

# AGENDA

## **NORTHERN BEACHES INDEPENDENT PUBLIC HEARING PANEL MEETING**

Notice is hereby given that a Meeting of the Northern Beaches Independent Public Hearing Panel will be held in the Council Chambers, Civic Centre, Dee Why on

**WEDNESDAY 6 NOVEMBER 2019**

Beginning at 1.00pm for the purpose of considering matters included in this agenda.



**Peter Robinson**  
**Executive Manager Development Assessment**

**Panel Members**

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Robert Hussey	Town Planner
Peter Cotton	Community Representative

**Quorum**

A quorum is three Panel members

**Conflict of Interest**

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.

## **Agenda for a Meeting of the Northern Beaches Independent Public Hearing Panel**

**to be held on Wednesday 6 November 2019**

**in the Council Chambers, Civic Centre, Dee Why**

**Commencing at 1.00pm**

- 1.0 APOLOGIES & DECLARATIONS OF INTEREST**
- 2.0 MINUTES OF PREVIOUS MEETING**
- 3.0 CATEGORY 3 APPLICATIONS .....5**
- 3.1 DA2019/0238 - 12 Wyatt Avenue, Belrose - Construction of a child care centre  
and ancillary caretaker residence .....5

## **2.0 MINUTES OF PREVIOUS MEETING**

Nil



### 3.0 CATEGORY 3 APPLICATIONS

ITEM 3.1	DA2019/0238 - 12 WYATT AVENUE, BELROSE - CONSTRUCTION OF A CHILD CARE CENTRE AND ANCILLARY CARETAKER RESIDENCE
REPORTING OFFICER	STEVE FINDLAY
TRIM FILE REF	2019/620864
ATTACHMENTS	1 <a href="#">↓</a> Assessment Report 2 <a href="#">↓</a> Draft Conditions of Consent 3 <a href="#">↓</a> Site Plan and Elevations

#### PURPOSE

This application has been referred to the Northern Beaches Independent Public Hearing Panel for a public hearing and Panel recommendation.

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#### RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **recommends approval** of Application No. DA2019/0238 for construction of a child care centre and ancillary caretaker residence at Lot 2616 DP 752038, 12 Wyatt Avenue, Belrose subject to the conditions and for the reasons set out in the Assessment Report.

## DEVELOPMENT ASSESSMENT REPORT

<b>Responsible Officer:</b>	Thomas Prosser
<b>Land to be Developed (Address)</b>	Lot 2616, DP 752038, 12 Wyatt Avenue BELROSE
<b>Proposed Development:</b>	Construction of a child care centre and ancillary caretaker residence

<b>Development Application No:</b>	DA2019/0238
<b>Application Lodged:</b>	8/0/2018
<b>Integrated Development:</b>	Yes (Bushfire Prone Land)
<b>Amended Plans:</b>	Yes (dated July 2019)
<b>Applicant:</b>	Frank Moschella
<b>Owner:</b>	Phillip Giardina and Rosemarie Moschella

<b>WLEP 2000 Locality:</b>	C8 Belrose North
<b>Category of Land Use:</b>	Category 3 "Childcare Centre"
<b>Clause 20 Variations</b>	Yes (Side Setbacks and Bushland Setting)
<b>Referred to Independent Panel:</b>	Yes – Pursuant to Clause 15 of WLEP 2000, an Independent Public Hearing is required
<b>Land and Environment Court Action:</b>	No
<b>Submissions:</b>	23
<b>Recommendation:</b>	<b>APPROVAL</b>

### EXECUTIVE SUMMARY

This report is an assessment of a proposal to construct a child care centre and ancillary caretaker residence on the subject site.

Previous Development Applications lodged for a child care centre development on this site were subsequently withdrawn due to concerns raised in relation to non-compliances with planning controls and deficiencies in relation to stormwater management. Those planning and stormwater matters have been resolved under this application.

A detailed assessment of the application determined that the proposed development is consistent with the desired future character statement, the general principles of development control and relevant state policies.

On balance, the proposal is found to be a suitable and appropriate development for the site and is recommended for approval, subject to conditions.

The proposal is required to the subject of an independent public hearing prior to determination by the Northern Beaches Local Planning Panel.

### **PROPOSED DEVELOPMENT**

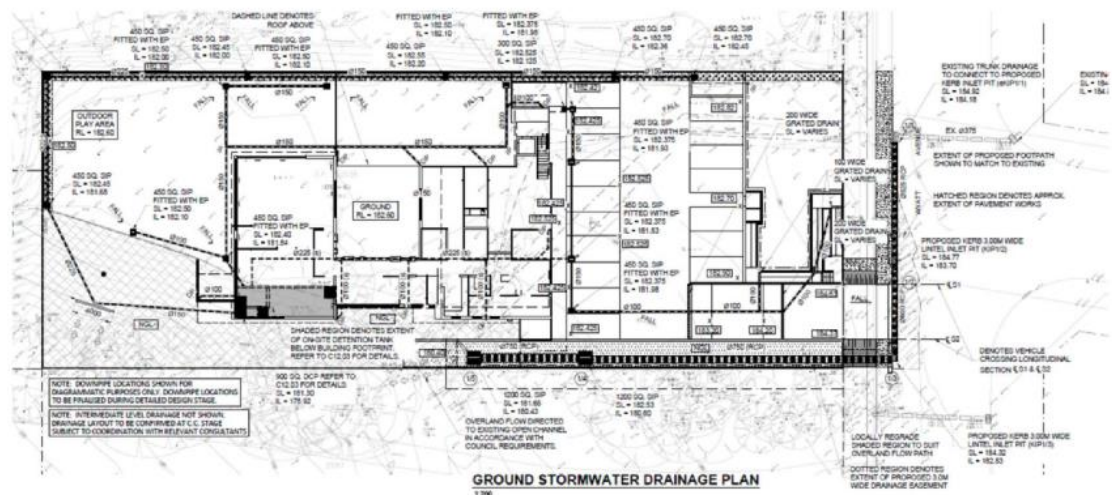
The proposal seeks consent for the construction of a childcare centre and ancillary caretaker residence. The site plan for the proposal is shown in Figure 1 below.

In detail, the proposal involves the following:

- 60 child places
- 16 car parking spaces (including one accessible space)
- Hours of operation – 7.00am and 6:30pm (Monday to Friday)
- Four “activity rooms”
- Outdoor play areas
- Undercover play area
- Caretakers residence including 3 bedrooms, kitchen, laundry, en-suite and lift
- Storage shed
- Fencing
- Landscaping
- OSD
- New driveway crossing
- Stormwater management system
- Relocation of an existing drainage easement
- Establishment and maintenance of APZ’s on subject site and adjoining land (10 Wyatt Avenue)



**Figure 1 – Site Plan**  
(Source : RFA Architects, dated 12.7.2019)

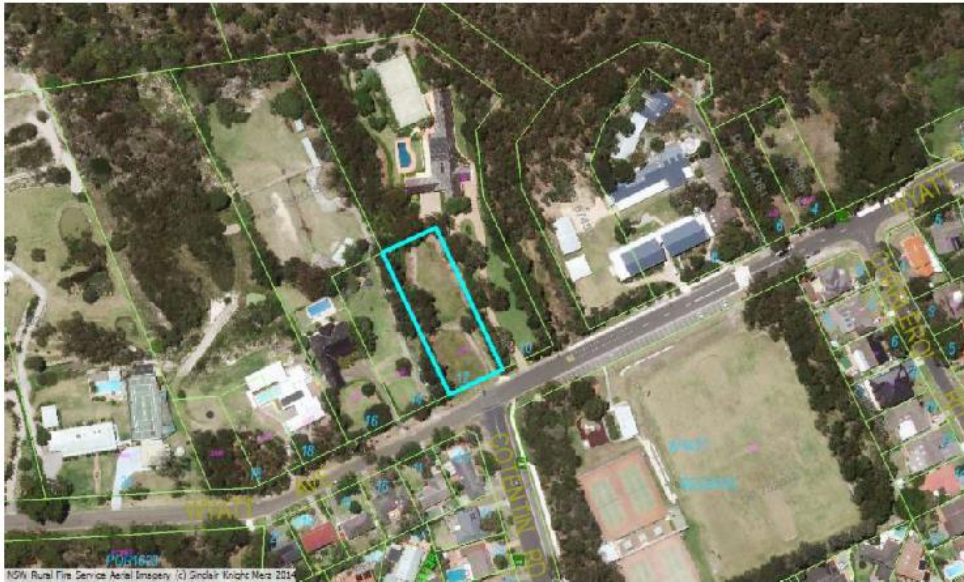


**Figure 2 – Plan showing Relocation of Existing Stormwater Easement**  
(Source – Engineering Studio Stormwater Plans, dated 11.7.2019)

## LOCALITY PLAN







(Source : Council SEA)

**Subject Site:** Lot 2616, DP 752038, 12 Wyatt Avenue, Belrose.

**Public Exhibition:** The subject application was publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan.

The application was notified to nine (9) adjoining properties for a period of 14 days from 6 June 2018 to 23 June 2018 and was re-notified from 23 April 2019 to 11 May 2019.

The application was also advertised within the Manly Daily on 27 April 2019 and a notice was placed upon the site.

## SITE DESCRIPTION

The subject site is identified as Lot 2616, DP 752038 and is known as 10-12 Wyatt Avenue, Belrose. The subject site is located on the northern side of Wyatt Avenue, generally opposite the intersection of Wyatt Avenue and Cotentin Road.

The site is rectangular in shape, has an area of 2412m<sup>2</sup> and has a frontage of approximately 29.995m to Wyatt Avenue. The site has an existing grass verge and a vehicular access point is proposed in the south-eastern corner of the site.

The site slopes toward the north-western corner of the site, having a fall of approximately 8.5m between the front south-eastern corner and the rear north-western corner of the site.

The western portion of the site is steeply sloping and has partial vegetation cover. The eastern portion of the site is mostly cleared of vegetation.

The site is presently vacant land and the surrounding area comprises a mix of residential and low intensity uses to form the generally rural-residential character. The immediately surrounding uses include single dwellings, a sports field, bushland and the John Colet School.

## **BACKGROUND AND HISTORY**

### **Relevant Applications on Subject Site**

(a) **Pre-lodgement Meeting (PLM2016/0102)** – this PLM was held on 27 October 2016 for the construction of a child care centre and caretakers residence.

The main issues raised were as follows:

*The proposed capacity of 86 children is not supported and should be reduced to a 60 place child care centre.*

*The required APZ needs to determine what ramifications it will have on surrounding environments and ecosystems, including the removal of vegetation on both the subject and surrounding sites.*

The Applicant for the PLM is the same as that for the current DA and the following DA's that were lodged and subsequently withdrawn.

### **(b) Development Application (DA2017/0703)**

The DA was lodged on 19.7.2017 and the assessment revealed significant issues, including

- Inconsistency with the Desired Future Character Statement (DFC)
- Non-compliance with Landscaped Open Space
- Non-compliance with side setback controls
- Inadequate Stormwater Management information
- Inadequate Wastewater Disposal information
- Excessively high retaining walls at the rear of the site
- SEE does not address the Childcare SEPP or the National Quality Framework Assessment Checklist

This application was subsequently withdrawn on 16.11.2017.

### **(c) Development Application (DA2018/1114)**

The DA was lodged on 29.6.2018 and the assessment revealed significant issues, including:

- Inconsistency with the Desired Future Character Statement (DFC)
- Non-compliance with Landscaped Open Space
- Non-compliance with side setback controls

- Inadequate Stormwater Management information
- Lack of design and detail in response to traffic issues

This application was subsequently withdrawn on 22.11.2018.

**Relevant Applications on Adjoining Property**

**(a) Boarding House Proposal at 14 Wyatt Avenue (DA2018/0401)**

This DA was for a 27 room (plus manager's residence) boarding house development on the adjoining property to the west of the subject site and was refused by the Northern Beaches Local Planning Panel (NBLPP) on 17 October 2018 for the following reasons:

- 1. The flood risk assessment report submitted with the DA contained insufficient information to allow a proper and thorough assessment to determine if the development would be likely to have adverse flood risk impacts.*
- 2. For that reason the Panel is not satisfied that for the C8 Belrose North Locality the development is consistent with the Warringah Local Environmental Plan 2000 (WLEP 2000) desired future character requirement of protection and, if possible, enhancement of the natural environment.*
- 3. The Panel is not satisfied that the development is consistent with the WLEP 2000 desired future character requirement of conformity with the maximum housing development standard of 1 dwelling per 20 hectares. Although the Panel has a discretion to consent notwithstanding this contravention, it does not consent given the extent of the contravention, the smallness of the site relative to 20 hectares, the large size of the development relative to the site size, and the matters referred to in the other reasons for refusal. If the Panel were prepared to consent (which it is not), then the prescribed concurrence of the Director would be required because the contravention is far more than 10%.*
- 4. The Panel is not satisfied that the site is suitable given the matters referred to above and the Panel's assessment that it is an overdevelopment of the site because the building footprint and the total built upon area are too large for the site.*
- 5. It is not in the public interest to consent given the matters referred to above.*

**(b) Review of Determination of Boarding House Proposal (REV2018/0035)**

This review of determination application for the boarding house development (which was reduced to 24 rooms, plus manager's residence) under DA2018/0401 was lodged on 11.12.2018 and was refused by the NBLPP on 17.4.2019 for the following reasons:

- 1. The development application is for a 'boarding house' as defined under WLEP 2000. A 'boarding house' is a form of 'housing'. The housing density standard therefore applies.*

*The proposal does not comply with the housing density standard contained within locality C8 Belrose North, whether considered to be one dwelling or 24 dwellings. Although the Panel has a discretion to consent notwithstanding this contravention, it*

*does not consent given the smallness of the site relative to 20 hectares, the large size of the development relative to the site size, and the inconsistency of the proposal with the C8 desired future character statement, in that:*

- ✗ The present character will not remain unchanged,*
- ✗ The natural landscape, including landform and vegetation, will not be protected or enhanced,*
- ✗ The development will not be limited to 'new detached style housing' or will not be a low intensity or low impact use.*

*2. The flood risk impacts of the proposal remain unresolved and further assessment of the supplementary information would be required.*

*3. The Panel is not satisfied that the site is suitable given the matters referred to above and the Panel's assessment is that it is an overdevelopment of the site because the building footprint and the total built upon area are too large for the site.*

*4. It is not in the public interest to consent given the matters referred to above.*

#### **AMENDMENTS TO THE CURRENT APPLICATION**

a) **4 July 2019** – Updated survey plan and updated arborist report

b) **12 July 2019**- Updated architectural plans and stormwater plans

(NB : The amendments and additional information did not require re-notification in accordance with the Warringah Development Control Plan 2000)

#### **STATUTORY CONTROLS**

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979)
- b) Environmental Planning and Assessment Regulations 2000
- c) Rural Fires Act 1997 (RFA 1997)
- d) State Environmental Planning Policy No 55 – Remediation of Land
- e) Warringah Local Environment Plan 200 (WLEP 2000)
- f) Warringah Development Control Plan 2000 (WDCP 2000)
- g) Northern Beaches 7.12 Contributions Plan 2019
- h) State Environmental Planning Policy (Infrastructure) 2007
- i) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

#### **PUBLIC EXHIBITION**

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, WLEP 2000 and WDCP 2000.

#### **First Notification and Advertising**



The DA was notified to fifteen (15) adjoining land owners and occupiers for a period of 14 calendar days, commencing on 27 March 2019 and finishing on 13 April 2019 and was advertised in the Manly Daily on 30 March 2019.

### **Second Notification**

The application was re-notified, which included those persons who previously made a submission to the withdrawn DA2018/1114, which commenced on 9 April 2019 and finishing on 26 April 2019. A total of eighteen (18) persons were notified.

### **Third Notification**

The application was re-notified again due to an administrative error in the second notification, which commenced on 9 April 2019 and finishing on 5 May 2019. A total of eighteen (18) persons were notified.

As a result of the total public exhibition process, Council received twenty-three (23) individual submissions from the following persons:

<b>Name:</b>	<b>Address:</b>
Mr Ryan Paul Maloney	17 Cotentin Road BELROSE
Marcelo Maia Perlingeiro	3 Charleroi Road BELROSE
Mark Johnston	2 Neridah Avenue BELROSE
Lorraine Judith Lilley	14 Neridah Avenue BELROSE
Bruce Ronald Hellmers	17 Stratford Drive BELROSE
Mr David Vaughan Berry	22 Charleroi Road BELROSE
Miss Michele Simone Rook Duncan	12 Rodborough Road FRENCHS FOREST
Blake Marc	Not provided
Mr Kenneth Ernest Small	19 Stratford Drive BELROSE
Mr Colin William McKersie Brown	1 - 3 Linden Avenue BELROSE
Mrs Sandra Elizabeth Young Mr Geoffrey Charles Young	29 Aranda Drive DAVIDSON
Sharon Jewell	25 Stratford Drive BELROSE
Ms Clare Danielle McElroy	1 Wyatt Avenue BELROSE
Chris Walsh	Not provided
Barry Burton Yeomans Beverly Ann Yeomans	15 Wyatt Avenue BELROSE
Christine Carter	1494 Oxford Falls Road OXFORD FALLS
Mrs Leissa Gai Therese Dawson Mr John Edward Dawson	8 Stratford Drive BELROSE
Mrs Wendy Ruth Maloney	5 Seeana Place BELROSE
Ms Judith Ann Reisemann	15 Cotentin Road BELROSE
Joy Williams	

Name:	Address:
Mr Ronald John Patton Mrs Cynthia Joy Patton	19 Wyatt Avenue BELROSE
Belrose Rural Community Association Inc	Po Box 224 BELROSE WEST
Mr John Richard Holman	P.O Box 125 BELROSE (owner of 14 and 16 Wyatt Avenue BELROSE)

It is noted that in some cases, more than one email was provided from each property. These have been counted as one (1) submission.

The matters raised within the submissions are addressed as follows:

- Character (Low intensity, Low impact), Streetscape and Desired Future Character**

**Comment:** The proposal is considered to be low intensity and low impact for the reasons outlined in this report. This includes reasonable number of child places, suitable opening times, reasonable noise levels, good building design and adequate setbacks and landscape treatment of the site.
- Bushfire Prone Area and Inaccurate Mapping**

**Comment:** The proposal was referred to NSW Rural Fire Service (NSW RFS) who support the application subject to conditions. As such, the information and design provided in relation to the bushfire prone nature of the site is adequate.
- Child care centres already in the area, lack of need for an additional childcare centre**

**Comment:** The viability and community need for a child care centre in this location is not a valid planning consideration.
- Traffic and access issues; congestion; traffic during pick up hours**

**Comment:** Council's Traffic Officer has reviewed the application and has not raised concerns in this regard. It is noted that the traffic report states that drop off and pick up times will be variable and that this will satisfactorily spread the impact of traffic arising from this development.
- Parking and traffic safety**

**Comment:** The proposal complies with the parking requirements for child care centres under WLEP 2000. Council's Traffic Officer has also recommended conditions to ensure safety issues are suitably managed.
- Inconsistency with Council controls and policies**

**Comment:** The proposal is consistent with the applicable planning and other controls.

- ***Commercial development in residential area, Commercial development in semi rural area***  
  
***Comment:*** The site is suitable for use as a child care centre as by virtue of the proposals consistency with the desired future character envisaged for the area and the general principles of development control, particularly in relation to the size and scale of the development, its character and built form and the landscaping of the site.
- ***Operating hours, extension of hours operating as a result of caretaker dwelling***  
  
***Comment:*** The proposal complies with *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* in relation to hours of operation. Any consent would restrict use of the childcare centre to be within these hours. The ancillary caretaker dwelling would operate with the same intensity as surrounding dwellings.
- ***Excessive Noise***  
  
***Comment:*** Subject to recommendations from the Acoustic Report and conditions provided by Council's Environmental Health officer, the proposal would not have an unreasonable noise impact on nearby residential properties.
- ***Wildlife, landform and vegetation***  
  
***Comment:*** Council's Landscape Officer originally identified that trees will be impacted on the neighbouring property at 14 Wyatt Avenue due to the proposed stormwater works on the subject site, and raised objection to the proposal accordingly. However, a further review of the Arborists Report has satisfied the Landscape Officer that the stormwater works can be undertaken without adverse impacts on the trees. Additionally, the Bushland and Biodiversity Officer has reviewed the application and has not raised any issues in relation to wildlife and bushland generally.
- ***Suitability of the site, Inadequate size and location of the site and Overdevelopment of the site***  
  
***Comment:*** The assessment under the relevant sections of this report reveals the proposal is suitable and appropriate in this regard.
- ***Amenity impact, outdoor lighting spill, reduction of Sunlight to 14 Wyatt Avenue and Overlooking from habitable rooms***  
  
***Comment:*** As a result of the proposed setbacks to neighbouring land uses and the height, size and bulk and scale of the development, the proposal would not have any unreasonable amenity impacts (subject to conditions).
- ***Impacts during construction***  
  
***Comment:*** Suitable conditions could be imposed to prevent unreasonable impacts during construction.

- ***Inappropriateness of conditions recommended by Environmental Health, the application should be refused rather than approved with these conditions and Inappropriate requirements of Acoustic Report***

**Comment:** A restriction on the number of children in the outdoor play area is not uncommon for this type of development and is considered to be a reasonable condition and can be practically managed by the operators.
- ***Safety of children given the potential for a neighbouring boarding house and compatibility***

**Comment:** The proposal for a boarding house on the neighbouring property is not a matter for consideration in this application as the application was refused and there is no current DA or appeal in relation to the application that was refused.
- ***Caretakers dwelling is not ancillary and queries as to necessity of caretaker dwelling***

**Comment:** The caretakers residence is considered to be ancillary based on the proposal outlined in the application and design integration and connectivity of the residence with the child care centre. A suitable condition has been included in the draft set of conditions to ensure the caretakers residence is occupied in conjunction with the operations of the child care centre.
- ***Stormwater drainage***

**Comment:** The proposed stormwater design has been assessed and addresses the relevant requirements. Full details of the assessment of stormwater is provided in the referrals section and "C76 - Management of Stormwater" section of this report.
- ***Lack of public benefit to outweigh negative impacts***

**Comment:** The proposal will cater for the demand for childcare within the local community in a manner that satisfies the applicable planning and related requirements.
- ***Landscaping, problems with measurement of landscaping, lack of landscaping in front setback***

**Comment:** The landscape assessment reveals the quantum and quality of landscaping is satisfactory.
- ***Garbage collection***

**Comment:** Suitable conditions can be imposed in relation to garbage collection.
- ***Helicopter noise***

**Comment:** A search of Councils records has not found an approval for the use of the site as a helicopter facility, nor is one proposed as part of this application.

- ***Visual impact of parking, inappropriate front setback given locality statement***

**Comment:** The open car parking area with a landscaped buffer to the front of the site would not result in any unreasonable visual impact. This is contributed to by the slope of the site and the complementary nature of the parking with the parking diagonally opposite at Wyatt Reserve.

- ***Inadequate Survey***

**Comment:** An updated survey has been provided and this is sufficient for the assessment of the application.

- ***Neighbouring school should not be a precedent***

**Comment:** The neighbouring school has not been used as a precedent in the assessment of this application, however it is part of the existing character of the C8 Locality and the proposal is deemed compatible with that land use.

- ***Impact on bushland character of the locality***

**Comment:** The proposed bulk, scale, colours, materials and new landscaping will appropriately complement the bushland setting.

- ***Lack of justification for the development, Invalid justification for the development***

**Comment:** The suitability of the site for the proposed development and how it addresses the planning controls for a Category 3 land use are addressed in this report and is found to demonstrate sufficient justification.

## **MEDIATION**

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	No

## **LAND AND ENVIRONMENT COURT ACTION**

No Court Appeal had been lodged at the time of finalising this report.

## **REFERRALS**

### **External Referrals**

**Rural Fire Services (NSW RFS)**

A Bush Fire Safety Authority under Section 100B of the 'Rural Fires Act 1997' has been issued by the NSW RFS by letter dated 12 August 2019, which is included within the draft set of conditions.

**Ausgrid**

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

**Aboriginal Heritage Office**

The following advice was received:

*"Reference is made to the proposed development at the above area and Aboriginal heritage.*

*No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.*

*Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.*

*Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council should be contacted."*

A suitable condition is included within the draft set of conditions.

**Internal Referrals****Building Assessment – Fire and Disability Upgrades Team**

The Building Assessment Team provided the following comments:

*"The application proposes construction of a 60-place child care centre with attached caretakers residence and a car parking area for 16 vehicles on-site.*

*The proposal is capable of compliance with the Building Code of Australia with conditions."*

**Environmental Health Officer (Noise and Wastewater) Team**

The Environmental Health Officer provided the following comments:

*"The site is not currently connected to the mains sewer.*



*Connection to Sydney Water sewer located nearby is a reasonable assumption.*

*Environmental Health raise issue with noise. This was first raised as an issue on a previous DA. The current Noise Assessment makes a number of specific assumptions and recommendations.*

*Critically, there are 2 main points:*

*1. To achieve compliance, only 20 children can be allowed out into the main activity area at any one time. A noise barrier is required along the north-eastern side boundary, and across the rear boundary. This noise barrier needs to be 4.8 metres high, extending 30 metres along the north-eastern side boundary (from the northern corner), and 13.5 metres across the rear boundary (from the northern corner).*

*2. As well as the limit of twenty (20) children in the main external activity area, and the 4.8 metre high noise barrier to the far side boundary & rear boundary, I would recommend that there be a 1.2 metre high noise barrier along the south-western side of the external activity area from the child care centre to the rear boundary. This barrier can be glass or acrylic. Also:*

*-any air conditioning units (if installed) should only be run during business hours.  
-any external air conditioning or ventilation unit or units would need to be assessed for their acoustic impact, prior to installation and Noise Management Plan*

*-Each childcare centre should have a Noise Management Plan wherever there is a potential to cause disturbance to neighbours. An example Noise Management Plan is attached as Appendix A.*

*Of particular note is the requirement of a 4.8 metre high acoustic barrier running a significant length; although located below a batter this amenity/design issue, and discolouration of acrylic over time, is for other departments to assess, however it is a specific noise barrier and the compliance or otherwise is dependent on this structure being installed.*

### **Recommendation**

*APPROVAL - subject to conditions."*

### **Environmental Health (Other) Team**

The Environmental Health Officer provided the following comments:

*Recommended for approval, subject to conditions.*

### **Bushland and Biodiversity Team**

The Bushland and Biodiversity Team provided the following comments:

*"The proposed development has been assessed against the following provisions*

- WLEP 2000 Clause 56 - Retaining distinctive environmental features on site*
- WLEP 2000 Clause 58 - Protection of existing flora*

- WDCP E1 - Preservation of Trees or Bushland
- WDCP E2 - Prescribed Vegetation
- WDCP E6 - Retaining unique environmental features
- NSW Threatened Species Conservation Act 1995 (now repealed)

*The Flora and Fauna Assessment prepared by Travers Bushfire and Ecology in April 2017, and submitted to Council on 13 March 2019, was prepared in accordance with the now repealed Threatened Species Conservation Act 1995. All Development Applications submitted to Council after 25 February 2018 are required to be assessed under the Biodiversity Conservation Act 2016.*

*Council's Bushland and Biodiversity section acknowledges the outcome of the Flora and Fauna Assessment would not change at the time of this assessment, if updated and prepared under the Biodiversity Conservation Act 2016. A Biodiversity Development Assessment Report and subsequent potential biodiversity offset requirements, would not be required due to the following reasons:*

- *the area clearing threshold would not be triggered by the proposed development*
- *the land is not mapped on the NSW Biodiversity Value Map (as accessed 29 May 2019)*
- *the proposal would not trigger a significant impact on threatened biodiversity under Section 7.3 of the Biodiversity Conservation Act 2016.*

*It is also understood Serious and Irreversible Impacts (SAIs) to candidate threatened species would not be applicable to this Development Application. It is understood that a number of trees will require removal to facilitate the development, as described in the Statement of Environmental Effect prepared by Boston Blyth Fleming Pty Ltd, June 2018. It is acknowledged that no arborist report has been submitted with this Development Application to assess the impact of the proposal on trees to be removed and those trees to be retained.*

*Nearby areas include bushland of high conservation value including occurrences of the Critically Endangered plant species, *Grevillea caleyi*. According to the *Grevillea caleyi* Recovery Plan, this species is prone to hybridisation with *Grevillea* cultivars such as those proposed in the Landscape Plan Revision G, prepared by Concept Landscape Architects June 2018.*

*Conditions of consent have been provided accordingly."*

#### **Development Engineering Team**

The Development Engineering Team provided the following comments:

*Original Assessment* - Reference is made to Development Engineering Referral Responses dated 02/04/19 and 20/5/19 and the meeting held at Council on 4/6/19. It is understood that the additional information provided by the Applicant to address matters relating to the proposed drainage easement for the



*development only. Previous Development Engineering advice is still to be addressed and is attached below for reference.*

*Drainage Easement - As previously advised, the minimum easement width across the proposed pipeline is to be 3.0m and shall be amended on the submitted plans.*

*All retaining structures on the eastern side of the easement shall be relocated to be clear of the easement extent. This will require adjustment to the driveway and carparking layout. Any structures adjoining the easement shall be designed clear of the zone of influence in accordance with Council's Building Over or Adjacent to Constructed Council Drainage Easements Technical Specification.*

*It is understood that proposed OSD basin will be relocated as per previous advice. Please note that top water levels (TWL) as indicated have not been verified as no supporting information or modelling has been submitted to date.*

**Previous Advice:**

*Reference is made to Development Engineering Referral Response dated 02/04/19 and additional information provided by the Applicant.*

*External Works - The long sections provided for the proposed driveway indicate that the centreline of Wyatt Avenue is proposed to be raised. The existing level of the road centreline should be maintained and internal levels adjusted to suit, in order to minimise works within the road reserve.*

*Council's Stormwater Infrastructure - As previously advised, stormwater from Wyatt Avenue shall discharge within the extent of the western end of the existing easement. The current Stormwater Drainage Plan shows the rip rap rock outlet outside the extent of the existing easement. This outlet structure shall be relocated further south to be contained wholly within the easement extent.*

*The minimum easement width across the proposed pipeline is to be 3.0m and shall be amended on the submitted plans. The proposed OSD basin shall be relocated clear of the easement.*

*A HGL analysis for the proposed road drainage has not been provided. A DRAINS model shall be provided for the road drainage design, including consideration to appropriate blockage factors, to determine the capacity of the system. It shall be demonstrated that any overland flows in the 100-year ARI are safely conveyed to the drainage easement. Cross-sectional information has not been provided across the proposed drainage easement, including detail of the swale, any fencing, walls and/or batters. Cross-sections should also be provided within the road reserve.*

*Additional survey detail should be provided within Wyatt Avenue, particularly west of the site to adequately address the above.*

*Stormwater - The matter raised regarding the provision of a level spreader system for stormwater discharge from the development was not clearly addressed. The level spreader system shall be relocated to the rear of the*

*proposed development and not to discharge to the drainage easement. This may require the relocation of the proposed OSD basin. The easement along the western boundary shall only accommodate flows from Wyatt Avenue.*

*As previously advised, total stormwater discharge from the level spreader including bypass and controlled flows shall be limited to the 1 in 5 year ARI "state of nature" (0% impervious) storm event, for all storm events up to and including the 100-year ARI. This has still not been demonstrated.*

*Overland Flow - The Applicant has assumed 100% of stormwater within Wyatt Avenue is captured in the new pit and pipe system without any supporting information. A DRAINS model shall be provided for the proposed road drainage design, including consideration to appropriate blockage factors, to determine the capacity of the system. It shall be demonstrated that any overland flows in the 100-year ARI are safely conveyed to the drainage easement.*

*Additional survey detail should be provided within Wyatt Avenue, particularly west of the site to adequately address the above.*

*It is recommended that the Applicant's engineer contact Development Engineering discuss the above matters.*

*Note to Planner: - It has been raised in a submission that the survey plan lodged with the DA was undertaken in 2007. It is considered that the information should be updated and further survey information provided (as noted above).*

- The proposed application cannot be supported by Development Engineering due to lack of information to address:*
- Stormwater drainage and overland flows for the development in accordance with clause C4 Stormwater.*
- Council's stormwater infrastructure relocation in accordance with clause C6 Building Over or Adjacent to Constructed Council Drainage Easements.*

#### Assessment of Additional Information

*Further assessment (dated 28 August 2019), has included a review of the latest documentation submitted and a site visit. The requested post development overland flow report has not been submitted as requested. However, it was considered that this matter can be condition to be submitted prior to the issue of any Construction Certificate."*

#### **Riparian Lands and Creeks Team**

The riparian Lands and Creeks Team provided the following comments:

*Recommended for approval, subject to conditions.*

#### **Landscape Assessment Team**

The Landscape Assessment Team provided the following comments:

#### Final Amended Comments 2/10/2019

The original DA plans did not include the removal of trees on the adjoining properties (14 Wyatt Avenue to the west and 10 Wyatt Avenue to the east), however the amended plans indicate trees to be removed on both adjoining lots.

No owners consent was provided with the amended plans authorising such tree removal on adjoining properties. However, it is noted that the updated Arborist's Report submitted with the amended plans addresses the issue of tunnel boring to retain the trees.

Suitable conditions are included in the draft set of conditions that no trees are approved for removal on adjoining properties.

#### **Traffic Management Team**

The Traffic Management Team provided the following comments:

*"The revised proposal addresses previous concerns with respect to the following:*

*Pedestrian access – Line marking to indicate pedestrian desire lines from the footpath off Wyatt Road, and parking spaces to the footpath fronting the childcare centre.*

*Servicing – Loading bay provided in the car park*

*Parking – Car park layout in accordance with AS 2890.1:2004.*

*Traffic – Traffic generation negligible*

#### **Driveway Access**

*The Traffic Report acknowledges that the proposed driveway is located directly opposite the junction of Wyatt Avenue and Contentin Road, and within the prohibited zone specified by Figure 3.1 of AS2890.1-2004.*

*Drawing No. a8101 shows a reference line on the southern arm of Wyatt Avenue where it meets Contentin Road and 500mm wide median strip.*

*Noting the location of the driveway access to the intersection with Contentin Road.*

*Council recommends that the traffic priorities at the intersection be changed so that a 'Give Way' controls be installed where the plan shows a 'reference line' so that vehicles travelling north along Wyatt Avenue 'Give Way' to all traffic travelling through the intersection.*

*It is also recommended that the 500mm wide median strip shown along the centre of Wyatt Avenue (extending across the entire driveway access) only extend to the centre of the driveway access to allow vehicle to allow southbound vehicles to turn right into the driveway to the childcare centre instead of forcing all vehicles to do a U-turn further down the street.*

*Both of these conditions should be included prior to occupation along with the previous required condition (as below).*

**Condition for prior to occupation certificate - Construction of footpath, kerb and gutter**

*Footpath, kerb and guttering shall be constructed at cost of the applicant from its boundary with No.14.*

*Wyatt Avenue connecting to the existing footpath, kerb and guttering outside No. 10 Wyatt Avenue. The footpath, kerb and guttering shall be consistent with the existing and to comply with the Council's development engineers requirements.*

*Reason: Connectivity of the site to the existing footpath"*

**Waste Management Team**

The Waste Management Team provided the following comments:

*Recommended for approval, subject to conditions.*

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
<b>Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on "Environmental Planning Instruments" in this report.
<b>Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	There are no Draft Environmental Planning Instruments applying to this site or proposal.
<b>Section 4.15 (1) (a)(iii) – Provisions of any development control plan</b>	Warringah Development Control Plan 2000 applies to this proposal.
<b>Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement</b>	None applicable.
<b>Section 4.15 (1) (a)(iv) – Provisions of the regulations</b>	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information in relation to an updated survey and amended design for stormwater.</p>
<b>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built</b>	(i) The environmental impacts of the proposed development on the natural and built environment are addressed

Section 4.15 'Matters for Consideration'	Comments
<p><b>environment and social and economic impacts in the locality</b></p>	<p>under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p><b>Section 4.15 (1) (c) – the suitability of the site for the development</b></p>	<p>The site is suitable for the proposed child care facility for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site is surrounded by a variety of uses including dwellings houses, a school, and a sports oval. These uses are compatible with a child care centre in that amenity impacts and use times will be similar to the surrounding uses, subject to conditions.</li> <li>• A historical search of Councils records, including of the subject site and surrounding sites, has found that no uses which provided unreasonable opportunity for evidence of environmental contamination or hazardous material.</li> <li>• The proposal is on a land which adjoins residential dwellings. The size of the land, being 2412m<sup>2</sup>, and configuration of the lots, allows for sufficient spatial separation between the proposed centre, the neighbours and the public space. This will sufficiently ameliorate the overall impacts of such a use.</li> <li>• The proposal provides a car park to the front of the site with 15 spaces to comply with the requirement for the number of spaces under Schedule 17 of WLEP 2000. Along with the loading and turning bay, this provides for appropriate drop off and pick up areas. Furthermore, there are a number of on street car parking areas within close vicinity to the subject site.</li> <li>• The road conditions in front of the site and nearby in Wyatt Avenue are appropriate for the use.</li> </ul>



Section 4.15 'Matters for Consideration'	Comments
	The subject site is not located in close proximity to any use that would be an incompatible use.
<b>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	See discussion on “Public Exhibition” in this report.
<b>Section 4.15 (1) (e) – the public interest</b>	No matters have arisen that would justify the refusal of the application in the public interest.

#### ENVIRONMENTAL PLANNING INSTRUMENTS:

##### Warringah Local Environmental Plan 2011 (“Deferred Matter”)

The subject site falls within the area designated as a ‘deferred matter’ which is subject to future zoning considerations by the *NSW Department of Planning*. Previous advice from the Department applies and Council has not been informed of any zoning change that has become recently “imminent or certain” for the future incorporation of the subject land into Warringah LEP 2011.

Therefore, for the purposes of this assessment, no further consideration of the provisions of WLEP 2011 is required.

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

##### State Environmental Planning Policies (SEPPs)

##### State Environmental Planning Policy No 55 – Remediation of Land

##### SEPP Educational Establishments and Child Care Facilities 2017

Clause 23 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 stipulates that:

*“Before determining a development application for development for the purposes of a centre-based child-care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.”*

As previously outlined, this Development Application seeks development consent for the construction of a childcare centre and ancillary caretaker residence.

As per the provisions of Clause 23, the provisions of the SEPP and the *Child Care Planning Guideline* are applicable to the application.

#### DESIGN QUALITY PRINCIPLES

### Principle 1: Context

*Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Well-designed childcare facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.*

*Well-designed childcare facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.*

Comment: The proposed child care centre and ancillary caretaker residence provides for a streetscape presentation, overall built form and integration of landscaping that is appropriate given the context of the area. The context is formed by a mix of one-two storey residential development, bushland, a nearby school and a nearby sports ground. In particular, this forms a character with sense of openness at site frontages including vegetation buffers, and carparking along the frontage of Wyatt Reserve (diagonally opposite the subject site).

The subject site includes a 10 metre wide landscape buffer at the front of the site, and a significant setback (29m) of the two storey built from the street. Along with the integration of carparking in this area, the design provides a both functional and visually appropriate outcome given the context of the area.

### Principle 2: Built Form

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.*

*Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

*Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.*

Comment: The proposal involves a built form that is compliant with the building height control, is well modulated at each side elevation and is setback 29 metres from Wyatt Avenue. This design provides a form in which the presentation of bulk from the public space is both minimised and sufficiently integrated with landscaping.

The proposal also provides an array of colours, material and textures which is visually pleasing and complements the context of the area. This includes a multi-coloured timber façade that matches and complements natural colours in the surrounding area.

### Principle 3: Adaptive Learning Spaces

*Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.*

*Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.*

Comment: The proposal involves separate activity rooms, and separate outdoor play areas to cater for different ages within the centre. This results in appropriate opportunity for different modes of learning, technology, interaction and allows for a variety of settings.

#### **Principle 4: Sustainability**

*Sustainable design combines positive environmental, social and economic outcomes.*

*This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

*Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.*

Comment: The proposed development achieves a suitable level of sustainability and internal amenity. This is contributed to by appropriate openings which surround the built form, allowing for cross ventilation, sunlight and passive thermal design. Additionally, the siting provides an appropriate balance for access to and protection from sunlight.

#### **Principle 5: Landscape**

*Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

Comment: The proposal involves a landscaped buffer that surrounds the built form and car parking on the site. Furthermore, the outdoor play area is surrounded by a landscaped area and this design provides appropriate amenity for the use of the area. The landscaping surrounding the building, along with the outdoor play area which has a colour to complement the landscaping, provides an appropriate visual outcome for the site. Overall, the landscaping that surrounds each feature of the development results in a design that is appropriate for the use and area.



### Principle 6: Amenity

*Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.*

*Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.*

*Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.*

Comment: The proposal provides an orientation of the building and location of the outdoor play areas that is well separated from the neighbouring dwellings. Along with the access to sunlight to the rear, including to the outdoor play area, this contributes to an adequate amenity outcome for the site.

### Principle 7: Safety

*Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.*

*Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).*

Comment: The proposed development is appropriately designed to achieve safety and security on the site. This is a result of the numerous areas which are open to allow for passive surveillance but also have the ability to be closed from the rest of the site and public space for safety.

The following table is an assessment against the criteria of the 'Child Care Planning Guideline' as required by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Objectives	Criteria/Guidelines	Comments
3.1 Site selection and location		

<p><b>C1 To ensure that appropriate zone considerations are assessed when selecting a site</b></p>	<p>For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> <li>• the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>• the setbacks and siting of buildings within the residential context</li> <li>• traffic and parking impacts of the proposal on residential amenity.</li> </ul>	<p><b>Complies</b></p> <p>The proposed Childcare Centre and ancillary caretaker dwelling is situated in an area that is characterised by landscaped space, detached style housing, and generally low intensity, low impact uses.</p> <p>The proposed child care centre will be consistent with this character and will also be a low intensity and low impact use. This is as a result of considered design for privacy and a restriction on child numbers, hours of operation and traffic.</p> <p>The design for privacy involves orientation of high usage areas away from neighbouring dwellings as well as a sufficient physical separation between the proposed centre and neighbouring properties.</p> <p>Furthermore, the development provides numerous areas for different ages of children so that intensity of the usage can be spread effectively across the site. Conditions are also recommended for noise barriers to be constructed and restrictions to be made on numbers of children to use the outdoor area at any one time.</p> <p>A traffic and parking report was submitted with the application to support the increase in children numbers and additional parking spaces. Councils Traffic Engineers have reviewed the application and raise no concerns and have provided suitable conditions.</p>
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<p><b>C2 To ensure that the site selected for a proposed child care facility is suitable for the use</b></p>	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>• the location and surrounding uses are compatible with the proposed development or use</li> <li>• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.</li> <li>• the characteristics of the site are suitable proposed having regard: <ul style="list-style-type: none"> <li>-size of street frontage, lot configuration, dimensions and overall site area</li> <li>-number of shared boundaries with residential properties</li> <li>-the development will not have adverse impact on the surroundings</li> <li>-the development will not have adverse environmental impacts on the surrounding particularly in sensitive and environmental cultural areas</li> </ul> </li> <li>• where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> <li>• there are suitable drop off and pick up areas, and off and on street parking</li> <li>• the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>• it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>	<p><b>Complies</b></p> <p>The site is suitable for the proposed child care facility for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site is surrounded by a variety of uses including dwelling houses, a school, and a sports oval. These uses are compatible with a child care centre in that amenity impacts and use times will be similar to the surrounding uses, subject to conditions.</li> <li>• A historical search of Councils records, including of the subject site and surrounding sites has found that no uses have taken place or activities carried out which indicate any evidence of environmental contamination or hazardous material.</li> <li>• The proposal is on a land which adjoins residential dwellings. The size of the land (2412m<sup>2</sup>) and configuration of the lots, allows for sufficient physical separation between the center, neighbours and the public space. This will sufficiently minimise overall impact.</li> <li>• The proposal provides a car parking area to the front of the site with 15 spaces to comply with the requirement for number of spaces under Schedule 17 of WLEP 2000. Along with the loading and turning bay, this provides for adequate drop off and pick up areas. Furthermore, there are a number of on-street car parking areas within close vicinity to the subject site.</li> <li>• The road conditions and network adjoining Wyatt Avenue is appropriate for the use.</li> <li>• The subject site is not located in close proximity to any use that would be an incompatible use.</li> </ul>
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<p><b>C3 To ensure that sites for child care facilities are appropriately located.</b></p>	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• near or within employment areas, town centres, business centres, shops</li> <li>• with access to public transport including rail, buses, ferries</li> <li>• in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	<p><b>Complies</b></p> <p>The proposed child care facility is located in an area that has the following features:</p> <ul style="list-style-type: none"> <li>• A school, open space and a sports park existing within Wyatt Avenue.</li> <li>• The proposal is located within close vicinity (within 3 kilometres along Forest Way) to 'Belrose Super Centre' which business centre with various existing employment opportunity for employment.</li> <li>• The site is located close to numerous bus stops along Wyatt Avenue and Forest Way.</li> <li>• The subject site has a footpath opposite which runs along Cotentin Avenue and reaches a shopping area named 'Belrose Service Centre.' This is within a kilometre.</li> </ul>
<p><b>C4 To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</b></p>	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• proximity to: <ul style="list-style-type: none"> <li>- heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>- LPG tanks or service stations</li> <li>- water cooling and water warming systems</li> <li>- odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> <li>- extractive industries, intensive agriculture, agricultural spraying activities</li> </ul> </li> <li>• any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>	<p>A search of Councils records, a site visit, and evidence provided by the applicant has identified not evidence of adverse environmental conditions.</p> <p>Council's Environmental Officers also reviewed the application and raise no concerns and have provided conditions.</p>
<p><b>3.2 Local character, streetscape and the public domain</b></p>		

<p><b>C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape</b></p>	<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	<p><b>Complies</b></p> <p>The design and siting of the development complements the existing character and desired future character of the area.</p> <p>The design and siting involves landscaping that surrounds the built form and car parking areas, a built form which is under the building height limit and that is well articulated and modulated, and materials that blend with the natural environment.</p> <p>The proposed development will adequately integrate into the surrounding area and complement the style of surrounding dwellings.</p>
<p><b>C6, C7, C8 To ensure clear delineation between the child care facility and public spaces</b></p>	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• Integrating existing and proposed landscaping with fencing.</li> </ul>	<p><b>Complies</b></p> <p>A clear transition between the centre and public space is formed through fencing, clear separation of areas on site and a landscaped buffer, which surrounds the development.</p>

	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p><b>Complies</b></p> <p>The proposed childcare centre and ancillary caretaker dwelling are clearly delineated as a result of being at different levels and having separate access points. Along with the varying colours and materials, this provides for appropriate legibility for children and visitors.</p>
	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/ private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences.</li> </ul>	<p>Not applicable.</p>
<p><b>C9, C10 To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</b></p>	<p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p>	<p><b>Complies</b></p> <p>A condition has been imposed to ensure the front fence is of a visually permeable design.</p>
	<p>Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	
	<p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary</p>	<p>A condition has been imposed to ensure acoustic fencing meets these requirements.</p>
<p><b>3.3 Building orientation, envelope and design</b></p>		
<p><b>C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade</b></p>	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The proposed new childcare involves an orientation and design that appropriately responds to the streetscape in the following ways (while optimizing solar access and opportunity for shade):</p> <ul style="list-style-type: none"> <li>• The siting of the childcare centre is well separated from neighbouring dwellings. Along</li> </ul>

	<p>properties</p> <ul style="list-style-type: none"> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• minimise cut and fill</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>	<p>with this, the windows and play areas are generally orientated away from neighbouring living spaces.</p> <ul style="list-style-type: none"> <li>• The external and undercover play areas are located toward the north of the site and this allows for optimal sunlight.</li> <li>• The proposed works are predominantly above ground so as to adequately minimise cut and fill.</li> <li>• The childcare centre faces Wyatt Avenue to assist in appropriately defining the street.</li> <li>• The outdoor play area is on two sides of the building and has a section of covered area. This allows for the building and covering to adequately screen and protect from varying climatic conditions.</li> </ul>
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<p><b>C12 To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised</b></p>	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>	<p><b>Complies</b></p> <p>The design adequately minimises the impacts of the proposal on local character in the following ways:</p> <ul style="list-style-type: none"> <li>• The proposed building height complies with the standard and is consistent with that of a two storey dwelling. This is complementary with the area.</li> <li>• Along of the articulation of the building, the landscaped buffers and the physical separation of the centre away from neighbouring living spaces, the proposed setbacks provide for an appropriate level of privacy.</li> </ul>
<p><b>C13, C14 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</b></p>	<p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p><b>Complies</b></p> <p>The front setback from the road to the child care facility is 29.25m. This is satisfactory given the visual presentation in the street and the lack of impact on neighboring properties. It is noted that there are not any comparable lots (in terms of configuration) that contain development that form a context or precedent for a front building line.</p> <p>Not applicable.</p>



<p><b>C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character</b></p>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place.</li> </ul>	<p><b>Complies</b></p> <p>The proposal demonstrates articulation, bulk and scale that is consistent within the local area.</p> <p>The development on the site suitably relates to the context of the site and the character of the area through colours, materials and landscaping that complements the landscape setting.</p>
<p><b>C16 To ensure that buildings are designed to create safe environments for all users</b></p>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	<p><b>Complies</b></p> <p>The facility allows for ease of access directly from Wyatt Avenue. The entry is clearly visible from the street frontage, and can be simply monitored through natural or camera surveillance. The facility is not accessed through an outdoor play area. Overall, the design provides a safe environment for all users.</p>

<p><b>C17 To ensure that child care facilities are designed to be accessible by all potential users</b></p>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <p><b>NOTE:</b> The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p><b>Complies</b></p> <p>The centre provides access from the Wyatt Avenue to the built form and to the carpark areas. This is accessible by all potential users.</p>
<p><b>3.4 Landscaping</b></p>		
<p><b>C18, C19 To provide landscape design that contributes to the streetscape and amenity</b></p>	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	<p><b>Complies</b></p> <p>The proposal involves landscaping that surrounds the childcare centre and car park. Existing landscape features to the north-western corner are maintained to contribute to a high quality of area and conditions are provided to ensure an adequate outcome for planting and landscaping.</p>

	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>	<p><b>Complies</b></p> <p>The proposed car park has a significant landscape setback to the street. This is an appropriate incorporation into the design and will be further improved through conditions for low level planting in this area.</p>
<b>3.5 Visual and acoustic privacy</b>		
<b>C20, C21 To protect the privacy and security of children attending the facility</b>	<p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p><b>Complies</b></p> <p>The proposed balcony is located toward the front of the building and does not directly overlook or overhang the outdoor play area.</p>
	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>	<p><b>Complies</b></p> <p>The indoor rooms are well separated and screened to appropriately restrict visibility from the street.</p>
<b>C22 To minimise impacts on privacy of adjoining properties</b>	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	<p><b>Complies</b></p> <p>The proposal will not result in any unreasonable direct overlooking as a result of adequate physical separation between spaces.</p>

<p><b>C23, C24 To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments</b></p>	<p>A new development, or development that includes alterations to more than 50 percent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>• ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	<p><b>Complies</b></p> <p>The proposal involves the installation of a 4.8m high acoustic barrier (measured from the level of the Outdoor Play Area) on the common boundaries with No. 10 Wyatt Avenue, to protect the acoustic amenity of that adjoining dwelling-house as follows:</p> <p><u>Eastern (side) Boundary</u></p> <p>30m long section comprising a 3.0m high lapped and capped timber fence topped with a 1.8m section of acrylic screen.</p> <p><u>Northern (rear) Boundary</u></p> <p>13.78m long section comprising a 1.8m high lapped and capped timber fence topped with a 1.18m section of acrylic screen.</p> <p>The visual impact of the acoustic barriers will be mitigated by the level differences between the subject site and the adjoining property at No. 10 Wyatt Avenue and existing vegetation screening.</p> <p>The proposal also involves an acoustic barrier on the western side of the Outdoor Play Area to protect the nearby dwelling-house on the property at 16 Wyatt Avenue, as follows:</p> <p><u>Western Side of Outdoor Play Area</u></p> <p>20m long overall section (made up of multiple sections) comprising a 1.2m high acrylic screen.</p>
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	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	<p><b>Complies</b></p> <p>The proposal is supported by an Acoustic Assessment Report by BGMA Pty LTD and is consistent with these requirements (see above proposed acoustic barriers).</p> <p>The recommendations within the Acoustic Assessment Report have been included within the draft set of conditions.</p>
<b>3.6 Noise and air pollution</b>		
<p><b>C25 &amp; C26 To ensure outside noise levels on the facility are minimised to acceptable levels.</b></p>	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>	<p><b>Complies</b></p> <p>The proposed childcare centre involves adequate physical separation to adjoining/surrounding dwellings, and provides numerous areas for use on site. This ensures that the intensity of the use is well distributed across the site so as to be sufficiently minimised (or low intensity).</p> <p>Additionally, the recommendations within the Acoustic Assessment Report by BGMA Pty LTD will minimise noise transmissions/sources (this could also be conditioned).</p> <p>Subject to conditions, noise barriers and restriction on the use of the outdoor area would also be implemented.</p>
	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p>	<p><b>Complies</b></p> <p>The proposal is supported by an Acoustic Assessment Report by BGMA Pty LTD in response to this requirement.</p>

	<ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>	The recommendations within the Acoustic Assessment Report have been included within the draft set of conditions.
<b>C27 &amp; 28 To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development</b>	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<b>Complies</b>  The siting is sufficiently separated from any major road or industrial area.
	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>	
<b>3.7 Hours of operation</b>		



<b>C29, C30 To minimise the impact of the child care facility on the amenity of neighbouring residential developments</b>	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non- residential land uses.	<b>Complies</b>  The proposed hours of operation are 7.00am-6:30pm weekdays.
	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Not applicable
<b>3.8 Traffic, parking and pedestrian circulation</b>		
<b>C31, C32, C33 To provide parking that satisfies the needs of users and demand generated by the centre</b>	<p>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.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul>	<b>Complies</b>  Schedule 17 of the WLEP 2000 requires 15 car parking spaces for this development type. The proposal provides 15 spaces.

	<p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high density business or residential zone</li> <li>• the site is in proximity to high frequency and well connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example 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> </ul>	
	<p>In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles</p>	<p>Not applicable</p>
	<p>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:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p><b>Complies</b></p> <p>The Traffic and Parking Report has sufficiently demonstrated that the proposal will not result in unreasonable amenity or traffic safety impacts in the locality.</p> <p>Councils Traffic Engineer has reviewed the Traffic Report submitted with the application and is satisfied that the proposal will result in a safe outcome, subject to conditions.</p>

<p><b>C34, C35 To provide vehicle access from the street in a safe environment that does not disrupt traffic flows</b></p>	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul> <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>Not applicable.</p>
<p><b>C36, C37, C38 To provide a safe and connected environment for pedestrians both on and around the site</b></p>	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> </ul>	<p><b>Complies</b></p> <p>The pedestrian access is of a suitable design to ensure a safe pedestrian environment. This is enabled through the following design solutions:</p> <ul style="list-style-type: none"> <li>• a defined pedestrian crossing through the middle of the car park</li> <li>• a loading and turning bay located away from the main entry</li> <li>• ability for vehicles to enter and leave in a forward direction</li> </ul>

	<ul style="list-style-type: none"> <li>• in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul>	
	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul>	A separate car park is provided for the ancillary caretaker dwelling so as to sufficiently minimise demand for parking.
	<p>Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>	<p><b>Complies</b></p> <p>The parking is suitable to service the facility and includes a disabled parking space near the entrance of the childcare centre.</p>

#### APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

Regulation	Design Guidance	Comments
4.1 Indoor space requirements		

<p><b>Regulation 107 Education and Care Services National Regulation</b></p> <p>Every child being educated and cared for in facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p>	<p><i>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</i></p>	<p><b>Complies</b></p> <p>The proposal is for a childcare centre with 60 children.</p> <p>As such, the minimum requirement for total unencumbered indoor space is 195m<sup>2</sup>. The proposal involves the following:</p> <p><u>Unencumbered Areas</u></p> <p>(i) Activity room 1 (12 Children) 39sqm</p> <p>(ii) Activity room 2 (8 Children) 26sqm</p> <p>(iii) Activity room 3 (20 Children) 65sqm</p> <p>(iii) Activity room 4 (20 Children) 65sqm</p> <p>(iv) Outdoor covered area 76sqm</p> <p>Total Unencumbered: 271sqm</p>
	<p><i>Storage</i></p> <p><i>-0.3m<sup>3</sup> per child of external storage space</i></p> <p><i>-0.2m<sup>3</sup> per child of external storage space</i></p>	<p><b>Complies</b></p> <p>A height is not proposed for the outdoor storage shed. In lieu of this, a condition can be imposed to ensure the proposal complies with the storage requirement.</p> <p>The requirement for internal storage for 60 children is 12m<sup>3</sup>. The proposal involves 16.5m<sup>3</sup> of indoor storage space.</p>

<p><b>4.2 Laundry and hygiene facilities</b></p> <p><b>Regulation 106 Education and Care Services National Regulations</b></p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p>Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated. On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2).</li> </ul> <p>External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p><b>Complies</b></p> <p>The proposal includes laundry facilities that of an adequate size to service the facility.</p>
<p><b>4.3 Toilet and Hygiene facilities</b></p> <p><b>Regulation 109 Education and Care Services National Regulation</b></p> <p>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow</li> </ul>	<p><b>Complies</b></p> <p>The proposal provides suitable toilet facilities to each of the playrooms within the childcare centre.</p>



Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.	supervision by staff external windows in locations that prevent observation from neighbouring properties or from side boundaries	
<p><b>4.4 Ventilation and natural light</b></p> <p><b>Regulation 110 Education and Care Services National Regulation</b></p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p><b>Ventilation</b> Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p><b>Natural light</b> Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> <li>• providing windows facing different orientations</li> <li>• using skylights as appropriate</li> <li>• ceiling heights.</li> </ul> <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>	<p><b>Complies</b></p> <p>The proposal demonstrates that access to natural light and ventilation within the facility is achieved through various openings and varied orients for each area.</p> <p>The proposed development includes indoor spaces to be used by children that:</p> <ul style="list-style-type: none"> <li>• will be well ventilated; and</li> <li>• will have adequate natural light; and</li> <li>• can be maintained at a temperature that ensures the safety and well-being of children.</li> </ul>

<p><b>4.5 Administrative space</b> <b>Regulation 111</b> <b>Education and Care Services National Regulation</b></p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot. Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>	<p><b>Complies</b></p> <p>The proposed childcare facility includes a dedicated office and meeting room in close proximity to the entrance.</p>
<p><b>4.6 Nappy change facilities</b> <b>Regulation 112</b> <b>Education and Care Services National Regulations</b></p>	<p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• a space to store steps</li> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	<p><b>Complies</b></p> <p>The proposed childcare centre additions will include adequate nappy change facilities and appropriate hand cleansing facilities.</p>
<p><b>4.7 Premises designed to facilitate supervision</b> <b>Regulation 115</b> <b>Education and Care Services National Regulations</b></p>	<p>Design considerations should include:</p> <ul style="list-style-type: none"> <li>• solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>• locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>• avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>• avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities (refer to Figures 5, 6 and 7).</li> </ul>	<p><b>Complies</b></p> <p>The facilities within the childcare centre are of a suitable design to ensure supervision of children at all times while maintaining the dignity and rights of a child.</p>
<p><b>4.8 Emergency and evacuation procedures</b></p>	<p>Facility design and features should provide for the safe and managed evacuation of</p>	<p><b>Complies</b></p>

<p><b>Regulations 97 and 168</b></p>	<p>children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. An emergency and evaluation plan should be submitted with a DA and should consider:</li> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul>	<p>The design allows for sufficient emergency and evacuation procedures.</p>
<p><b>4.9 Outdoor space requirements</b></p> <p><b>Regulation 108</b></p> <p>-7m of unencumbered outdoor space per child</p>	<p>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 (refer to Figures 9 and 10). When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p>	<p><b>Complies</b></p> <p>Required space for 20 children at a time/ for 60 children: 140m<sup>2</sup>/ 420m<sup>2</sup></p> <p>The total proposed outdoor space is 656m<sup>2</sup></p>
<p><b>4.10 Natural Environment</b></p> <p><b>Regulation 113 Education and Care Services National Regulations</b></p>	<p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children.</p> <p>Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly</li> </ul>	<p><b>Complies</b></p> <p>The outdoor space is surrounded by and integrated with the natural environment.</p> <p>The spaces are also separated from potentially dangerous parts of the natural environment.</p>

	<p>foliage or drop branches The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>• assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>	
<p><b>4.11 Shade</b></p> <p><b>Regulation 114 Education and Care Services National Regulations</b></p>	<p>Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.</p>	<p><b>Complies</b></p> <p>The proposal provides a covered and protected outdoor area and also provides trees within the outdoor space.</p>
<p><b>4.12 Fencing</b></p> <p><b>Regulation 104 Education and Care Services National Regulations</b></p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code</p>	<p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas.</p> <p>Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure. Design considerations for side and rear boundary fences could include: Figure 11 Heights and requirements for child care facility fencing</li> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11)</p>	<p><b>Complies</b></p> <p>The proposal involves fencing which surrounds the property including to the front of the car park and surrounding the outdoor play areas. Subject to conditions, this fencing will be both safe and visually appropriate.</p>

<p><b>4.13 Soil Assessment</b></p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required: • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children</p>	<p>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil.</p> <p>This includes sites with or without buildings and existing approved children's services where:</p> <ul style="list-style-type: none"> <li>• the application is to alter or extend the premises</li> <li>• the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre)</li> <li>• the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed</li> <li>• a soil assessment has not been undertaken at the children's service. Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment. An assessment of soil for a children's service approval application may require three levels of investigation: <ul style="list-style-type: none"> <li>• Stage 1 - Preliminary investigation (with or without soil sampling)</li> <li>• Stage 2 - Detailed site investigation •</li> <li>Stage 3 - Site specific human health risk assessment</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The statement provided by the applicant states that an assessment is not necessary given the vacant nature of the site.</p> <p>A search of Council's records confirms there that are no previous uses or activities that would have led to contamination.</p>
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## Warringah Local Environment Plan 2000 (WLEP 2000)

### Desired Future Character

The subject site is located within the C8 Belrose North Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

***The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.***

***The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.***



***Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.***

***A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.***

***Development in the locality will not create siltation or pollution of Middle Harbour.***

The proposal involves the construction of a "Child Care Centre" and "Dwelling" (caretakers residence) as defined under the WLEP 2000. Under the C8 Belrose North Locality Statement, "Child Care Centres" are a Category 3 land use and Dwellings are a Category 1 landuse, however, the subject dwelling is ancillary to the child care centre.

Clause 12(3)(b) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Desired Future Character (DFC) statement under the relevant locality statement.

Accordingly, an assessment of consistency of the proposed development against the various elements of the locality's DFC is provided hereunder:

***The present character of the Belrose North locality will remain unchanged except in circumstances specifically addressed as follows.***

**Comment:** A range of uses including schools, dwellings, and a sports field, form the character of the area. This includes designs, which involve built form that is well setback from the street along with landscaping and car parking to the front of the sites. The proposed childcare centre and ancillary caretaker dwelling is a two-storey building, with car parking to the front, outdoor play areas to the rear, and landscaping to surround the development. The proposed childcare centre involves a physical bulk, scale and intensity of use that is consistent with this present character.

***The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation and landforms and buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.***

**Comment:** The proposal involves the removal of trees from the subject site and neighbouring properties. The proposed tree removal has been assessed as satisfactory and will maintain a landscaped setting and buffer to the development. Additionally, the colours and textures of the building and related structures will complement the natural setting.

***Development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses.***



**Comment:** A useful interpretation of what constitutes low intensity, low impact uses was used in the Land and Environment Court judgement *Vigor Master Pty Ltd v Warringah Shire Council [2008] NSWLEC 1128*. The interpretation within the judgement is provided as follows:

**"Intensity"** - is commonly used to identify the nature of the proposal in terms of its size and scale and the extent of the activities associated with the proposal. Therefore "low intensity" would constitute a development which has a low level of activities associated with it."

**Impact** - is commonly used in planning assessment to identify the likely future consequences of proposed development in terms of its surroundings and can relate to visual, noise, traffic, vegetation, streetscape privacy, solar access etc. Therefore 'low impact' would constitute a magnitude of impacts such that was minimal, minor or negligible level and unlikely to significantly change the amenity of the locality."

#### Low Intensity Assessment Comments

The proposed childcare centre and ancillary caretakers dwelling has a maximum of 60 children on a site that is 2412m<sup>2</sup>, which equates to 40.2m<sup>2</sup> per child. This is a good level of space per child and for the following reasons it is considered to be a low intensity, low impact use:

- The proposed hours of operation are 7.00am- 6:30pm – Monday to Friday. This is marginally longer than the two nearby schools and complies with the requirement under the childcare SEPP. Additionally, the varied drop off and pick up times would ensure that the intensity of the use is sufficiently distributed across business hours. This is reasonable for surrounding residential uses.
- The use will not operate during weekends or during late night/early morning. This is with the exception of the caretaker dwelling which would have an intensity consistent with surrounding dwellings in the area.
- A traffic report provided with the application states that there are "*no traffic related issues that should preclude the approval of the development application*". Council's Traffic Officer has reviewed the application and supports the size and scale of the proposal with respect to consequential traffic intensity.
- There are numerous areas for use on site including age separated activity rooms and outdoor play areas. This ensures that the intensity of the use is well distributed across the site ensuring that the use of the areas would be low intensity.
- As stated below, the proposal will not have any unreasonable amenity impact. This is particularly due to the sufficient physical separation from neighbouring uses.
- The bulk and scale of the facility is consistent with dwellings and other uses in the area.

#### Low Impact Assessment Comments

- Visual - There is a landscape buffer to every boundary and the building is setback 29.25m from the front setback and 15.5m to the rear. This results in a lack of unreasonable visual impact.
- Noise - The location of the proposal on the allotment in relation to nearby residential premises has adequate physical separation and vegetative buffers to ensure a reasonable acoustic outcome. The proposed hours of operation of the child care centre (7.00am to 6.30pm) generally align with nearby businesses and this results in a reasonable outcome for surrounding residences. Furthermore, conditions would be placed to limit the number of children that are outdoors at any one time.
- Traffic - Councils Traffic Officer supports the application subject to conditions. It is noted that the traffic report states that drop off and pick up times will be variable and that this will reasonably limit impact on traffic in the area.
- Vegetation - A landscape buffer surrounds the building and carpark and this provides opportunity for reasonable screening vegetation.
- Streetscape Privacy/ Solar Access - The proposal is well separated from neighbouring dwellings, has a compliant front setback (to the building) from Wyatt Avenue and has a compliant building height. These features of the development ensure that there would be no unreasonable impact on streetscape, privacy or solar access.

***A dense bushland buffer will be retained or established along Forest Way. Fencing is not to detract from the landscaped vista of the streetscape.***

**Comment:** Not applicable

***Development in the locality will not create siltation or pollution of Middle Harbour***

**Comment:** Subject to conditions, the proposal would not create siltation or pollution of Middle Harbour.

As detailed above, the proposed development is considered to be consistent the desired future character for the C8 Belrose North Locality.

#### Built Form Controls (Development Standards)

The following table outlines compliance with the Built Form Controls of the above locality statement:

Built Form Standard	Required	Proposed	Compliance
Building Height	7.2m (ceiling)	7.1m (ceiling)	YES
	8.5m (overall building height)	7.5m (top of caretaker residence)	YES
Front Building Setback	20m	10m (car parking) 29.25m (child care centre)	NO (see comments) YES
Rear and Side Setbacks	10m	South-west side: 3m-6.2m  North-east side 5m-9.5m  Rear: 15.5m	NO (see comments)
Landscaped Open Space/ Bushland Setting	50%	33% (796m <sup>2</sup> )	NO (see comments)
Car parking (schedule 17)	1 space for every 4 children (15 spaces)	15 spaces	YES

The proposed development does not satisfy the Front Setback, Side Setback, and Landscaped Open Space Built Form Controls. Accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

**Clause 20(1) stipulates:**

*“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”*

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

**(i) General Principles of Development Control**

The proposal is generally consistent with of the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

**(ii) Desired Future Character of the Locality**

The proposal is consistent with the Locality’s Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) **Relevant State Environmental Planning Policies**

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under 'State Environmental Planning Policies'). Accordingly, the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

**Front Building Setback**

The C8 Locality Statement requires development to maintain a minimum front building setback of 20.0m.

Control	Required	Proposed	Complies
Front Setback	20m	10m to 29.25m	NO

**Area of inconsistency with control:**

The proposed new open car parking area does not comply with the control. In this regard, the front of the car park is situated on a 10.0m setback to Wyatt Avenue.

**Merit Consideration of Non-compliance:**

Consideration of the proposal against the relevant merit considerations is detailed below:

- ***To create a sense of openness***

Comment: Despite the proposed car park being within the required front setback area, the setback of the actual building, at 29.25m, combined with the levels of articulation and modulation of the building, and landscape treatment proposed, provides an outcome which maintains a sense of openness to the front of the site.

- ***To maintain the visual continuity and pattern of buildings and landscape elements***

Comment: The proposed carparking area, which is within the required front setback, consists of a design that appropriately responds to the streetscape of the area. This is formed by a mix of car parking and landscaping toward the front of the site. In particular, this maintains the pattern of landscaping to the front of the neighbouring sites but also the car parking to the front of Wyatt Reserve.

- ***To protect and enhance the visual quality of streetscapes and public spaces***

Comment: The proposed open style parking spaces are at ground level, located behind a 10 metre landscaped buffer and slightly downslope from the Wyatt

Avenue road reserve. This separation and landscaping would ensure the visual quality of the streetscape and public space is sufficiently maintained.

- **To achieve reasonable view sharing**

Comment: The proposal would not result in any unreasonable view impacts.

Therefore, it is considered that the proposal will satisfy this merit consideration.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). In addition, the proposal is considered to be consistent with the underlying objectives of the Front Setback Built Form Control. It is for these reasons, that the variation to the Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

### **Side Building Setback**

The C8 Locality Statement requires development to maintain minimum side building setbacks of 10.0m.

Control	Required	Proposed	Complies
Side Building Setback	10m	South-west Side: 3m to 6.2m	NO
		North-east Side 5m to 9.5m	NO

### **Area of inconsistency with control:**

The proposed building and open carparking area does not comply with the control. In this regard, the proposed setbacks are between 3.0m and 9.5m to side boundaries.

### **Merit Consideration of Non-compliance:**

Consideration of the proposal against the relevant merit considerations is detailed below:

- **To provide opportunities for deep soil landscape areas**

Comment: The proposal involves landscaped areas along each side boundary and each of these areas involves a significant and reasonable extent in which there is deep soil opportunity for vegetation.

- **To ensure that development does not become visually dominant**

Comment: The proposed car parking area would not be a visually dominant element in the street because of the landscaped buffer to the front of the site, the location downslope from Wyatt Avenue, and the complementary nature with the car parking diagonally opposite at Wyatt Reserve. Furthermore the compliant front setback to the building, modulation of the side elevations and the compliant building height contributes to ensuring the development would not be



visually dominant.

- ***To ensure that the scale and bulk of buildings is minimised***

Comment: The open style car parking to the front of the site along with a built form that complies with the building height, and is sited at a lower level than the street, provides a bulk and scale that is appropriately minimised. Furthermore, the proposal is surrounded by landscaping and outdoor play area that ensures the built form is well integrated into the natural setting.

- ***To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained***

Comment: The subject lot is within a subdivision pattern in which the neighbouring dwellings are setback further from the street as a result of the shape and size of those lots. Along with the compliant rear setback and landscape buffer around the childcare centre, this provides a situation in which reasonable levels of amenity are maintained.

- ***To provide reasonable sharing of views to and from public and private properties***

Comment: The proposal would not have any unreasonable impact on views.

Therefore, it is considered that the proposal will satisfy this merit consideration.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). In addition, the proposal is considered to be consistent with the underlying objectives of the Side Setback Built Form Control. It is for these reasons, that the variation to the Side Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

### **Bushland Setting**

The C8 Locality Statement requires development to provide a minimum of 50 per cent of the site area as natural bushland or landscaped with local species.

Control	Required	Proposed	Complies
Bushland Setting	50%	33%	NO

### **Area of inconsistency with control:**

The proposed bushland setting does not comply with the control of 50%. In this regard the proposal involves 33% of the site area.

### **Merit Consideration of Non-compliance:**



The landscaping that will surround the building, and the integration of colours and materials for both the building and the outdoor play area with the landscape character of the area ensures that the proposal would suitably maintain the bushland setting.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). In addition, the proposal is considered to be consistent worthy of support on merit. It is for these reasons, that the variation to the Bushland Setting (Development Standard) pursuant to Clause 20(1) is supported.

### General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principal	Applies	Comments	Complies
<b>CL38 Glare &amp; reflection</b>	<b>Yes</b>	The Development does not result in overspill or glare from artificial illumination, or sun reflection, and does not unreasonably diminish the amenity of the locality. Suitable condition(s) would ensure the development is satisfactory in addressing the General Principle.	<b>Yes, subject to condition(s)</b>
<b>CL42 Construction Sites</b>	<b>Yes</b>	Appropriate standard conditions would adequately address the construction requirements associated with the use proposed on the site.	<b>Yes, subject to condition(s)</b>
<b>CL43 Noise</b>	<b>Yes</b>	<p>The location of the proposal on the allotment in relation to nearby residential premises has adequate physical separation and vegetative buffers to ensure a reasonable acoustic outcome. The proposed hours of operation the child care centre (7.00am to 6.30pm) generally align with businesses, and this results in a reasonable outcome for surrounding residences.</p> <p>The proposal involves the installation of a 4.8m high acoustic barrier (measured from the level of the Outdoor Play Area) on the common boundaries with No. 10 Wyatt Avenue, to protect the acoustic amenity of the adjoining dwelling-house as follows:</p> <p><u>Eastern (side) Boundary</u></p> <p>30m long section comprising a 3.0m high lapped and capped timber fence topped with a 1.8m section of acrylic screen.</p> <p><u>Northern (rear) Boundary</u></p> <p>13.78m long section comprising a 1.8m high lapped and capped timber fence topped with</p>	<b>Yes, subject to condition(s)</b>

General Principal	Applies	Comments	Complies
		<p>a 1.18m section of acrylic screen.</p> <p>The visual impact of the acoustic barriers will be mitigated by the level differences between the subject site and the adjoining property at No. 10 Wyatt Avenue and existing vegetation screening.</p> <p>The proposal also involves an acoustic barrier on the western side of the Outdoor Play Area to protect the nearby dwelling-house on the property at 16 Wyatt Avenue, as follows:</p> <p><u>Western Side of Outdoor Play Area</u></p> <p>20m long overall section (made up of multiple sections) comprising a 1.2m high acrylic screen.</p> <p>Furthermore, conditions would be placed to limit the number of children outdoors at any one time and uptake recommendations of the acoustic report.</p>	
CL44 Pollutants	Yes	Conditions could be imposed to place restriction on emissions of atmospheric, liquid or other pollutants.	Yes, subject to condition(s)
CL47 Flood Affected Land	No	Not Applicable	N/A
CL48 Potentially Contaminated Land	Yes	SEPP 55 and Clause 48 provide that the consent authority cannot grant development consent to an application unless it has considered whether the land is contaminated. A search of Council's records confirms there are no previous uses that could lead to dangerous levels of contamination.	Yes
CL49 Remediation of Contaminated Land	Yes	See above comments	Yes
CL50 Safety & Security	Yes	Subject to conditions.	Yes
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	Not Applicable	N/A
CL53 Signs	Yes	No signage is proposed as part of this application.	N/A
CL54 Provision and Location of Utility Services	Yes	The General Principle provides that utility services must be provided to the site. In this regard, it is noted that the development would be connected to water, gas, telecommunications, sewerage and electricity.	Yes

General Principal	Applies	Comments	Complies
<b>CL56 Retaining Unique Environmental Features on Site</b>	<b>Yes</b>	The proposed works are generally on the flat section of the site so as to retain the environmental feature toward the rear.	<b>Yes</b>
<b>CL57 Development on Sloping Land</b>	<b>Yes</b>	The proposal is generally located on the flatter section of the site and this is deemed appropriate.	<b>Yes</b>
<b>CL58 Protection of Existing Flora</b>	<b>Yes</b>	<p>The General Principle provides "Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species."</p> <p>Councils Landscape Officer supports the proposal.</p> <p>Inconsistencies were identified in the application in relation to the removal of trees on the adjoining property to the west, 14 Wyatt Avenue. In this regard, the Arborists Report states that the installation new stormwater pipeline within the relocated easement will use subterranean drilling and will not disturb or require removal of trees on 14 Wyatt Avenue.</p> <p>Council's Landscape Officer has reviewed the report and plans and concurs that the stormwater system can be implemented without trees removals.</p> <p>Suitable conditions have been included in the draft set of conditions.</p>	<b>Yes</b>
<b>CL59 Koala Habitat Protection</b>	<b>Yes</b>	Complies	<b>Yes</b>
<b>CL60 Watercourses &amp; Aquatic Habitats</b>	<b>Yes</b>	The property is not affected by a watercourse or aquatic habitats.	<b>Yes</b>
<b>CL61 Views</b>	<b>Yes</b>	The proposal is not located in an area in which there would be any significant impact on views given the reasonable bulk and scale of the development.	<b>Yes</b>
<b>CL62 Access to sunlight</b>	<b>Yes</b>	The development does not unreasonably reduce sunlight to surrounding properties. As a result of the compliant building height and sufficient physical separation, a reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle.	<b>Yes</b>
<b>CL63 Landscaped Open Space</b>	<b>Yes</b>	The landscaped open space does not comply with the numerical control for landscaped open space. However, the merit assessment for	<b>Yes</b>

General Principal	Applies	Comments	Complies
		bushland setting above has found the proposal to be reasonable.	
CL65 Privacy	Yes	The development does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining dwellings due to the adequate physical separation between buildings.  As above the proposal will also not result in any unreasonable acoustic impacts (subject to conditions).	Yes
CL66 Building bulk	Yes	The proposal involves a compliant building height and sufficient articulation and modulation. Along with the significant setback of the built form from Wyatt Avenue, this results in an adequate minimisation of building bulk.	Yes
CL67 Roofs	Yes	The proposed roof would complement the skyline and would present as a suitable architectural feature in the area.	Yes
CL69 Accessibility – Public and Semi-Public Buildings	Yes	All access points to buildings and circulation paths provide sufficient access to less mobile persons.	Yes, subject to condition
CL70 Site facilities	Yes	The site contains adequate space for general waste and recycling storage.	Yes
CL71 Parking facilities (visual impact)	Yes	The open style car parking with a landscaped buffer to the front of the site would not result in any unreasonable visual impact. This is contributed to by the slope of the site and the complementary nature of the parking with the parking diagonally opposite at Wyatt Reserve.	Yes
CL72 Traffic access & safety	Yes	Council's Traffic Engineer raised no objections to the proposal subject to conditions that could be contained within any consent.	Yes
CL73 On-site Loading and Unloading	Yes	The proposed development provides a sufficient area for loading and unloading.	Yes
CL74 Provision of Car parking	Yes	The proposal complies with the control for 15 off-street car parking spaces. The provision of parking for the site is deemed to be sufficient.	Yes
CL75 Design of Car parking Areas	Yes	Council's Traffic Engineer raised no objections to the proposal subject to conditions. The proposal also complies with the number of spaces required and involves a reasonable visual presentation.	Yes
CL76 Management of Stormwater	Yes	Council's Development Engineering Team have reviewed the application and provided support subject to conditions.  <u>Stormwater Concerns raised by owner of 14 Wyatt Avenue</u>	Yes, subject to conditions.

General Principal	Applies	Comments	Complies
		<p>The adjoining landowner (14 Wyatt Avenue) has raised objections to the proposed development due to there being no stormwater easement to convey stormwater from the end of the existing stormwater easement (over the subject site), to the downstream watercourse.</p> <p>Council's Manager Development Engineering (Major Projects) advises that the proposal relies upon reproducing the existing situation, whereby stormwater is diverted to an OSD system before it is connected to the new pipeline and eventually spread over the adjoining property via an overland flow path.</p> <p>This is a better solution for the site and locality compared to concentrating stormwater into a new piped section (which would require a new easement).</p> <p>The proposal is consistent with an historical circumstance, mimics the current situation and disperses stormwater in an environmentally sensitive manner.</p>	
<b>CL78 Erosion &amp; Sedimentation</b>	<b>Yes</b>	Erosion and sediment control measures are to be put in place during construction. Conditions could be placed to ensure this.	<b>Yes, subject to condition.</b>
<b>CL79 Heritage Control</b>	<b>No</b>	The subject site is not within the vicinity of any items of heritage significance or any heritage conservation area.	<b>Not Applicable</b>
<b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b>	<b>No</b>	The subject site is not located within the vicinity of any known or potential Aboriginal sites.	<b>Yes</b>
<b>CL83 Development of Known or Potential Archaeological Sites</b>	<b>No</b>	The subject site is not located within the vicinity of any known or potential archaeological sites	<b>Yes</b>

## SCHEDULES

### Schedule 6 – Preservation of Bushland

<b>Bushland In Urban Areas</b>	Not applicable as the provisions as called upon within Clause 17(5) and Clause 36(3) only related to the preservation of bushland on public open space and regional open space.
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### Schedule 8 - Site analysis

<b>1.1 Site Analysis</b>	The details contained within the Statement of Environmental Effects, the survey and the architectural plans provide sufficient information to satisfy the requirements for a site analysis.
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## Schedule 15 - Statement of Environmental Effects

Clause 15(1) of WLEP 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

The applicant has submitted a Statement of Environmental Effects, prepared by BBF Town Planners dated March 2019, which address Schedule 15 of WLEP 2000.

Consideration	Proposed
(1) Summary of the Statement of Environmental Effects (SEE)	<p><i>With regard to Point 1 of Schedule 15 the applicant has provided the following:</i></p> <p><i>"The application proposes the construction of a single storey child care centre for 60 children with ancillary caretaker residence above and car parking for 16 vehicles (including 1 accessible space). The proposed development is depicted on the Architectural plans A0000, A2001(c), A2100(c), A2101(c) to A2103(b), A3100(c), A4101(c) and A4102(c), A5101(c) to A6101(c), A7101(c) and A8101(c) to A8103(c) prepared by RFA Architects Pty Limited.</i></p> <p><i>Specifically, the child care centre is divided into 'activity' rooms with separate rooms designated for babies aged 0-2, toddlers aged 2-3, and preschool children aged 3-5. Each activity room has bathroom amenities with the babies room including a cot area. The western side of the building contains the entry court, reception area, office, storage area, kitchen, laundry, bathroom and staff area.</i></p> <p><i>The proposed hours of operation are between 7:00am and 6:30pm Monday to Friday.</i></p> <p><i>Activities overall, both indoor and outdoor, will be planned and managed to be conducive to the environment and to the amenity of the neighborhood. Contributing to acceptable noise levels will be the younger ages of children in the centre, the higher staff ratios (and therefore supervision) required for preschool-aged children, the nature of the planned activities and small group management.</i></p> <p><i>The application also proposes the implementation of an integrated site landscape regime as depicted on plan prepared by Concept Landscape Design. The landscape plan illustrates appropriate screen planting along the boundaries with larger screen planting being implemented along the front boundary to minimise the visual impact of the open carparking area and to comply with the bushfire hazard considerations as contained within the accompanying bushfire assessment prepared by Travers Bushfire and Ecology.</i></p>



Consideration	Proposed
	<p><i>All stormwater will be disposed of the to the drainage easement on the adjoining property to the west as depicted in plans prepared by Engineering Studio with kerb and guttering and a footpath also provided at the front of the site. A new overland flow channel is proposed down the western boundary of the property and connecting into the existing open channel before it crosses into No. 14 Wyatt Avenue. Signage will be provided in accordance with the exempt and complying development provisions."</i></p> <p><u>Comment:</u> This applicant has provided a sufficient summary of the SEE.</p>
(2) Consistency of the proposal with the desired future character statement and general principles of development control established by the plan.	<p>With regard to Point 2 of Schedule 15 the applicant has provided the following:</p> <p><i>"In accordance with clause 12(3)(b) the consent authority must be satisfied the development is consistent with the desired future character described in the relevant locality statement. Accordingly, the proposal's consistency with the desired future character statement is addressed below.</i></p> <p><i>The development is considered to be consistent with and retain the existing character of the locality for the following reasons:</i></p> <ul style="list-style-type: none"> <li><i>The existing locality is characterised by a range of uses including residential and non-residential uses. The predominant non-residential uses in the locality include educational establishments, landscape supply yards/ retail plant nurseries, retirement villages and residential housing. The proposed child care centre use is consistent with the predominant non-residential land uses within the locality. In this regard, the proposed development does not alter the existing character of the locality.</i></li> <li><i>The proposed use will be consistent with the uses in the immediate vicinity of the site, including John Collet School, and will therefore not result in any change to the existing character of the locality.</i></li> <li><i>The development complies with the relevant built form controls, with the exception of a 50% variation to the front building setback to accommodate parking and variations to the side building setback controls which can be supported pursuant to Clause 20 of WLEP. Compliance with the 50% landscaped area control has been achieved. Both the front and side boundaries allow for appropriate levels of landscaping and screen planting and contextually appropriate setbacks. The built form of the development proposed is therefore consistent with the built form of development in the locality.</i></li> </ul>

Consideration	Proposed
	<ul style="list-style-type: none"> <li>The accompanying acoustic report prepared by BGMA Pty Limited confirms that compliance can be achieved subject to the adoption of a number of recommendations regarding acoustic screening and limiting the number of children in the rear external play area to a maximum of 20 at any one time.</li> <li>The Traffic and Parking Impact Assessment prepared by Thompson Stanbury Associates indicates that the traffic flow increase resulting from the proposed development will have no significant impact on existing traffic flows on the adjacent road network nor will it have any capacity implications for nearby intersections and junctions."</li> </ul> <p>Accordingly, the proposed use is appropriately described as a low intensity, low impact land use as it relates to traffic and parking impacts.</p> <ul style="list-style-type: none"> <li>The proposed child care centre will not give rise to any unreasonable levels of noise that would significantly adversely impact adjoining properties or public amenity. Accordingly, the proposed use is appropriately described as a low intensity, low impact land use as it relates to noise impacts.</li> <li>The proposed car parking has been located at the front of the child care centre. Screen planting and appropriate landscaping will minimise the visual impact from the street. A 10 metre landscape buffer is maintained at the front of the site with the majority of the building setback between 5 and 9.5 metres from side boundaries. The majority of the building matins a 19.3 metre setback to the rear boundary such the building will sit within a bushland setting.</li> <li>The application also proposes the implementation of an integrated site landscape regime as depicted on plan prepared by Conzept Landscape Design. The landscape plan illustrates appropriate screen planting along the boundaries with larger screen planting being implemented along the front boundary to minimise the visual impact of the open carparking area and to comply with the bushfire hazard considerations as contained within the accompanying bushfire assessment prepared by Travers Bushfire and Ecology.</li> <li>The development will result in minimal disturbance to natural vegetation and landforms.</li> <li>The colours and materials of the development, shown on the Schedule of External Finishes submitted with the application will blend with the colours and materials of the natural environment and with existing development within the site's visual catchment.</li> </ul>

Consideration	Proposed
	<ul style="list-style-type: none"> <li><i>The construction of the development will be managed to minimise erosion and sedimentation.</i></li> <li><i>Accordingly, the development will be consistent with this requirement of the desired future character statement.</i></li> <li><i>We have formed the opinion that the 1 and 2 storey building and child care centre use proposed will not impact upon the locality or existing streetscape in terms of built form or landscape outcomes and, given its usage, noise and traffic generation characteristics, is appropriately described as a low intensity and low impact use consistent with the existing and desired future character ("DFC") for the C8 Belrose North Locality."</i></li> </ul> <p><u>Comment:</u> Along with the above the applicant has also provided comments in regard to the general principles of development control.</p>
(3) Objectives of the proposed development.	<p>With regard to Point 3 of Schedule 15 the applicant has provided the following:</p> <p>"The objective of the proposed development is to provide a child care centre to meet the local demand for child care.</p> <p>The schools in the locality cater for students in Kindergarten through to Year 12. The proposed centre will provide an additional service to complete the range of educational services currently provided."</p> <p><u>Comment:</u> The objective of catering to a demand for childcare is appropriate for the area given schools for other ages in the vicinity.</p>
(4) An analysis of feasible alternatives.  (including (a) Consequences of not carrying out the development and (b) Justification for the development)	<p>With regard to Point 4 of Schedule 15 the applicant has provided the following:</p> <p><b><i>"(a) the consequences of not carrying out the development, and</i></b></p> <p><i>The consequence of not carry out the development would be that families from the local area would be forced to travel to other areas to find child care places for their children. This will result in greater inconvenience for families, an increase in travel times and an increase in the number and/or length of vehicle trips.</i></p> <p><b><i>(b) the reasons justifying the carrying out of the development</i></b></p>

Consideration	Proposed
	<p><i>The childcare centre will provide greater convenience for parents that have children that require child care and children that are of an age where they attend school.</i></p> <p><i>The child care centre will also increase the number of child care places available in the local area and thereby reduce the current shortage of places."</i></p> <p><u>Comment:</u> There is a demand for child care on the Northern Beaches and given the location of the centre within close proximity of other schools and a business park, it is agreed as above that the location is feasible for a child care.</p>
(5) Development and context analysis.	<p>With regard to Point 5 of Schedule 15 the applicant has provided the following:</p> <p><i>"(a) a full description of the development, and Refer to Part 3 of this statement.</i></p> <p><i>(b) a general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and</i></p> <p><i>The proposed development will not give rise to any adverse environmental consequences as detailed in the accompanying Flora and Fauna Report prepared by Travers Bushfire &amp; Ecology which concludes:</i></p> <p><i>The proposal will remove and modify existing highly disturbed or planted vegetation present within the subject site. No threatened flora or fauna species, populations or endangered ecological communities were observed within the study area.</i></p> <p><i>The subject site contains no likely important habitat for threatened fauna species. No hollows or other unique habitat features likely important for life-cycles stages or central to the home range of threatened fauna were identified present. Some threatened fauna species have potential to frequent the site seasonally or on occasion for foraging only purposes.</i></p> <p><i>Given consideration to the available habitat present, local records and species with potential to occur, the 7-Part test of significance (Attachment 4) has concluded that the proposed development will not result in a significant impact with respect to threatened species, communities and populations. Therefore, a Species Impact Statement is not required for the proposed development.</i></p> <p><i>The Significant Impact Criteria for species listed under the EPBC Act was reviewed to assess the impacts of the proposed development on nationally listed species. It is concluded that there will not be a likely significant impact on any nationally</i></p>

Consideration	Proposed
	<p><i>listed threatened species and as such, a referral to the Commonwealth Department of Environment (DOE) is not required.</i></p> <p><i>The landscaped open space (bushland setting) provided on the site is compliant with the built form control with replacement plantings ensuring that a bushland setting is maintained.</i></p> <p><b>(c) a description of the likely impact on the environment of the development, having regard to:</b></p> <p><b>(i) the nature and extent of the development, and</b></p> <p><i>The proposed development will not result in any significant impacts on flora and fauna as previously identified. The noise generated by the proposed development will not result in any unreasonable impacts on the nearby dwellings subject to the adoption of the recommendations contained within the accompanying acoustic report. There are no unacceptable visual bulk impacts arising from the proposed development with safe and compliant car parking provided on-site to meet the car parking demand generated by the use.</i></p> <p><b>(ii) the nature and extent of any building or work associated with the development, and</b></p> <p><i>All hours of construction associated with the proposed construction works will be restricted in accordance with the Council and EPA guidelines.</i></p> <p><b>(iii) the way in which any such building will be erected in connection with the development, and</b></p> <p><i>A Construction Management Plan can be prepared should it be considered necessary however the site is of adequate size to accommodate all construction works, deliveries of materials and associated storage on site.</i></p> <p><b>(iv) any rehabilitation measures to be undertaken in connection with the development, and</b></p> <p><i>The landscape plan submitted with the application shows the extent of landscaping which will be undertaken.</i></p> <p><i>The landscaping proposed is considered to be adequate to complement the natural landscape and provide an appropriate landscaped setting for the proposed development having regard to the use proposed and required bushfire asset protection zone measures."</i></p> <p><u>Comment:</u> This consideration has been adequately addressed via the information supplied with the application including</p>



Consideration	Proposed
	architectural plans, reports and within the Statement of Environmental (SEE).
(6) Biophysical, economic and social considerations and the principles of ecologically sustainable development.	<p>With regard to Point 6 of Schedule 15 the applicant has provided the following:</p> <p><i>"The proposed development and associated use will not change the existing character of the locality. The development has been designed to minimise the impact of the proposed on the biophysical environment.</i></p> <p><i>The development will generate employment during construction and post occupation. In this regard, the development will have a positive economic impact.</i></p> <p><i>The development will provide greater choice for families that require child care and it will also increase access to child care for families in the local area. In this regard, the development will result in a positive social impact."</i></p> <p><u>Comment:</u> This consideration has been adequately addressed via the information supplied with the application including the expert reports and within the Statement of Environmental (SEE) ensuring minimal impacts on the biophysical environment.</p> <p>As stated previously, the proposal will serve local residents and local employees providing a service of early education and child care for their children.</p>
(7) Measures to mitigate any adverse effects of the development on the environment	<p>With regard to Point 7 of Schedule 15 the applicant has provided the following:</p> <p><i>"The proposed development and associated use will not change the existing character of the locality. The development has been designed to minimise the impact of the proposed on the biophysical environment.</i></p> <p><i>The development will generate employment during construction and post occupation. In this regard, the development will have a positive economic impact.</i></p> <p><i>The development will provide greater choice for families that require child care and it will also increase access to child care for families in the local area. In this regard, the development will result in a positive social impact."</i></p> <p><u>Comment:</u> The proposal provides reasonable mitigation against amenity impact, involves an appropriate visual presentation and caters to the need for childcare in the area. As such, the above statement is sufficient.</p>
(8) Other approvals required	With regard to Point 7 of Schedule 15 the applicant has provided the following:



Consideration	Proposed
	<p><i>"Pursuant to Sections 91 and 91A of the EP&amp;A Act, the development constitutes 'integrated development' as the development requires a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997 and a Controlled Activity Approval in accordance with the Water Management Act 2000.</i></p> <p><i>The NSW Rural Fire Service is the approval body for the Bushfire Safety Authority and the NSW Office of Water within the Department of Environment and Climate Change is the relevant approval body for the Controlled Activity Approval. General Terms of Approval are required to be issued by the relevant approval body prior to the issuing of consent. The application is accompanied by a bushfire report prepared by Travers Bushfire &amp; Ecology.</i></p> <p><i>The approval of the Department of Community Services is required prior to the commencement of the use of premises for child care."</i></p> <p><u>Comment:</u> Approval from NSW RFS has been granted.</p>

It is considered that the submitted Statement of Environmental Effects prepared by BBF Planners dated March 2019 and in response to the provisions of Clause 15/Schedule 15 adequately addresses the compatibility of the of the development with the Locality and the DFC.

#### Schedule 17 - Carparking Provision

<b>Carparking Provision</b>	<p>Schedule 17 of WLEP 2000 requires one car parking space for every four children. Based on the child care centre accommodating 60 children, 15 car parking spaces are required on-site.</p> <p>The proposed car-parking scheme provides for 15 spaces on-site. Accordingly the proposal is considered satisfactory.</p>
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#### BUSHFIRE PRONE LAND

The site is Bushfire Prone Land under the Warringah Bush Fire Prone Land Map 2016, hence the application is for Integrated Development under S4.46 of the EPA Act, 1979, requiring a Bushfire Safety Authority under S100B of the Rural Fires Act, 1997. As mentioned previously, the NSW RFS has issued their General Terms of Approval.

The applicants Bushfire Report indicates that the required Asset Protection Zones are as shown in Figure 3 below:



An 88B easement is required over the adjoining land to the north. This will allow the owners of the childcare facility to enter the adjoining Lot 2565 DP 752038 to undertake ongoing maintenance of the APZ. The proposed 18.7m APZ is confined to an area which is devoid of trees, has limited native shrubs and abundance of exotic species. Maintenance of this area will involve routine removal of leaf litter and debris.

The proposal is subject to the application of the Northern Beaches Section 7.12 Contributions Plan 2019. A suitable condition would be imposed should the application be approved.

## CONCLUSION

An assessment of the proposed development has found the proposal has sufficient merit, has addressed the relevant planning and environmental issues and is a suitable and appropriate development for the site and locality.

The proposal is assessed as being consistent with the desired future character statement for the C8 Belrose North Locality and the general principles of development control, as well as the relevant SEPP's.

The resident issues are addressed in the relevant sections of this report and conditions have been imposed in relation to stormwater management, tree removal, the operational aspects of the child care centre and use of the caretakers residence.

The relevant statutory approvals have been issued by the NSW RFS and conditions have been imposed in relation to the establishment and maintenance of APZ on the adjoining property.

Pursuant to Clause 15 of WLEP 2000, the application is required to be the subject of an independent public hearing prior to determination by the relevant consent authority, being the Northern Beaches Local Planning Panel.

## RECOMMENDATION

### Part A:

That the Panel make its findings and recommendations on Development Application No. DA2019/0238 for construction of a Childcare Centre and ancillary caretakers dwelling at Lot 2616, DP 752038, No. 12 Wyatt Avenue, Belrose having regard to the assessment and recommendation for approval in the Assessment Report, subject to the draft set of conditions attached to this report.

### Part B:

That the outcome of the Panel's findings and recommendations be provided to the Northern Beaches Local Planning Panel, as the consent authority for determination of Development Application No. DA2019/0238.



## CONDITIONS OF APPROVAL

<b>Application Number:</b>	DA2019/0238
<b>Land to be developed (Address):</b>	Lot 2616 DP 752038, 10 - 12 Wyatt Avenue BELROSE NSW 2085 Lot 2565 DP 752038, 10 - 12 Wyatt Avenue BELROSE NSW 2085
<b>Proposed Development:</b>	Construction of a child care centre and ancillary caretaker residence

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
a2100, a2101, a2102, a2103, a3100, a4101, a4102, and a8101 - All Issue d	12/07/2019	Rfa architects
a5101 - Issue c	06/03/2019	Rfa architects

Engineering Plans		
Drawing No.	Dated	Prepared By
C10.01, C11.01, C12.01, C12.02, C12.03, C12.04, C12.05, C12.06, C12.07, C12.08, C13.01, C13.02, C13.03, and C13.04 - All Rev. F	11/07/2019	Engineering Studio

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Access Report	14/02/2019	Wall to Wall
Acoustic Report - Ref. BGMA 170406 C	February 2019	BGMA Pty Ltd
Arborist Report	21/06/2019	Hugh the Arborist
BCA Report - Ref. P217_089-1	18/02/2019	Design Confidence
Bushfire Report - Ref. 18RFA02: NVD DA2019/0238	25/02/2019	TBE Environmental Pty



		Ltd
Emergency Management Plan	15/02/2019	Beaware Solutions Pty Ltd
Flora and Fauna Report - Ref. REF: A16240F	21/04/2017	TBE Environmental Pty Ltd
Overland Flow Report - Ref. 17111-005-r	July 2019	Engineering Studio
Traffic and Parking Report	April 2017	TSA

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
a8104 - Issue d	12/07/2019	Rfa architects

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
a6101 - Issue d	12/07/2019	Rfa architects
Waste Management Plan	26/02/2019	Frank Moschella

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
NSW Rural Fire Services	Response NSW RFS Referral	12 April 2019

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 3. **Approved Land Use**

Nothing in this consent shall authorise the use of the building as detailed on the approved plans for any land use of the site beyond the definition of a child care centre and ancillary caretaker residence.

A child care centre is defined as:

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*"Child care centre means a building or place used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:*

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Act 1990,*
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator)."*

(development is defined by the Warringah Local Environment Plan 2000 Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

**Reason:** To ensure compliance with the terms of this consent. (DACPLB03)

#### 4. **No Approval for any Signage**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

**Reason:** Control of signage.

#### 5. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:





- (i) in the case of work for which a principal contractor is required to be appointed:
  - A. the name and licence number of the principal contractor, and
  - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

## 6. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).



- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:



- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 7. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 2,155,350.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 20,475.83
Section 94A Planning and Administration	0.05%	\$ 1,077.68
Total	1%	\$ 21,553.50

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.



This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

**8. Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Council's infrastructure.

**9. Construction, Excavation and Associated Works Bond (Road)**

A Bond of \$24,000.00 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

Reason: Protection of Council's Infrastructure

**10. Construction, Excavation and Associated Works Bond (Drainage)**

A Bond of \$256,000.00 as security against any damage or failure to complete the construction of Storm-water drainage works as part of this consent.

Reason: Protection of Council's Infrastructure

**11. Construction, Excavation and Associated Works Bond (Crossing / Kerb)**

A Bond of \$25,000.00 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.  
Reason: Biodiversity/Vegetation Conservation and Management

Reason: Protection of Council's Infrastructure

**12. Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a Maintenance Bond of \$25,000.00 for the construction of storm-water drainage works that revert to Council's care and control. The Maintenance Bond will only be refunded on completion of the six month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing confirmation of practical completion and may be exchanged for the works bond.





Reason: To ensure adequate protection of Council infrastructure

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

13. **On-site Stormwater Detention Compliance**

Drainage plans detailing the provision of the On-site Storm-water Detention in accordance with Northern Beaches Council's Water Management Policy PL850, and the approved concept drawings required under storm-water drainage deferred commencement condition.

Maximum total discharge from the development site for the 1 in 100 year design storm is to be restricted to the 1 in 5 year ARI, 0% fraction impervious discharge.

Storm-water discharge from the OSD tank must be directed to a suitably designed storm-water dispersion system located at the western end of the existing drainage easement.

Storm-water dispersion system must be located minimum 3 meters from the downstream boundaries and must be designed to ensure no scouring to downstream properties.  
The OSD shall be redesign to be clear of the 3.0 m wide drainage easement allocated next to the western propriety boundary.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

Details demonstrating compliance to the above requirements are to be submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

14. **Application for Infrastructure Works on Council Roadway**

Engineering plans are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of the following (referred to as the "Works"):

- Construction of road shoulder and kerb and gutter along the full frontage of the site to provide for a 10 meter wide (kerb to kerb) road carriageway
- Construction of storm-water drainage pits and pipelines - pits must be constructed minimum 1 meter clear of the driveway layback
- Construction of 1.5 meter concrete footpath along the full frontage
- Construction of a 5.5 meter wide vehicle crossing
- Traffic Control Plan to be approved by Council's Transport Network Team

The Works are to be generally in accordance with the Development Application and Council's specification for engineering works – AUS-SPEC #1, relevant Australian Standards including AS/NZS 2890, and Council's Minor Works Specification.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges.



The developer/applicant must lodge with the Roads Authority the security bonds against any damage or failure to complete the construction of the Works as part of this consent is required.

The developer/applicant must lodge with the Roads Authority a Maintenance Bond for the construction of the Works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if the work has been completed in accordance with the approved plans and to the satisfaction of the Roads Authority.

All bonds and fees shall be deposited with the Roads Authority prior to the issue of any Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority.

Reason: Ensure engineering works are constructed in accordance with relevant standards.  
(DACENCPCC4)

15. **Certification of Structures Located Adjacent to Council Pipeline or Council Easement**  
All structures are to be located clear of any Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; (in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted) - Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

Reason: Protection of Council's Infrastructure

16. **Structural Adequacy and Excavation Work**  
Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:  
(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and  
(b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.  
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

17. **Shoring of Adjoining Property**  
Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings.

Council approval is required if temporary ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the





protection of adjoining properties and Council land.

18. **Stormwater Drainage Application**

A Stormwater drainage application under Section 68 of the Local Government Act 1993 is to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the stormwater drainage system, overland flow/channel, headwall and associated works within the 3 meter wide drainage easement in accordance with the civil design approved to activate the Development Consent and Council's specification for engineering works - AUS-SPEC #1. The form can be found on Council's website using the following link. <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/stormwater-drainage-approval/4022-stormwater-drainage-approval.pdf>

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

Written approval from Council is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure appropriate provision for disposal and Maintenance Stormwater management and compliance with the BASIX requirements, arising from the development.

19. **Ability to connect to Sewer**

Prior to commencement, approval to connect to the sewer of Sydney Water shall be obtained.

Reason: To ensure the development can be connected to the Sewer. (DACHPCPC6)

20. **Tree Protection Plan**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
- General tree protection measures

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

(c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

21. **Pre-Construction Stormwater Assets Dilapidation Report**

Survey a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at:

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<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.1>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure

22. **Delineation Asset Protection Zone**

Prior to the commencement of any onsite building works or commencement of vegetation clearance/modification, the extent of the bush fire Asset Protection Zone must be surveyed and marked on ground.

The clearing of vegetation for Asset Protection Zone establishment is to be confined within Asset Protection Zone boundaries.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** Bushland Protection.

23. **Project Ecologist**

A Project Ecologist is to be employed for the duration of any vegetation removal works to safely relocate any displaced wildlife.

The Project Ecologist must have one of the following memberships/accreditation

- Practising member of the NSW Ecological Consultants Association OR
- Biodiversity Assessment Method assessor accreditation under the NSW Biodiversity Conservation Act 2016

Details demonstrating engagement of the Project Ecologist for the duration of vegetation removal works are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To protect wildlife in accordance with relevant biodiversity legislation and planning controls.

24. **Easement over Adjoining Land**

a. An easement shall be created burdening the area of the Asset Protection Zone on land outside of Lot 2616, as shown on the Site Plan and Landscape Plan for the benefit of Lot 2616 to enable asset protection zone maintenance works as outlined in the Travers Bushfire Report, dated XXXX 2019 to be carried out by the registered proprietor (or of any mortgagee in possession) of Lot 2616 for the life of the development.

b. The easement will burden Lot 2406, DP 752038, No. 10 Wyatt Avenue for the benefit of Lot 2616, DP 752038, No. 12 Wyatt Avenue.



c. The easement is to be registered on the titles of the burdened land and benefiting land prior to the issue of any occupation certificate.

**Reason:** To ensure that access is available for the provision and maintenance of Asset Protection Zones for the benefit of the subject land on adjoining land.

25. **Landscaping**

No Grevillea hybrids are to be used in the landscaping for this development. The Landscape Plan is to be amended and proposed Grevillea plantings must be substituted with an alternative local native plant species. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Biodiversity conservation and management

26. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards.

27. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

28. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.

29. **Tree trunk, root and branch protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal on the approved plans, unless exempt

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under relevant planning instruments or legislation

ii) Trees located on adjoining land

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by the Project Arborist on site.
- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by the Project Arborist on site.
- iii) All tree protection to be in accordance with the approved tree protection plan and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

30. **Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved tree protection plan and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

31. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

32. **Progress Certification (Road & Subdivision)**

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Principal Certifying Authority for the following stages of works:

- (a) Silt and sediment control facilities
- (b) Laying of storm-water pipes and construction of pits

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- (c) Proof Roll - AUSPEC Standard
- (d) Sub-grade trimmed and compacted \*\*
- (e) Base-course laid and compacted \*\*
- (f) Kerb and gutter construction
- (g) Pavement
- (h) Landscaping and vegetation
- (i) Clean-up of site, and of adjoining Council roadway and drainage system. (\*\*To be tested by a recognized N.A.T.A. approved laboratory). Details demonstrating compliance are to be submitted to the Principal Certifying Authority.
- (j) All layers of the road formation are to be proof rolled to Council's satisfaction

Reason: To ensure compliance of civil works with Council's specification for engineering works

33. **Civil Works Supervision**

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer. Details demonstrating compliance are to be submitted to the Principal Certifying Authority

Reason: To ensure compliance of civil works with Council's specification for engineering works.

34. **Notification of Inspections**

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level / subbase
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification

Reason: To ensure new Council infrastructure is constructed to Council's requirements.

35. **Maintenance of Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

36. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

37. **Fauna and Tree Hollow re-location**

During any vegetation clearance for Asset Protection Zones and construction works the Project





Ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity.

Tree hollows are to be salvaged from trees within the development area and placed within the retained vegetation / Conservation Areas within the Lots. This is to be done by a qualified and experienced Arborist, under the direction of the Project Ecologist.

Details prepared by the project ecologist in writing demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To ensure bushland management in accordance with Local Habitat Strategy 2007.

38. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

**Reason:** Aboriginal Heritage Protection. (DACAHE01)

39. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites.

40. **Footpath Construction**

Footpath, kerb and guttering shall be constructed at cost of the applicant from its boundary with No.14 Wyatt Avenue connecting to the existing footpath, kerb and guttering outside No.10 Wyatt Avenue. The footpath, kerb and guttering shall be consistent with the existing and to comply with the Council's development engineers requirements.

**Reason:** Connectivity of the site to the existing footpath.

41. **Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan titled [INSERT] and dated [INSERT].

**Reason:** To ensure waste is minimised and adequate and appropriate waste and recycling facilities are provided. (DACWTE01)





## OCCUPATION CERTIFICATE

42. **Authorisation of Legal Documentation Required for Onsite Detention**

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land.

43. **Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To identify encumbrances on land.

44. **Restriction as to user - overland flowpath**

A restriction as to user shall be created on the title over the overland flowpath, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction, are to be prepared by a registered surveyor to Northern Beaches Council's satisfaction at the applicant's expense.

Northern Beaches Council shall be nominated as a party to release, vary or modify such restriction.

Evidence of creation of the restriction as to user on Title must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure no modification of the overland flowpath without Council's approval

45. **On-Site Stormwater Detention, drainage line, overland flow channel Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved stormwater drainage plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

46. **Certification of Structures Constructed Adjacent to Council Pipeline or Council Easement**

All structures constructed adjacent to any Council pipeline or easement are subject to structural  
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certification process prior to the issue of any Occupation Certificate. Footings of any structure adjacent to an easement or pipeline shall be constructed in accordance with design of Council's Water Management Policy; (in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Any proposed landscaping within a Council easement or over a drainage system is to consist of ground cover or turf only (no trees are permitted).

A statement of compliance is to be prepared by a suitably qualified Structural Engineer and submitted to Council for acceptance of the certification. The certification accepted from Council is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: Protection of Council's Infrastructure

47. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

48. **Easement for drainage**

The existing easement for drainage is to be extinguished and an easement for drainage is to be created on the Title to ensure all drainage infrastructure is located within the appropriate easement(s).

Dimension(s) of the easement are to be in accordance with Council's Section 6, Building Over or Adjacent to Council Drainage Systems and Easements of Council's PL 850 Water : Water Management Policy.

Evidence of created drainage easement on the Title must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: Statutory requirements of the Conveyancing Act 1919 and specifications required under this consent

49. **Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.



Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

50. **Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a suitable qualified person that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

51. **Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

52. **Required Planting**

a) Trees, shrubs and ground covers shall be planted in accordance with the approved landscape Plans

b) Street tree planting

i)

No. of Trees Required.	Species	Location	Minimum Pot Size
3	<i>Banksia serrata</i>	Wyatt Avenue road reserve forward of the property	75 litre

ii) all street trees shall meet the requirements of Natspec - Specifying Trees,

iii) all street trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth,

backfilled with a sandy loam mix or approved similar, and mulched to 75mm depth minimum,

iv) all street trees shall be located clear of driveway sightlines, and shall generally be centralised within the road verge,

c) Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To maintain environmental amenity.

53. **Post-Construction Dilapidation Survey**

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at



<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/engineering-specifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets2.pdf>

The post construction dilapidation report must be submitted to the Council for review and the Principal Certifying Authority prior to the issue of the Occupation Certificate. Any damaged to Council's stormwater infrastructure is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure

54. **Certification of Drainage Works and Works as Executed Data**

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Stormwater Assets' shall be submitted to the Council for approval prior to the issue of the Occupation Certificate - Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate

Reason: To ensure compliance of drainage works with Council's specification for engineering works.

55. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

56. **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

57. **Fire Safety Matters**

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At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

58. **Waste/Recycling Compliance Documentation**

Evidence of disposal for recycling from the construction/demolition works shall be submitted to the Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure waste is minimised and recycled. (DACWTF02)

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

59. **Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity.

60. **No Planting Environmental Weeds**

No environmental weeds are to be planted on the site. Information on weeds of the Northern Beaches can be found at the NSW WeedWise website (<http://weeds.dpi.nsw.gov.au/>).

**Reason:** Weed management.

61. **Works to cease if item found**

If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

**Reason:** To protect Aboriginal Heritage.

62. **Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

**Reason:** To mitigate potential impacts to native wildlife resulting from construction activity.



63. **Landscape Plan to be Implemented**

Landscaping is to be implemented in accordance with the approved Landscape Plan, as amended by these conditions of consent. The new landscaping is to be certified as in accordance with the approved Landscape Plan by the landscape architect prior to issue of the Occupation Certificate.

**Reason:** To ensure establishment of new landscaping to be installed to compensate for loss of existing protected trees.

64. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 7.00am - 6.30pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

**Reason:** Information to ensure that amenity of the surrounding locality is maintained.

65. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 8pm and 8am on any day.

**Reason:** To protect the acoustic amenity of surrounding properties.(DACPLG18)

66. **Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

**Reason:** To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

67. **Deliveries**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 8am and 7pm on any day.

**Reason:** To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

68. **Children Numbers**

The maximum number of children to be cared for at any one time on the premises shall not exceed 60 children.

**Reason:** To ensure compliance with the approved development





#### Bushfire Maintenance

- Trees are to be maintained to ensure:
- Canopy cover does not exceed 15%.
  - Trees (at maturity) are to be maintained to ensure they do not touch or overhang the building.
  - Tree canopies (at maturity) are to be maintained to ensure they are well spread out and not form a continuous canopy.
  - Lower limbs should be maintained / removed up to a height of 2m above ground.
- Shrubs are to be maintained to ensure:
- Large discontinuities or gaps in vegetation have been provided.
  - Shrubs are not to be located under trees.
  - Shrubs do not form more than 10% of ground cover.
  - Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of vegetation.
- Grass is to be maintained to ensure:
- A height of 10cm or less.
  - Leaves and debris is removed.

**preliminary only. not for construction.**

Ensure all drawings are printed or copied in colour.  
All dimensions to be checked on site. Any discrepancies to be referred to architect prior to proceeding. Use written dimensions only, do not scale from drawing.  
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Crows Nest NSW 2005

project: new childcare centre & carolaker residence at 12 veyall avenue before nsw 2085

client: f. moschella, r.moschella & p.giardina

drawing: site plan

pro. no. : 16018

date: may 17

scale: 1:400@a3

issue: d

dwg no. : a2100

rfa  
architects

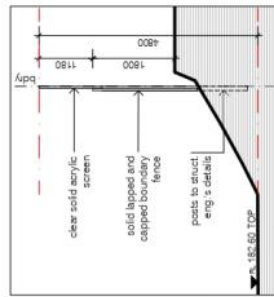
- Legend:**
- awn sawing to future detail
  - awn 1mm (H) obscure patterned glass balustrade
  - bf 1.8m (overall height) boundary fence - colourbond
  - bp box gutter
  - dp downpipe
  - f1 feature glazing to future detail
  - fe1 childproof fence/gate
  - fe2 1.8m-2.1m (H) fence/gate to match bf
  - fe3 4.8mH (from outdoor play area RL) acoustic barrier to Acoustic consultant's recommendations
  - fe4 1200(H) metal palisade fence
  - fe5 1.2m(H) mm. acoustic barrier to acoustic consultant's recommendations
  - hw instantaneous gas hot water unit with 5 star performance rating
  - lw low retaining wall to eng's details
  - mr1 metal roof cladding type 1
  - mr2 metal roof cladding type 2
  - pb concrete roof - pebble finish
  - rw retaining wall to eng's details
  - scr obscure patterned glass screen (height to match fe5)
  - sh sunshading to future details
  - sk skylight to future details
  - w1 timber look wall cladding (vertical/horizontal)
  - w2 render and paint finish
  - w3 translucent glazed facade to future detail
  - w4 bins enclosure
  - w5 paint finish



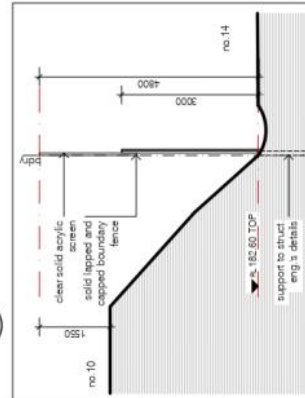
**1 south-east elevation (at kerb line)**  
SCALE 1:200



**2 north-west elevation**  
SCALE 1:200



**X acoustic barrier detail 1**  
SCALE 1:100



**Y acoustic barrier detail 2**  
SCALE 1:100

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**project:** new childcare centre  
12 wyatt avenue  
belmore nsw 2085  
**client:** f. moschella, r moschella & p gardina  
**drawing:** elevations

**pro. no.:** 10018  
**date:** may 17  
**scale:** 1:200@x3  
**issue:** d  
**dwg no.:** a4101

**rfa**  
architects





**1 south-west elevation**  
SCALE 1:200



**2 north-east elevation**  
SCALE 1:200

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**client:** f. moschella, r moschella & p giardina  
**drawing:** elevations

**pro. no.:** 10018  
**date:** may 17  
**scale:** 1:200@x3  
**issue:** d  
**dwg no.:** a4102

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