

Camden Residents' Action Group

Incorporated
Camden – Still a Country Town

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9 July 2019

Dear General Manager,

RE: DA 2018/775/2
18 - 20 Broughton Street, Camden
Child Care Centre
s4.55 modification application

This is CRAG's third submission on the above proposal, and for completeness our previous two are appended.

In order to be clear about our concerns and objections we first clarify the history of this proposal to establish the issues which we believe remain with the current s4.55 application

Proposal History

This s4.55 application represents the fifth iteration of the number of child-care places proposed to be accommodated on the site. It must be noted as a community concern that throughout this proposal's assessment of child welfare requirements and heritage considerations that it appears, as evidenced by the many redrawn plans to reconfigure indoor and outdoor space and parking area, that the over-riding aim of the DA is maximisation of child-care places. Iterations of the proposal are summarised in the table of the DA history below.

Iteration	Child Places	Proposal description		
1	99	Alterations and additions to existing building to create a 99-place centre-based child care centre, car parking, tree removal, landscape works, drainage works. Numbers:- 0-2 yrs: 32; 2-3 yrs: 27; 3-5 yrs: 40	31 Jul 2018	CRAG submission
2	91	Alterations, extensions and use of an existing building as a 91-place centre-based child care facility, display of a sign and associated site works.	11 Dec 2018	CRAG submission
3	88	Alterations, extension and use of an existing building as an 88-place centre-based child care facility, display of signage and associated site works.	16 Apr 2018	LPP determination
4	78	Alterations, extensions and use of an existing building as a 78-place centre-based child care facility, display of signage and associated site works. Numbers:- 0-2 yrs: 32; 2-3 yrs: 20; 3-5 yrs 26	30 May 2019	Camden Council approval
5	84	Section 4.55 Modification – Modified internal and external layouts and increase in approved child care places from 78 to 84. Numbers:- 0-2 yrs: 32; 2-3 yrs: 20; 3-5 yrs: 32	6 Jun 2019	Application-modification to approval

As 40 submissions, all objections, were lodged on the DA's first two iterations of 99 and 91 child-care places its determination was referred to Camden's Local Planning Panel (LPP). An unnotified third iteration for 88 places was heard on 16 April 2019 by the LPP.

The Staff Report presented to the LPP listed the key issues raised by objectors as

- unreasonable traffic impacts,
- insufficient off-street car parking,
- tree removal,
- heritage and character impacts, and
- noise impacts.

Objectors who addressed the Panel represented Broughton Street businesses and residents including CRAG. Issues raised included a demonstrated significant shortfall of onsite parking in relation to the number of children and staff, fire safety risk according to Fire and Rescue NSW, the unsuitability of the location in busy Broughton Street and the front play area which was a streetscape issue and importantly a safety risk for children.

The LPP determined that the play area in the front set back area be deleted and that amended plans be submitted to Council's satisfaction reflecting the deletion with a commensurate reduction in the number of child care spaces.

Although the minutes of the LPP do not provide reasons for the deletion they are assumed to be the reasons given by the objectors: concerns for child welfare and safety and degradation of cottage streetscape and HCA character.

The LPP determination resulted in the fourth iteration of 78 child-care places. Council staff were also to make consequential amendments to approval conditions. The DA for 78 child-care places was approved and activated on 30 May 2019.

According to the Applicant's cover letter of 6 June 2019 requesting the s4.55 modification to the approved DA the modification involves:

redistribution of internal and external play areas and carparking which enables the proposed increase in number of child-care places from 78 to 84.

The modification application was re-notified for public comment.

The Applicant's cover letter on the modification request may be paraphrased as follows:

- Council could not consider any amendments to the plans other than the deletion of the front setback from unencumbered calculations;
- in order comply with the LPP determination, a revision dated 14.05.2019 was produced which resulted in the reduction of the number of childcare placements from 88 to 78 and activation of the DA on 29.05.2019;
- the reduced number of 78 childcare placements resulted in a gross oversupply of indoor / outdoor unencumbered licensed area as well as an oversupply of carparking spaces;
- to correct this gross oversupply a Section 4.55 consent modification is sought to increase the number of child care places to 84. Revised documents submitted include architectural and landscape plans.

In summary, the original DA in July 2018 was for 99 child care places, the renotification in December 2018 was for 91 places, the proposal presented for LPP determination was for 88 places and the LPP determination saw the number reduced to 78. Now a further modification to 84 is on the table.

Concerns and objections

As well as redistribution of internal and external play areas and carparking the re-notification also lists a reduction in off-street car parking spaces from 22 to 21 as a key modification.

It is understood that:

- if the proposed modification is doing more than simply correcting minor errors, that the modified development must be ‘substantially the same development’ as that approved.
- as there have been building and outdoor space design changes as well as an increase in the number of child-care places,
 - a section 4.55(2) application needs to be submitted providing evidence that the development will be substantially the same,
 - the modification must be notified and submissions taken into account
- under 4.55(3) matters referred to in section 4.15 (1) must be considered which include
 - the likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - the suitability of the site for the development,
 - any submissions
 - the public interest.

The s4.55 application is not to correct a minor error but to change fundamental aspects of the development - the building envelope, open space and carparking design and importantly to increase the number of child-care places.

For this reason, we argue that any matter which is either directly or indirectly related to the above may be considered and that our following objections are relevant to determination of this modification and consent conditions to be applied to the DA.

We acknowledge and welcome the improved conservation outcome of the s4.55 request in its intention to retain the original front fence, most original soft and hard landscaping features of the front garden and also save an additional Blueberry Ash tree. These improvements became possible as a result of the LPP determination to delete the front play area.

However, we also refer to our previous objections (as appended) and must repeat that the location of this development is problematic because of acoustic, traffic and parking impacts on neighbouring residents and businesses. As argued previously the proposal would detract from and not enhance the amenity of neighbours, including an adjacent heritage listed residence in Park Street and the character of the street and heritage conservation area through loss of mature vegetation. Whilst there is need for childcare in the Municipality, it is not needed in the historic town but in the growth areas, to the north and east.

As is recognised by the National Standards, which mandate that a minimum of 3.25m² of unencumbered indoor space and 7.0m² of unencumbered outdoor space is provided for every child, the number of child care places approved within a finite development space potentially involves a trade-off between return on investment and child welfare. In this case the calculations on the plan indicate the exact minimum of unencumbered space per child is provided which leaves no tolerance for error or additional storage or other requirements that may be found to be needed by a future operator. Also, we are not convinced by the calculations because they rely on:

- no separation between the walkway and car parking,
- a narrow boundary strip logically needed for thick screening and acoustic privacy,
- some indoor rooms that seem too cramped to be useful.

We therefore maintain the position of our earlier submissions that the location is unsuitable and the site is too small for proposed number of child care places, and that its location is not in the best interests of children, parents or the public.

In relation specifically to the modification request we object and disagree as follows.

Unencumbered outdoor space: We do not agree that the narrow outdoor play area on the side boundary should be counted as unencumbered outdoor space as it is narrow and needed for landscaping, screening and acoustic privacy. Our opinion is supported by the NSW Childcare Guidelines (p. 15) which specifically includes the objective *to provide landscape design that contributes to the streetscape and amenity* and that screen planting should not be included in calculations of unencumbered outdoor space (C18).

Traffic and Car Parking: We do not agree that the proposed traffic circulation and car park are adequate and warn they a recipe of accidents. Anyone familiar with small children and the ubiquity of busy parents driving large four-wheel drive vehicles would judge the proposed car park as unsafe.

5 of the 21 car spaces are “stacked” parking for staff only which leaves 16 for parents, many to be shared with staff. We calculate the parking area to be approximately 600 sqm yet the draft NSW Childcare Guidelines¹ (p.32) states that typically 735 sqm would be required.

¹ The Draft Child Care Planning Guideline 2017
<https://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/draft-child-care-planning-guideline-2016-12.ashx>

Parking and traffic arrangements are dangerous and/or inappropriate:

- There is no room to circulate out of this site if no spaces are found to be available and turning is only enabled by one blind parking bay at the end of the driveway;
- Car parks are adjacent to the walkway and vehicles may overshoot;
- Children using the walkway can easily run into the path of a vehicle;
- The walkway seems too narrow to allow two prams to comfortably pass;
- Ingress and egress require crossover into opposite lane of driveway which must create bottlenecks at busy times;
- Backing and filling is required to exit which is dangerous around small children especially given the high proportion of four -wheel drive vehicles used to transport children;
- The first car space at the front would seem impossible to use easily as manoeuvrability space is uncomfortably tight;
- The distance from Murray street to the entrance/exit will create traffic backup at busy times as parents will not be able to enter the driveway or exit into Broughton Street due to awaiting traffic;
- The tightness of the parking and difficulty entering and exiting will encourage staff and parents to park in Broughton St if possible. This is not fair to businesses and their clients/patients or to the amenity of residents (and the HCA generally). According to the guidelines use of on street parking must consider the amenity of adjacent area.

The number of iterations and rigorous pursuit of mandated minimum requirements suggest that this proposal is pushing the boundaries of what is reasonable. It is understood the future child care operator will be a lessee and that the centre itself will provide a rental income stream. It is concerning that child-care staff will be held responsible for safety but have no control over any built-in problems of the centre.

Our preferred outcome is that the DA be denied. The site would be much better occupied by professional rooms or similar as is consistent with how the street has adaptively evolved from being purely residential.

If that is not to be then in the interests of neighbours, operators and clients of Broughton Street businesses, parents, children and child-care workers we sincerely request a decision requiring safe traffic management and sufficient off-street carparking.

This may reduce the number of child places but it would reduce the risk of accidents and without being too dramatic possibly save lives.

We sincerely request that our concerns are taken seriously and that the proposal in its present form be refused.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Glenda Davis".

Glenda Davis

President