarie Drive. The analysis found that the proposal will result in an increase of 5 vehicles in the queue and that notwithstanding the long queues, the delay at the Epsom Road approach is satisfactory, with a delay of up to 33 seconds in the Post Development scenario, indicating that the queues would be constantly moving, and that the intersection is operating satisfactorily.

2.5 Other Minor Comments

Relationship of Location Playrooms with Governor Macquarie Drive

The comments from council's Urban Design & Public Domain officer (page 46) requests the provision of 3D renders of the development from Governor Macquarie Drive. These have been prepared and provided at Annexure B.

Concerns are raised regarding the relationship of the playroom windows for playroom 5 and 6 adjoining Governor Macquarie Drive as they adjoin a "truck parking bay". The area along Governor Macquarie Drive adjoining the site is utilised and signposted as a heavy vehicle inspection bay. As such is not used for permanent heavy vehicle parking but temporary vehicle inspection. The playroom windows are setback behind dense landscaping. However, as suggested by the report screening to these windows can be provided (as a condition of consent).

Sustainability

The report to the panel discusses the provision of sustainability measures for the proposed centre including the provision of solar panels, ceiling panels and rainwater tanks. The provision of a condition of consent requiring these sustainability measures to be incorporated into the design can be included as part of any condition of consent.

3 CONCLUSION

As detailed in this letter there outstanding issues raised in the report to the LPP for the proposed child care centre have been addressed in this letter or can be readily addressed through appropriate conditions of consent. We encourage the LPP to review the additional information and submit that approval of the DA is appropriate in the circumstances of the case. Should the LPP be on the opinion that further information or clarification of issues are

required we respectfully request deferral of the matter in order for the Applicant to provide these details.

If any further information is required, please do not hesitate to contact the undersigned.

Yours Sincerely

Julie Horder
Director MPIA
PLANNING BRICKS