



Statement of Environmental Effects

MIXED USE PROPOSAL

1-3 CAREEL HEAD ROAD
AVALON BEACH

12 AUGUST 2024



CONTENTS

EXECUTIVE SUMMARY	5
SITE AND LOCALITY DESCRIPTION	7
LOCAL CONTEXT	7
LEGAL DESCRIPTION	8
SITE DESCRIPTION	8
EXISTING SITE CONTEXT	9
LOCAL CHARACTER	11
HERITAGE AND ENVIRONMENT	12
HERITAGE	12
BUSH FIRE PRONE LAND	13
NORTHERN BEACHES COUNCIL ENGAGEMENT	14
DESCRIPTION OF PROPOSAL	17
PLANNING CONTROLS	22
STATUTORY CONTROLS	22
POLICY CONTROLS	22
CONSIDERATION OF PLANNING CONTROLS	23
STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021	23
STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022	24
STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021	26
STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)	27
STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021	31
STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021	31
CHILD CARE PLANNING GUIDELINE	33
DISCUSSION ON SITE SUITABILITY: PROXIMITY TO LICENSED PREMISES	57

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)	58
PITTWATER LOCAL ENVIRONMENTAL PLAN 2014	61
PITTWATER 21 DEVELOPMENT CONTROL PLAN	68
B3.11 FLOOD PRONE LAND	80
CONCLUSION	81

TABLE OF FIGURES

Figure 1: Subject site identified by the solid red outline (Spatial Viewer)	7
Figure 2: Aerial Map Extract of Subject Site (Six Maps)	9
Figure 3: Subject site, with No. 3 identified in image below (Google, Raine + Horne)	10
Figure 4: Broader character (Northern Beaches Council).....	11
Figure 5: Heritage Map Sheet Extract (Source: Spatial viewer)	12
Figure 6: Bush Fire Prone Land Map (Source: Warringah Council)	13
Figure 7: Zoning Map Extract (Source: Spatial Viewer).....	61
Figure 8: Extract of the Northern Beaches Council Flood Hazard Map.	80

QUALITY ASSURANCE

PROJECT:	Statement of Environmental Effects – Careel Head Road Shopping Village Revitalisation
ARCHITECT:	CD Architects
ADDRESS:	SP32656 and Lot B DP385973 No.1-3 Careel Head Road, Avalon Beach
COUNCIL:	The Northern Beaches Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
18/07/2024	Co-ordination	A	BC	JW
12/08/2024	DA Submission	B	JW	JW

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	Yes*
Concurrence	
SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

*Geotechnical report confirms ground water on the site will be impacted by the basement.

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for a mixed use development within the Shopping Village, located at 1-3 Careel Head Road, Avalon Beach.

The proposal has been considered by Council Officers at a Pre-Development Application Discussion, with the proposal then refined for consideration by the DSAP. This Development Application has responded to the design feedback presented by council staff, along with independent specialist advice.

The proposed works include demolition of the existing shopping centre, removal of identified trees, construction of a new basement carpark, with ground level retail and 60 place centre based child care facility on the first floor. Also associated with the Development Application is site landscaping works, which along with the new shopping centre provide an attractive destination for local residents and visitors.

Mixed Use Shopping Centre

The development proposal includes four retail shops, with one to be used as a Dan Murphys, with a child care centre located on the first floor. The proposed building includes:

- Basement parking for a total of 26 spaces, with 8 at grade spaces retained
- Three fine grain tenancies, wrapping a larger tenancy to be used as a Dan Murphys
- 1st floor child care centre
- Forecourt seating and site landscape works
- Photovoltaic Panels on rooftop.

Centre-Based Child Care Facility:

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines.

The development proposes is a single two storey buildings over a corner site with three frontages. The building is accordingly articulated along the street facing elevations to break up the mass and provide the appearance of three connected buildings, like a row house.

The 'Centre Based Child Care Facility' will operate with a maximum capacity of 60 places with the following age groups:

- 0-2 years: 8 places;
- 2-3 years: 15 places; and
- 3-5 years: 37 places.

The facility provides a total of 195m² or 3.25m² of unencumbered indoor play area per child and 420.04m² or 7m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 26m²
- 2-3 years: 48.75m²
- 3-5 years: 120.25m²

The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 9 educators.

The site

The subject land parcel is located within the Northern Beaches Council area and is subject to planning instruments associated with the former Pittwater Council local government area, including the Pittwater LEP 2014 and Pittwater Development Control Plan 2014.

The proposal seeks to utilise the land in accordance with the Pittwater LEP 2014 and will positively contribute towards improved localised shopping and service experiences offered within the local area. In doing so, the proposed development successfully will create a localised place that the community, workers and visitors are proud of and enjoy using, creating a vibrant local place in Avalon Beach.

Pathway

The Development Proposal is local development, having an Estimated development cost of just above \$7.24 million.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY DESCRIPTION

LOCAL CONTEXT

Located within Frenches Forest, a suburb within the Northern Beaches Local Government Area (LGA) the subject site provides local shopping services to residents.

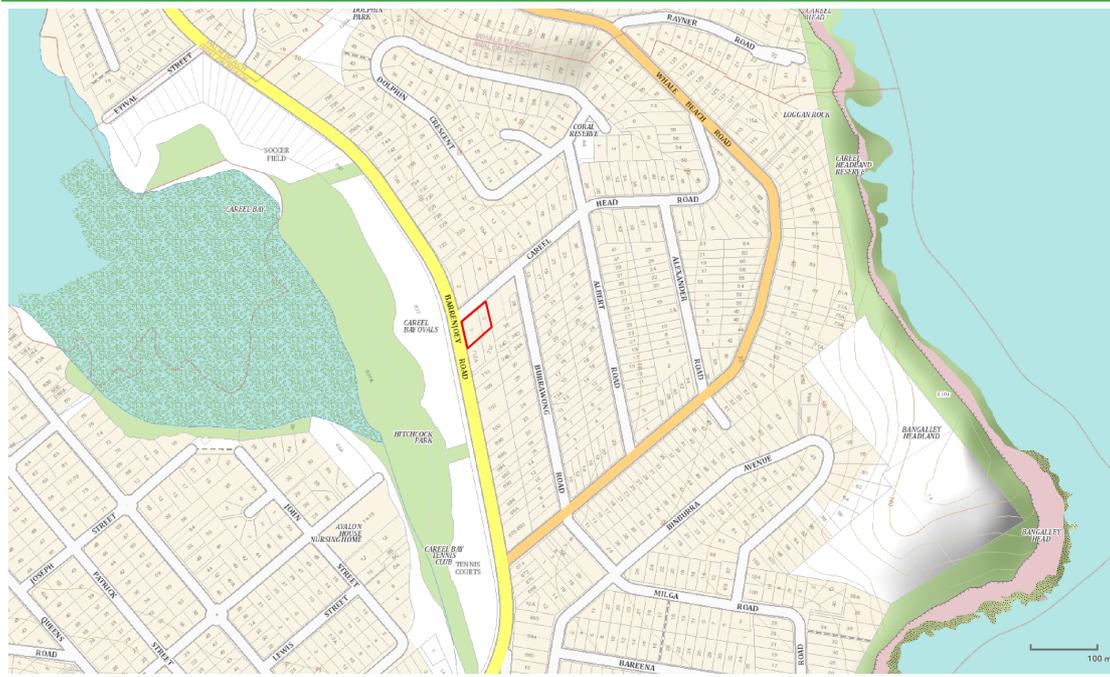
Situated on the corner of Barrenjoey Road and Careel head Road, the site is visually prominent and well suited for revitalisation, taking advantage of its accessibility and proximity to residential areas, along with significant community sporting infrastructure.

The Careel Head Road shops occupy the block end between Burrawong Road and Barrenjoey Road, and have an eclectic mix of building styles, form and use. Renewal over the subject site will provide an attractive urban form, and a consistent retail presence, along with the provision of child care services for the local community. Specifically, the proposal includes No.3 Careel Head Road, a residue dwelling as part of the overall site. This delivers Council’s long term vision for a consolidated shopping strip in this location. The renewal of the site will provide an attractive entry into the shopping areas, denoting its position within the local community, and importantly, assisting with the containment of trips through the provision of a local shopping centre that meets daily and convenience needs.

To the west and north west of the site is Hitchcock Park and Careel Bay Ovals, which front Careel Bay. The broader area is residential in character, predominantly detached housing, with examples of attached housing and also shop-top housing.

The location of the subject site is shown in Figure 1 overleaf.

Figure 1: Subject site identified by the solid red outline (Spatial Viewer)



LEGAL DESCRIPTION

The development site is legally described as SP32656 and Lot B DP385973, or more generally as No.1-3 Careel Head Road, Avalon Beach.

SITE DESCRIPTION

The site is a large rectangular shaped parcel of about 1,760 m² with:

- North: Careel Head Road with detached dwelling housings opposite
- East: Careel Head Road shops, with a three storey shop top housing development with central courtyard and flat building behind, also three storeys. Further to the east is the block end of the shops with an open car park associated with the shopping village.
- South: Detached dwelling housings
- West: Barrenjoey Road, with Careel Bay Ovals, Hitchcock Path opposite, with Careel Bay further to the north west.

Careel Head Road falls towards Barrenjoey Road, with No. 1 Careel Head Road essentially flat, with the footpath higher than the site itself for at least part of the site. No.3 Careel Head Road falls towards its rear boundary, with a gentle slope also to the western boundary.

The site is substantially covered by buildings associated with the shopping centre, including an at-grade carpark. No.3 Careel Head Road is currently occupied with a detached single storey weatherboard dwelling and separate single garage, also of clad construction.

In terms of landscape, No.3 is largely grassed, with no other significant vegetation. No.1 Careel Head Road has gardens associated with the shop usage, including an exotic Norfolk Island Pine tree.

Vehicles access the shopping centre via Careel Head Road, with exit to Barrenjoey Road. The proposal seeks to retain its existing ingress and egress arrangements.

An aerial image of the site is provided at Figure 2 overleaf.

Figure 2: Aerial Map Extract of Subject Site (Six Maps)



EXISTING SITE CONTEXT

The Careel Head Road Shopping Centre has been providing long term retail and daily convenience services, including café and restaurants to the local community for a number of years. This proposal consolidates the council vision for the shops by integrating the remaining single dwelling housing into the local shops, therein providing a village shop along the length of the block.

The site is currently occupied by the following shops:

- Pizza café
- Take-away chicken fast food shop
- Bakery and pie shop
- Café
- Physiotherapist

Car parking is at grade within the front setback of the building. The shopping centre itself is a box form, divided into tenancies and is of single storey with a parapet disguising a roof that slopes to the rear. A veranda fronts the village with garden in front separating the centre from the car parking. Loading and servicing occurs within the car parking area.

Figure 3: Subject site, with No. 3 identified in image below (Google, Raine + Horne)



LOCAL CHARACTER

The local character of the area is low density residential, with significant sporting facilities for the local community that front Careel Bay to the west. Barrenjoey Road is a classified road, with a single lane of travel in each direction.

The area is anticipated to retain its existing character, being a primarily residential suburb, supported by a local shopping centre.

Figure 4: Broader character (Northern Beaches Council)



HERITAGE AND ENVIRONMENT

HERITAGE

The site is not identified as a heritage item and is not within a heritage conservation area, nor is it in the vicinity of any heritage item. No further consideration is necessary.

Figure 5: Heritage Map Sheet Extract (Source: Spatial viewer)



BUSH FIRE PRONE LAND

The site is not Bush Fire Prone Land. No further consideration is necessary.

Figure 6: Bush Fire Prone Land Map (Source: Warringah Council)



NORTHERN BEACHES COUNCIL ENGAGEMENT

A pre-application discussion was held with Northern Beaches Council on 30 November 2023, with a subsequent DSAP meeting held on 23 May 2024.

The table below addresses the feedback from the DSAP:

Comment	Response
Redesign the ground level, with special consideration of all street interfaces, to provide a better and safer environment for pedestrian movement and activity.	– The ground level interface has been redesigned as shown in the attached plans. This provides an attractive and safe interface for pedestrians, which invites them into the site.
Consideration should be given to providing a clearer and safer distinction between areas/pathways for loading (including the functional aspects of vehicle turning and manoeuvrability), those areas designated predominantly for arrivals and exits of parents and children associated with the childcare facility and those associated with both the retail and commercial elements of the development.	– Updated. Clearly identified pedestrian pathways are provided, with safe entry points for pedestrians.
The above mentioned recommendations will be challenging to accommodate on a site of this relatively small scale and may require the removal of some uses, and/or a reduction in the size and scale of development.	<ul style="list-style-type: none"> – The scale of the development has been reduced, with the introduction of an attractive forecourt space, with the number of shops reduced from 5 to 4 at ground level. – The height of the proposal has been reduced from 3 storeys to 2 storeys.
Redesign the interface, building expression and landscaping to the south.	– Updated, with increased setbacks to the upper level and enhanced landscaping.
Consider break-up the built-form to solve interface issues with neighbours;	– Updated, with increased setbacks to the upper level.
Reconsider the functional organization of arrival, drop-off, parking and loading to provide safer environments for each designated use;	– Updated.
Consider alternative organizational design solutions (distinct buildings over several levels with their own designated entry, vertical circulation and identity) to accommodate the individual uses and give them better external representation in the form and scale of the overall development;	– Separate entries are provided for the child care centre and shops.
Improve internal circulation;	– Updated
Give better presence to the predominant community facility (childcare) in the building.	– Updated
Ground plane movements including cars, loading and pedestrians will require a complete redesign to	– Updated and redesigned.

make it safer and should include a transport planner as movement requirements of proposed uses make the operation of the ground plane challenging. The redesign is likely to lead to a reduction in spaces.	
Provide bicycle parking spaces and pram parking to encourage parents and staff to commute to the building via alternative means.	Pram parking can occur in the forecourt near the child care lift area.
Move the pedestrian path to enhance safe movements through the car park.	– Location of pedestrian paths have been updated and refined.
Include an open, well-lit and safe stair connecting levels as an alternative vertical connection.	– Stairs are provided in an appropriate location, designed to integrate into the building and comply with relevant safety standards.
A landscape documentation package shall need to be prepared by a landscape architect or landscape designer in accordance with the submission requirements of Council.	– Provided as part of this DA package
An Arboriculture Impact Assessment is required and it should include non-invasive root mapping of the existing trees in the north west corner of 1 Careel Head Road to determine if a redesign of the development would facilitate the retention of the significant Pine (most likely a Norfolk Island Pine <i>Araucaria heterophylla</i>) although not endemic to the area, this tree provides great amenity and habitat currently as well as the <i>Casuarina</i> species associated with this tree in the same location.	– Provided as part of this DA package
Once amalgamated, the property provides 3 exiting crossover opportunities that should be further explored to improve the relationship between pedestrian and vehicular circulation and to explore the potential for a drop-off zone at ground level for the parents of attendees to the childcare facility.	– Noted, the proposal retains its existing circulation arrangements for vehicles.
The layout of the at grade level car park is awkward and does not provide sufficient areas for landscaping to break up the large areas of hard paved elements and further resolution of this key element of the design should be provided.	– The area of the car park has been reduced with a single line of angled parking provided only. Where possible, landscaping has been included within the car park.
The 3m setback to the east should remain free from any encumbrance to allow for proper root development of small, medium and tall trees selected from Pittwater Ward Native Planting Guide	– Noted. An appropriate landscape strategy has been designed, taking into consideration proximity of trees to buildings, along with water management objectives.
Areas of nature play should be explored in the form of raised planter boxes contained within the outdoor child play area to provide an interactive experience. The majority of the outdoor childcare area is south facing with only dappled sunlight available on the winter solstice which should be further considered.	– Updated as shown in the landscape plans.

A slightly smaller building footprint should be explored to provide more areas for landscaping opportunities to provide shade to the building and carpark alike for both energy saving benefits and to help reduce the building to a better human scale.	– Noted.
Provide visual connection between all indoor spaces and the play areas for improved operation of the child care	– Updated
Ensure a redesign of building massing and built-form improves visual and acoustic privacy to neighbours	– The proposal has been redesigned with the building having increased setbacks to the south, along with the height reduced to two storeys.
Rework the ground plane to include better amenity for people not in cars and places for seating and lingering.	– Updated
Reconsider the façade treatment as part of the redesign.	– The facade design has been revised.
Provide fixed horizontal shading to the top floor to improve both internal and external comfort	– Appropriate shading will be provided to the child care centre.
Provide solar panels on the roof	– Solar panels are provided.
Provide a rainwater tank connected to landscaping and toilet flushing	– A rain water tank is provided, with the function complying with DCP requirements.
Increase bicycle parking and pram parking to encourage walking and cycling to the building	– Is there any bicycle parking – Is there a pram space?
Provide a vegetable patch for the children to interact with	– Shown in landscape plans.

DESCRIPTION OF PROPOSAL

This Statement of Environmental Effects has been prepared in support of a Development Application for the proposed demolition and construction of the new Shopping Village.

The key aspects of the proposal are summarised below:

Demolition:

- Demolition of the existing shopping centre on 1 Careel Head Road
- Demolition of the existing dwelling and outbuildings on 3 Careel Head Road
- Removal of 2 trees as shown in the attached plans

New works

- Construction of a new shopping centre with:
 - 3 fine grain retail tenancies
 - 1 large retail tenancy to be used as a Dan Murphy's
 - 1 Centre based child care centre on the first floor
- Basement car park for 25 vehicles, with spaces allocated to specific uses
- 9 at grade parking spaces, with arrangement revised as part of this proposal
- 1 loading zone with associated manoeuvring area
- Site landscaping
- Photovoltaic panels on rooftop

Dan Murphy's

The fit-out of the Dan Murphy's will be the subject of a separate Complying Development Certificate application. Hours of operation for the Dan Murphys will generally be 9am to 10pm seven (7) days per week. It is noted that the Dan Murphys offering will adopt a more bespoke offering more consistent with 'The Cellar' offering in Martin Place (Dan Murphys) rather than the traditional 'big box' offering and this is a function of the size and configuration of the tenancy which is much smaller than a traditional Dan Murphys retail tenancy.

Retail Tenancies

The fit-out of the three (3) retail tenancies will be the subject of a separate Complying Development Certificate application.

Centre Based Child Care Centre

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines.

The centre based child care facility will occupy the entire first floor level of the proposed building, with a maximum capacity of 60 places with the following age groups:

- 0-2 years: 8 places;
- 2-3 years: 15 places; and
- 3-5 years: 37 places.

The facility provides a total of 195m² or 3.25m² of unencumbered indoor play area per child and 420.04m² or 7m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 26m²
- 2-3 years: 48.75m²
- 3-5 years: 120.25m²

The facility will operate between 7am to 6pm Monday – Friday (excluding public holidays) and provide a total of 9 educators.

Signage

Signage is not proposed as part of this application but is shown indicatively for the proposal to understand the signage locations. This will be a matter of separate application for both the Dan Murphy's and the Child Care Centre.

Parking

Parking is distributed as follows over the subject site:

Component	Req	Ground	Basement	Total
GF Dan Murphy's (500m ²)	1 space/ 30m ²	8	9	17
Retail shops (191m ²)	1 space/ 30m ²	7	4	7
Click and collect		2		2
Child Care Centre	1 space/ 4 kids	-	15	15
TOTAL				41

The proposal complies with DCP requirements, providing two click and collect spaces to be shared amongst the retail premises.

A total of five accessible spaces are provided, with three in the basement and ground level parking areas.

A loading bay is provided for a medium rigid vehicle.

A detailed description of the proposal is overleaf

Detailed Description

Works	Location	Description
Demolition	1 Careel Head Rd	- Demolition of all buildings and structures on site.
Demolition	3 Careel Head Rd	- Demolition of all buildings and structures on site.
Landscape	Site	- Landscape design works, including tree planting
Building	Site	- Construction of 2 storey building with basement parking

The proposed building is described as follows

Level	Inclusions
Basement	<p><u>Vehicle Access</u></p> <ul style="list-style-type: none"> - Va double width ramp from car park <p><u>Parking Spaces</u></p> <ul style="list-style-type: none"> - 31 spaces as follows: <ul style="list-style-type: none"> o 9 Dan Murphy spaces, including 1 accessible o 4 retail spaces, including 1 accessible o 15 child care centre spaces, including 1 accessible o 1 service vehicle parking space <p><u>Pedestrian</u></p> <ul style="list-style-type: none"> - A pedestrian walkway from the visitor spaces direct to the foyer and lift. <p><u>Plant and servicing</u></p> <ul style="list-style-type: none"> - Two stairwells - Two lifts as follows: <ul style="list-style-type: none"> o Dedicated Child Care Centre Lift within its own lobby o Lift for retail village - Bin room for retail centre, with separate bin room for child care centre

- Services room
- Retail store room
- General Store Room
- Trolley Storeroom
- Accessible toilet (in child care centre lobby)

Ground Floor

Vehicle Access and parking

- Existing ingress from Careel Head Road is retained
- Existing egress to Barrenjoey Road is retained
- Entry to basement via graded double width ramp
- 8 parking spaces for Dan Murphy's fronting Barrenjoey Road, including 2 accessible
- 2 click and collect spaces
- Loading space for small rigid vehicle
- Maneuvering space for small rigid vehicle

Forecourt

- Accessible ramp and steps to courtyard for outdoor seating and entry to retail tenancies
- Separate lobby for Child Care Centre with lift
- Lift connecting basement to ground level
- Two fire stairs

Tenancies

- Child care centre lobby with lift
- 3 fine grain retail tenancies, wrapping a larger tenancy to be used as a Dan Murphy's (total 4)

Landscaping

- Landscaping of Careel Head Road and Barrenjoey Road frontages
- Landscape edge along eastern boundary

Level 1

Child care centre

- Safe haven linked to Fire stairs 1 adjacent to entry area
- Safe haven linked to Fire stairs 2 along eastern boundary
- Lift from basement to reception area
- Administrative area containing:
 - o Foyer/ reception area
 - o Office
 - o Meeting room
 - o Staffroom
 - o Kitchen
 - o Laundry
 - o Accessible water closet
- 449 m² of outdoor play area, appropriately embellished as shown in landscape plans
- Outdoor storage areas
- 0.- 2 years Indoor Play area for 8 kids and 2 teachers:

- 26m² in size
- Craft bench
- Storage for cots
- Shared bathroom facility
- Shared Nappy change room
- Shared Bottle Preparation room
- 1.6m³ of storage
- Direct access to outdoor play area
- 2-3 years Indoor Play area for 15 kids and 3 teachers:
 - 68m² in size
 - Craft bench
 - Storage for cots
 - Shared bathroom facility
 - Shared Nappy change room
 - Shared Bottle Preparation room
 - 3m³ of storage
 - Direct access to outdoor play area
- 3-5 years Indoor Play area for 37 kids and 4 teachers:
 - 120m² in size
 - Craft bench
 - Shared Bathroom
 - 7.4m³ of storage
 - Direct access to outdoor play area

Materials and finishes

A schedule of materials and finishes is included on elevations contained within the Architectural Plans provided with this Development Application. A diverse palette of materials is proposed to create a visually appealing centre that breaks up the building into proportions related the human scale through vertical and horizontal treatments. Material choices include stone, a diversity of brick finishes, Colourbond cladding, glazing treatment, smooth concrete and rendered paint (Dulux napkin white), and landscaping. Refer to architectural plans for detail.

Detailed Plans and supporting information

The relevant architectural plans for the proposal have been prepared by CD Architects while supporting reports have been prepared by relevant sub consultants. The proposal complies with key planning requirements as discussed further and addressed within this report.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy (Planning Systems 2021)
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Pittwater Local Environmental Plan 2011

POLICY CONTROLS

The applicable policy control documents include:

- Pittwater Development Control Plan 2011
- Childcare Planning Guidelines
- Education and Care Service National Regulations 2012

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

A summary of the compliance of the proposal with the relevant planning controls is provided below.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The Planning Systems SEPP provides the framework for State and Regional Development, Aboriginal land and also concurrence and consent requirements. The chapters are identified below to determine the relevance to this Development Application.

<i>Chapter</i>	<i>Title</i>	<i>Applicable</i>
2	State and Regional Development	TBC
3	Aboriginal Land	N/A
4	Concurrences and consents	For Noting

Chapter 2 is discussed in the table below:

Part 2.2 State Significant Development			
Clause			Applicable
2.6	- 2.12	Not applicable to this DA	N/A
Part 2.3 State Significant Development			
Clause			Applicable
2.13	- 2.18	Not applicable to this DA	N/A
Part 2.4 Regionally Significant Development			
Clause			Applicable
2.19	Declaration of regionally significant development: section 4.5(b)	<p>The proposal has an EDC of \$7,246,887 million and accordingly the proposal is not Regionally Significant Development.</p> <p>The proposal does include a child care centre; and whilst it is purpose built, its cost is less than the \$5 million threshold. It is accordingly local development.</p> <p>Refer to QS Report for detail.</p>	N/A

2.20	Concept development applications	Not applicable to this DA	N/A
Schedule - 1 State Significant Development - General			
26A	In-fill affordable housing	Not applicable	N/A
27	Build to Rent	Not applicable	N/A
Schedules - 6 Regionally Significant Development			
2.	General Development Over \$30 million	Not applicable	N/A
5.	Private infrastructure and community facilities over \$5 million	<p>The development proposal includes none of the following:</p> <p>(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,</p> <p>(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.</p>	N/A

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

Introduced on 1 July 2004, BASIX is an integral part of the NSW planning system. It assists in reducing potable water consumption and greenhouse gas emissions from new homes built in NSW.

This SEPP came into effect on 1 October 2023 and incorporated the provision of the now repealed State Environmental Planning Policy (BASIX) 2004.

The Sustainable Building SEPP encourages the design and construction of more sustainable buildings across NSW. It applies to a range of development types, including residential and commercial developments.

Chapter 2 of the SEPP contains controls for the standards for residential development – BASIX and is not applicable to this development.

Chapter 3 of the SEPP contains controls for the Standards for non-residential development. As the proposal is not for an erection of a new building greater than \$5 million or an alteration that has an estimated development cost of over \$10 million, rather construction of a child care facility and hence a BASIX report is not required.

Refer to detailed discussion below regarding the application of Chapter 3.

Clause 3.1 Application of Chapter	Response
<p>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</p> <ul style="list-style-type: none"> (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more. 	<p>The proposal has an Estimated Development Cost of just over \$7.24 million and therefore this chapter is applicable. A NABERs Embodied Emission Material Form has been submitted with the application.</p>
<p>(2) This chapter does not apply to the following development-</p> <ul style="list-style-type: none"> (a) development that is permitted with or without consent or that is exempt or complying development under— <ul style="list-style-type: none"> (i) <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, or (ii) <u>State Environmental Planning Policy (Resources and Energy) 2021</u>, Chapter 2, or (iii) <u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u>, Chapter 5, (b) development on land wholly in any of the following zones— <ul style="list-style-type: none"> (i) Zones RU1, RU2 or RU3, (ii) Zone E5, (iii) Zone IN3, (iv) Zones C1, C2 or C3, (v) Zones W1, W2, W3 or W4, (c) development for the purposes of residential care facilities. 	<p>The development is not permitted or permitted without consent under relevant SEPPs.</p> <p>Noted</p> <p>The development is for the purpose of other than residential care facilities.</p>

An Embodied Energy Emissions Materials form is submitted with the application.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP includes the framework to protect and manage the natural environment within NSW. It aims to establish a planning framework that through supporting the environment delivers community health, overall wellbeing, along with economic and cultural security. It addresses amongst other matters water catchments, waterways, and urban bushland.

It applies to a broad range of infrastructure with the table below identifying relevant chapters to this Development Application:

Chapter	Title	Applicable
2	<i>Vegetation in non-rural areas</i>	Yes
3	<i>Koala habitat Protection 2020</i>	No
4	<i>Koala habitat protection 2021</i>	No
5	<i>River Murray lands</i>	No
6	<i>Water catchments</i>	No
13	<i>Strategic conservation planning</i>	No

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The proposal is supported by an arborist report by Redgum Horticultural, with the DA plans clearly showing the trees for retention and those required for removal. Seven trees were identified, with two trees recommended for removal. A further five trees identified as exempt specimens are also recommended for removal. In terms of two trees identified for removal, the following recommendation was made:

Trees 1 & 2: Araucaria heterophylla - Norfolk Island Pine & Casuarina glauca - Swamp She Oak; located within the site, adjacent to the northern boundary and positioned within the proposed building / basement footprint. These specimens which have asymmetrical, co-dominant canopies cannot be retained unless redesign can accommodate the 6.0m & 5.4m (respectively) tree protection zones measured radially from centre of trunk. If this cannot successfully be achieved, and the current proposed design is approved, the specimens are recommended to be removed and replaced with super advanced specimens as part of the landscape works component for this development.

These trees are unable to be retained due to their location, with the recommendations of the arborist incorporated into the site landscaping.

Chapter 6 contains provisions relating to water catchments. The subject site is not located within either the Georges River Catchment, Hawkesbury-Nepean Catchment, or the Sydney Harbour Catchment and this chapter is therefore not relevant.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)

This SEPP contains provisions for the coastal area and also those that relate to the assessment of potentially hazardous and offensive development, along with addressing and remediating contaminated land. The following table identifies the relevant chapters that apply to this proposal.

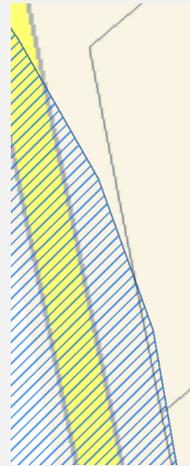
Chapter	Applicable
2 Coastal Management	Yes
3 Hazardous and offensive development	No
4 Remediation of land	Yes

Chapter 2 of the SEPP contains a state-wide planning framework for the management and protection of coastal land, referred to as the coastal zone. This supports the *Coastal Management Act 2016* by providing the framework to guide decisions within the following coastal zone areas.

- the coastal wetlands and littoral rainforests area,
- the coastal vulnerability area,
- the coastal environment area,
- the coastal use area.

The table below provides consideration of Chapter 2.

Part 2.2 Development controls for coastal management areas			
Clause			Complies
2.7	Development on certain land within coastal wetlands and littoral rainforests area	The subject site is not identified as a Coastal Wetlands and/ or Littoral Rainforests area.	N/A
2.8	Development on land in proximity to coastal wetlands or littoral rainforest	The subject site is <i>partly</i> identified on the Coastal Wetlands and Littoral Rainforests Area Map. This is an extremely small area within the front setback to Barrenjoey Road, estimated at less than 1m.	



2.9	Development on certain land within the costal vulnerability area	No map exists	N/A
2.10	Development on land within the coastal environment area	<p>The land is <i>partly</i> within a coastal environment area. This is an extremely small area within the front setback to Barrenjoey Road, estimated at less than 1m. Given the extremely minor affectation, the proposal will have no impact on ground water or natural processes as a result of the development.</p>	Yes
		<p>The development is designed and sited to be outside of the mapped area, with improvements made to the existing carpark, carpark exit, and landscaping along Barrenjoey Road. Water quality results submitted within this Development Application confirm that applicable pollution targets are satisfied.</p>	
		<p>The minor nature of this affection, the works being outside of this zone in terms of building and basement means that there will be no impact to the coastal environment area, in terms of the items listed in CL.2.10 (1) (a) – (g).</p>	
		<p>Council can accordingly be satisfied that there is no adverse impacts</p>	
2.11	Development on land within the coastal use area	<p>The proposal has been carefully designed to respond to the natural features of the site, including nearby Careel Bay. The proposal represents a substantial improvement in terms of sustainability over the subject site and will not result in any detrimental overshadowing of public places.</p>	Yes

		Likewise, the modest scale of the proposal, including its material selection, landscaping and form ensures that it sits within the tree canopy and is not visually dominant, meaning that visual and scenic qualities are maintained.	
		Heritage has been considered, both Aboriginal and European, with there being no detrimental impacts.	
2.12	Development in coastal zone generally – development not to increase risk of coastal hazards	The proposal does not increase the risk of coastal hazards	Yes
2.13	Development in the coastal zone generally – coastal management programs to be considered	Council having considered any relevant management program can grant consent to this Development Application	Yes
2.14	Other development controls not affected	Noted	N/A
2.15	Hierarchy of development controls if overlapping	Noted	N/A

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table considers the risk of the site being contaminated:

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X

Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	Yes

The site has a long history of being used as a shopping centre. A Preliminary Site Investigation has been prepared by CEC Geotechnical that sets out:

7. Conclusions and Recommendations

CEC Geotechnical Pty Ltd has prepared this report on behalf of Jonathan Odisho to provide a Stage 1 Preliminary Site Investigation at 1 & 3 Careel Head Road, Avalon Beach. The works included a desktop study and limited soil sampling with a scope following the request from Jonathan Odisho to support the Development Application (DA) to be lodged with the Northern Beaches Council.

It is understood that the proposed development will comprise the demolition of existing structures and the construction of a two-storey mixed-use development including a childcare centre and a 1-Level basement parking area.

The aerial photographs indicated that the site and immediate surroundings showed no visible signs of market/agriculture gardening. During the site visit on the 19th of June 2024, no-tilled soils were observed. Therefore, the risk of contamination associated with market gardening on the site was assessed to be negligible. Additionally, aerial photographs indicated that the existing residential dwelling at 3 Careel Head Rd appeared to have been built before 1955. Therefore, the risk of contamination associated with asbestos on the site may present.

Furthermore, the aerial photographs showed a suspected service station and fuel canopy in 1982 at 1 Careel Head Rd. Additionally, the historical title research showed Mobil Oil Australia Limited as the owner of 1 Careel Head Road from 1969 to 1985. Therefore, the site may have been used for petrol station during this period. Therefore, the risk of contamination associated with a hydrocarbon on the site was assessed and may present.

Considering the identified COPCs. Five (5) discrete soil samples systematically across the Areas of Environmental Concerns (AECs) were collected and analysed for heavy metals, Total Petroleum/Recoverable Hydrocarbons (TPHs/TRHs), Benzene, Toluene, Ethylbenzene, Xylene and Naphthalene (BTEXN), Polycyclic Aromatic Hydrocarbons (PAH), Volatile Organic Compounds (VOCs), Phenols, and Asbestos. The laboratory results of all 5 collected soil samples indicated levels of heavy metals, TRH, BTEX, PAHs, VOCs, Phenols and asbestos, were below the adopted assessment criteria therefore the soil located in the tested areas showed no signs of contamination.

Therefore, we, CEC Geotechnical, conclude that the site is suitable for the proposed work and can be used for Mixed-use development.

However, the following recommendations are put forward:

- Prior to demolishing the properties, the client must carry out a HAZMAT assessment by a licensed assessor.
- Where hazardous building materials are identified and subsequently removed, an inspection of surface soils and clearance should be completed following demolition by a suitably qualified consultant.
- Should evidence of site contamination be identified at any stage during the development process, such as staining, odorous soils, or suspect asbestos, then an experienced site contamination consultant should be contacted immediately for advice.
- Any material to be removed off-site, ENM, MUST be classified for off-site disposal in accordance with the NSW EPA (2014) Waste Classification Guidelines.
- Any material being imported to the site for backfilling purposes should be assessed for potential contamination in accordance with the EPA guidelines.

Conditions can be placed on the Development Consent that implement the above recommendations, along with protocols for any unexpected finds. Contamination can accordingly be considered as appropriately addressed for this Development Application.

Therefore, the provisions of Chapter 4 of the SEPP (Resilience and Hazards) are satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 of this SEPP addresses Advertising and signage’.

Signage is not proposed as part of this application; however it is anticipated that signage will be subject to subsequent applications. No further consideration is necessary.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The Transport and Infrastructure SEPP 2021 (TI SEPP) provides the framework for the planning and efficient delivery of infrastructure in NSW. It applies to a broad range of infrastructure with the table below identifying relevant chapters to this Development Application:

Chapter		Applicable
2	Infrastructure	Yes
3	Educational establishments and child care facilities	Yes
4	Major infrastructure corridors	No
5	Three Ports – Port Botany, Port Kembla and Port of Newcastle	No
6	Moorebank Freight Intermodal Precinct	No
Sched. 2	Railways, roads and associated projects – Chapter 2	No
Sched. 3	Traffic generating development to be referred to TfNSW – Chapter 2	No
Sched. 8	Design quality principles in schools – Chapter 3	No

Chapter 2 – contains planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery. The following considers relevant sections of Chapter 2.

Division 5 Electricity transmission or distribution			
Subdivision 2 Development likely to affect an electricity transmission or distribution network			
Clause			Complies
2.47	Excavation—corridors and transmission circuits	Not relevant to this application	N/A
2.48	Determination of development applications—other development	It is anticipated that the DA will be referred to the relevant energy provider for comment.	N/A
Division 12 A Pipeline and pipe line corridors			
Subdivision 2 Development adjacent to pipe line corridors			
Clause			Complies
2.77	Determination of Development Applications	Not applicable to this application	N/A
Division 15 Railways			
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements			
Clause			Complies
2.97	Development involving access via level crossings	Not applicable to this application	N/A
2.98	Development adjacent to rail corridors	Not applicable to this application	N/A
2.100	Impact of rail noise or vibration on non-rail development	Not applicable to this application	N/A
2.101	Development within or adjacent to interim rail corridor	Not applicable to this application	N/A
2.102	Major development within Interim Metro Corridor	Not applicable to this application	N/A
2.103	Development near proposed metro stations	Not applicable to this application	N/A
Division 17 Roads and Traffic			
Subdivision 2 Development in or adjacent to road corridors and road reservations			
Clause			Complies
2.116	Development other than road facilities on public roads	The development is not proposed on part of a public road that is to be reclassified as part of this application.	N/A
2.117	Highway service centres in road corridors	The development is not a highway service centre	N/A
2.118	Development on proposed classified road	The development is not located on a classified road	N/A
2.119	Development with frontage to classified road	N/A	N/A
2.120	Impact of road noise or vibration on non-road development	A review of the TfNSW traffic volume viewer does not identify Barrenjoey Road as having	N/A

		a traffic count of more than 20,000 vehicle per day.	
2.121	Excavation in or immediately adjacent to corridors	N/A	
2.122	Traffic Generating Development	Shop with floor area 500 sqm + 3 specialties does not trigger this as it does not exceed 2500sqm of GFA.	Yes
Chapter 3			
Part 3.3 Early education and care facilities – specific development controls			
Clause			Complies
3.22	Centre-based child care facility—concurrence of Regulatory Authority required for certain development	Applicable provisions under the Child Care Planning Guidelines has been addressed further within this statement.	Yes
3.23	Centre-based child care facility—matters for consideration by consent authorities	This DA considers all matters relevant in the Child Care Planning Guideline and is consistent with requirements. Council is therefore able to grant consent.	Yes
3.24	Centre-based child care facility in certain zones—additional matters for consideration by consent authorities	Not applicable to this DA.	N/A
3.25	Centre-based child care facility—floor space ratio	Not applicable to this DA.	N/A
3.26	Centre-based child care facility—non-discretionary development standards	Council cannot apply more onerous standards than the following.	Noted
2	(a) Location	Noted.	
	(b) Indoor or outdoor space	Complies, refer to detailed assessment .	
	(c) Site area and dimensions	Noted.	
	(d) Colour of building material or shade structures	Noted, the site is not a heritage item or within a Heritage Conservation Area.	

CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant development standards relevant to the current proposal.

Child Care Planning Guideline	Comment
<p>Objectives</p>	
<p>The planning objectives of this Guidelines are to:</p>	
<ul style="list-style-type: none"> • promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations 	<p>The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.</p>
<ul style="list-style-type: none"> • ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses 	<p>The proposal comprises a single level child care centre on the first floor of a modern shopping village building. The centre based child care centre is within a zone and location that is identified as suitable for this use.</p>
<ul style="list-style-type: none"> • minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment 	<p>The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.</p>
<p>This is addressed in detail further within this table.</p>	
Part 2 Design Quality Principles	
<p>Principle 1 – Context</p>	
<p><i>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.</i></p> <p><i>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</i></p>	<p>The child care facility is designed to be compatible in scale and design of buildings within the area. It complies with the height limit and integrates carefully into its local context.</p> <p>The design scheme has undertaken conscious effort to minimise adverse impacts on social, economic, health and environmental conditions.</p> <p>Combined with compliance to height and setback provisions will ensure adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.</p>
<p><i>Well-designed child care 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.</i></p>	<p>The development site resides within the Careel Head Road local shops and is ideally located to service the local community.</p>

<p>Principle 2 – Built form</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The development proposes a modern purpose build child care centre, on the first floor. The building is set within a landscaped setting an designed to present an attractive façade to all street frontages. It has been designed to be consistent and compatible with the anticipated future built form character within the immediate locality.</p> <p>The development proposes a highly articulated built form with a variety of materials, colours and textures.</p>
<p>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.</p> <p>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.</p>	<p>The play spaces have been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.</p>
<p>Principle 4- Sustainability</p> <p>Sustainable design combines positive environmental, social and economic outcomes.</p> <p>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and</p>	<p>The proposed facility is designed to achieve cross ventilation and adequate natural light access.</p> <p>The development provides windows facing different orientations with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.</p>

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.

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, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

A landscape plan has been prepared to provide an attractive setting both for users of the child care centre and shops and also to ensure it is attractive when viewed from the street.

The landscaping plan incorporates planting that comprise a mix of trees, shrubs and grasses. Refer to attached Landscaping Plan for detail. Front and side boundaries are to be appropriately landscaped in-order to permit appropriate deep soil and drainage.

The landscaping plan incorporates planting including garden beds that will be utilised as part of learning programmes within the centre.

The landscape treatment will also soften the built form, in particular to the at-grade parking area and assist with maintaining privacy to neighbouring properties.

Refer to attached Landscaping Plan for detail.

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.

As previously discussed, the development provides well designed indoor and outdoor play areas, access to sunlight and natural ventilation and visual and acoustic privacy.

The development also proposes adequate storage, service areas and accessibility for all.

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.

The development proposes a design that will optimise safety for children.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

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).

The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.

The existing façade will continue to permit casual surveillance to the common areas within the development site.

The proposed facility has been designed with temperature control to avoid extremes in temperature.

Well-designed vehicular parking and access minimise traffic safety risks on children and staff.

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

C1 – For proposed development in or adjacent to a residential zone, consider:

- **the acoustic and privacy impacts of the proposed development on the residential properties**

The design scheme has undertaken a conscious effort to minimise adverse amenity impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.

This includes the siting and orientation of the building to address its frontage, with a built form complying with the prescribed height and setback provisions. This ensures that adjoining properties will continue to receive a minimum of 3 hours of interrupted solar access at mid-winter.

Furthermore, the combination of landscaping, side boundary setback to the south, along with the 1.8m high acoustic barrier and rear boundary fence will contribute towards mitigating privacy impacts to neighbouring residential dwellings. Likewise, the acoustic barriers to the street facing outdoor play areas will also mitigate any potential noise impacts, both from and to the child care centre. The eastern boundary has a zero setback, that is consistent with context within a shopping centre and by virtue of its orientation, has no impact in terms of amenity.

Finally, an Operational Management Plan which is to accompany this application will manage outdoor play times and the number of children accessing outdoor area at any one time.

An Environmental Noise Impact Assessment which has been prepared by ANVAS has found that the intrusive noise levels will meet the noise level requirements of the NSW Department of Planning and Environment's *Child Care Planning Guideline* and the Association of Australasian Acoustical Consultants' *Guideline for Child Care Centres Acoustic Assessment*.

Furthermore, calculation also show that, provided the noise controls recommendations made in Section 8.0 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level requirements of the Association of Australasian Acoustical Consultant's *Guideline for Child Care Centres Acoustic Assessment* and the Environmental Protection Authority's *NSW Road Noise Policy*, as detailed in Section 5.5 of the report.

- **the setback and siting of buildings within the residential context**
- **traffic and parking impacts of the proposal on residential amenity**

The proposal is consistent with the intent of the DCP provisions.

Traffic & Parking Impact Assessment has been prepared by CJP Consulting Engineers and accompanies this application. The assessment has found that the there are no parking or traffic related issues to prevent approval of the proposed child care facility.

C2 – When selecting a site, ensure that:

- | | |
|---|---|
| <ul style="list-style-type: none"> - the location and surrounding uses are compatible with the proposed development or use | <p>Centre-based child care facilities are permissible and a compatible land use within the E1 zone.</p> |
| <ul style="list-style-type: none"> - the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards | <p>Council's Pre-DA advice confirmed that the ground floor level is above the flood planning level of 3.7m AHD, which factors in climate change. Likewise it noted that the building is outside of the 1% AEP extent and 1% AEP storage area. The basement entrance is at 3.07m AHD, which was recommended by Council in its pre-da minutes. It is not bushfire prone land, or on land subject to slip.</p> |

<ul style="list-style-type: none"> - there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed 	<p>PSI carried out that confirms the suitability of the site for the proposal.</p>
<ul style="list-style-type: none"> - the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size 	<p>The subject site is of sufficient size and width to accommodate the proposed 60 place centre-based child care facility.</p> <p>The proposal is a large corner lot with appropriate dimensions for a two storey building that incorporates a side boundary buffer setback to its southern neighbour, along with setbacks to the north and west.</p>
<ul style="list-style-type: none"> - Number of shared boundaries with residential properties 	<p>The proposal has a shared boundary to the south which is low density residential. A 3m ground level buffer is established, with this increasing to 4.62m at the first floor level. The eastern boundary is to 5-7 Careel Head Road, which is built to a zero side boundary setback, which is appropriate in an E1 Zone. This proposal applies a 0m setback to the eastern boundary, consistent with the existing context.</p>
<ul style="list-style-type: none"> - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	<p>The child care centre will have no undue environmental impacts, with stormwater treated on site and meeting pre-development flow requirements.</p>
<ul style="list-style-type: none"> - where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use 	<p>Not applicable.</p>
<ul style="list-style-type: none"> - there are suitable drop off and pick up areas, and off and on street parking 	<p>The development provides car parking spaces in accordance with the DCP, with allocated spaces within the basement.</p>
<ul style="list-style-type: none"> - the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	<p>The subject site fronts a classified road. Both Careel Head Road (local) and Barrenjoey Road (State) are considered safe and appropriate for the proposed use. Refer to attached Traffic & Parking Assessment for detail.</p>
<ul style="list-style-type: none"> - not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises 	<p>Subject site not located closely to incompatible social activities and uses. See discussion at the end of the table in relation to the packaged liquor proximity of the proposal.</p>

<p>C3 – A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like 	<p>The proposal is located within the Careel Head Road Shops, a local shopping centre in the suburb of Avalon Beach. It is adjacent to open spaces and nearby community facilities and therefore meets this criteria. Local bus routes are nearby, with pedestrian paths connecting the surrounding area to the shops.</p>
--	--

<p>C4 – 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"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - 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 - any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site 	<p>The subject site is not located within proximity to identified environmental hazard.</p> <p>PSI has confirmed the suitability of the site for the development proposal in relation to contamination.</p>
---	---

3.2 Local character, streetscape and the public domain interface

<p>C5 – The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours 	<p>The development proposes a two storey building designed to be consistent with character of the local area. The building scale is low in form and achieves compliance with the height limit within the LEP. Appropriate landscaping is to be provided between the building and the street edge. Refer to attached Landscape Plan for detail.</p> <p>Not applicable, the zone is E1, with a buffer provided to nearby R2 land.</p>
---	---

<ul style="list-style-type: none"> include design and architectural treatments that responds to and integrate with the existing streetscape use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas 	<p>The development has been designed to address its frontages whilst proposing contemporary building set within a landscape setting that will positively contribute to the character of the local area and attractiveness of the shopping strip. Appropriate architectural detailing is provided that responds positively to the local context as shown in the attached architectural plans.</p> <p>Appropriate landscaping is to be provided between the building and the street edge.</p> <p>Car parking is integrated into the building and landscape design.</p>
<p>C6 – Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 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 integrating existing and proposed landscaping with fencing 	<p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p> <p>The mix use development incorporates an active façade that will permit casual surveillance to the site’s multiple frontages</p> <p>Proposed landscaping works seek to soften the built form and fencing also seek to integrate with the development and the site’s emerging low residential context.</p>
<p>C7 – 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 visitor and children by changes in materials, plant species and colours</p>	<p>The child care centre has its own lobby and entry area from the ground level and also the basement.</p> <p>The primary entry point associated with the child care facility has been designed to be clearly visible and legible from the public domain.</p>
<p>C9 – 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"> clearly defined street access, pedestrian paths and building entries 	<p>The development continues to provide clearly defined street access, pedestrian paths and building entries.</p>

<ul style="list-style-type: none"> • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences 	<p>Landscape works will contribute towards delineate communal/private open space from the public domain.</p> <p>The development incorporates architectural features and articulation to provide a contemporary two storey built form that appropriately addresses the site's frontage.</p>
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</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>Not applicable.</p> <p>The site is not identified as a heritage item, is not adjacent to a heritage item nor is it within a heritage conservation area. Not applicable.</p>
<p>C10 – 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>Subject site fronts a classified road; however, the development proposes appropriate fencing including acoustic fencing in accordance with the Environmental Noise Impact Assessment, whilst also being comparable child care facility within the wider locality. Refer to attached Environmental Noise Impact Assessment for detail.</p>
<p>3.3 Building orientation, envelope and design</p>	
<p>C11 – Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas 	<p>The proposed child care facility has been designed and sited to address its frontage and to be consistent with the residential setback controls under the Pittwater LEP 2014 and Pittwater DCP 2014.</p> <p>Where possible play equipment is located away from common boundaries, noting landscape embellishment works and fencing are situated along the site's side boundaries combined with the Operational Management Plan which is to manage outdoor play times and the number of children accessing outdoor area at any one time will contribute towards minimise acoustic impact to neighbouring properties.</p> <p>An Environmental Noise Impact Assessment which has been prepared by ANVAS has found that, provided the noise controls recommendations made in Section 7.0 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level criteria.</p>

<ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties 	<p>The centre-based child care facility has been designed and oriented to maximise solar access to both the external and external play areas.</p> <p>The site requires a minimum of 420m² of outdoor play area and 30% of this is 126m². The proposal provides 448 m² of outdoor play area, which exceeds the minimum requirement, however the 30% is based on the minimum area required, rather than the maximum provided. In this regard, the proposal provides 126m² of solar access to the minimum area of the outdoor play area, representing 30% of the total area, and therefore complies.</p> <p>The proposed tow storey centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with setback provisions.</p> <p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.</p>
<ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	<p>The development proposes a clear and obvious building entry that faces its primary street frontage as shown in the attached plans.</p> <p>All outdoor play areas are appropriately protected from wind and other climatic conditions. Refer to architectural and landscape plans for details.</p>
<p>C12 – The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	<p>The proposal is a two storey modern buildings set within a landscape setting designed to be compatible with the anticipated future character envisioned for Careel Head Road Shops.</p> <p>Development is consistent with setback requirements under The Pittwater DCP and the Child Care Planning Guidelines.</p>
<p>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>	<p>Not applicable.</p>

<p>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>	<p>Not applicable.</p>
<p>C15 – Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessible through an outdoor play area 	<p>The proposed centre-based child care facility provides a primary entry point as shown in the attached plans.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.</p> <p>Access to the site is in accordance with the Access Report that accompanies this application.</p>
<p>C16 – Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • 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 • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable access provided via graded walkway.</p> <p>Access to the site is in accordance with the Access Report that accompanies this application.</p> <p>The development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance.</p>
<p>3.4 Landscaping</p>	
<p>C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context 	

- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping
- The landscaping plan incorporates planting including vegetation that will be utilised as part of learning programmes within the centre to assist with attending children understanding the benefits of plants.

Refer to attached Landscaping Plan for detail.

C18 – Incorporate car parking into the landscape design of the site by:

- planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
 - taking into account streetscape, local character and context when siting car parking areas within the front setback
 - using low level landscaping to soften and screen parking areas
- The car park and side boundary setbacks are appropriately landscaped.
- The landscaping plan incorporates planting that is indigenous to the immediate area and will be utilised as part of learning programmed within the centre to assist with attending children understanding the benefits of utilising local native plantings.

Refer to attached Landscaping Plan for detail.

3.5 Visual and acoustic privacy

C19 – Open balconies in mixed use development should not overlook facilities nor overhand outdoor play spaces.

The proposal is not part of a mixed-use development. Not applicable

C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
 - suitable locating pathways, windows and doors
 - permanent screening and landscape design
- Development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout and the use of fencing and landscaping along the site's boundaries.

C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
 - suitable locating pathways, windows and doors
 - permanent screening and landscape design
- Complies, there is no overlooking of any residential property, noting the proposal also includes 1.8m high privacy screens along all balcony edges.

C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- 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 fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

Development proposes appropriate acoustic fencing in accordance with the accompanying Environmental Noise Impact Assessment, along the site boundaries to mitigate potential noise impacts to adjoining properties.

Refer to attached Environmental Noise Impact Assessment for more detail.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff.

The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C24 – Adopt design solution to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of opening facing noise sources
- using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources

The proposal is setback well within the site and a considerable distance from Barrenjoey Road. This along with acoustic screening provides appropriate buffering and protection from potential noise impacts.

Appropriate design/ measures have been undertaken including appropriate setbacks, use of landscaping and acoustic screens to minimise acoustic impacts to neighbouring properties.

An Environmental Noise Impact Assessment which has been prepared by ANVAS has found that, provided the noise controls recommendations made in Section 7.0 of the report are implemented, the level of noise emitted by the proposed child care facility will meet the acceptable noise level criteria.

C25 – 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:

- on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000
- along a railway or mass transit corridor, as defined by *State*

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25 or mass transit corridor, on a major or busy road or other land that is impacted by substantial external noise.

<p><i>Environmental Planning Policy (Infrastructure) 2007</i></p> <ul style="list-style-type: none"> on a major or busy road other land that is impacted by substantial external noise 	
<p>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</p>	<p>Complies.</p>
<p>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</p>	<p>The subject site is not located near a major road or industrial development.</p>
<p>3.7 Hours of operation</p>	
<p>C28 – 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.</p>	<p>The child care facility is to operate between 7am to 6pm Monday to Friday.</p>
<p>C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>Subject site is not located within a shopping village, where centre based childcare centres are appropriate. It has been designed, with building arrangement and location of play areas sited to ensure that there is no impact on nearby residents.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	
<p>C30 – 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 rate:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> 1 space per 10 children 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> 1 space per 4 children 	<p>Car parking for the child care centre component is provided at a rate of 1 space per 4 children, equivalent to 15 spaces.</p>

<p>C31 – 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 vehicular movement or potential conflicts with truck and large vehicles.</p>	<p>Not applicable, all parking is contained within the building basement.</p>
<p>C32 – 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 and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	<p>Traffic & Parking Impact Assessment has been prepared by CJP Consulting Engineers and accompanies this application. This assessment has found that there are no parking or traffic related issues to prevent approval of the proposed child care facility.</p> <p>Refer to attached Traffic & Parking Impact Assessment for more detail.</p>
<p>C33 – Alternate vehicular access should be provided where child care facilities are on site fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions:</p> <ul style="list-style-type: none"> • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic 	<p>Whilst the property does front a classified road, vehicle access is from a local side street, Careel Head Road. The site does not front a road which carries freight traffic or transport dangerous goods or hazardous materials.</p>
<p>C34 – 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 sider locality in times of emergency.</p>	<p>Development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p>
<p>C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings including within large car parking areas 	<p>Development provides separate pedestrian and vehicular access.</p> <p>Vehicles can enter and exit the site in a forward direction.</p>

- separate pedestrian and vehicle entries from the street for parents, children and visitors
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- vehicles can enter and leave the site in a forward direction

C37 – Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance to play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair accessible parking

Car parking is within a basement and therefore separated from child play areas. Appropriate child safe fencing is included within the centre in any case.

Accessible car parking space, designed in accordance with Australian Standard is clearly marked and situated near the entry point.

4. Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The proposal provides 3.25m² of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Design Guidance

Verandahs as indoor space

For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

No verandah is to be included as unencumbered indoor space. Not applicable.

Design Guidance

Storage

It is recommended that a child care facility provide:

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas. A total of 12m³ of indoor storage is provided, with 18m³ provided outside.

4.2 Laundry and hygiene facilities

<i>Regulation 106</i>	
<i>Education and Care Services National Regulations</i>	
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.	On site laundry facilities are provided.
Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.	Designed to comply.
Child care facilities must also comply with the requirements for laundry facilities that are contained in the <i>National Construction Code</i> .	Laundry designed to comply with relevant requirements under the National Construction Code.

<i>Design Guidance</i>	
<i>On site laundry</i>	
On site laundry facilities should contain:	
<ul style="list-style-type: none"> • a washer or washers capable of dealing with heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • an on-site laundry cannot be calculated as usable unencumbered play space for children 	Designed to comply.

4.3 Toilet and hygiene facilities

<i>Regulation 109</i>	
<i>Education and Care Services National Regulations</i>	
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.	Toilet facilities for both the children and staff are provided.
Child care facilities must comply with the requirements for sanitary facilities that are contained in the <i>National Construction Code</i> .	Sanitary facilities designed to comply with relevant requirements under the National Construction Code.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive and have adequate natural light and be temperature controlled to avoid extremes in temperature.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

Light and ventilation and minimum ceiling heights designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to: providing windows facing different orientations using skylights as appropriate ceiling heights

Development provides windows facing different orientation with the proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

Adequate space for administrative tasks being conducted on site are proposed within the office, staff and meeting rooms.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children.

Complies.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include:

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre from the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

Centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regards to the needs to maintain their right and dignity.

The proposed layout ensure that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

Comply.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing. Draft evacuation plans are submitted with the DA showing the means of evacuation and egress areas.

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides 7.0m² of unencumbered outdoor play space per child.

The play space has been calculated in accordance with the unencumbered guidelines of this Guideline. Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Not applicable.

Design Guidance
Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries which are designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural environment

*Regulations 113
Education and Care Services National
Regulations*
The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and leaning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

Design Guidance
Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leave or berries
- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilities interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

Noted, refer to attached landscape plan for detail.

The outdoor space has been designed to provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

4.11 Shade

*Regulations 114
Education and Care Services National
Regulations*

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.
- adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

Complies. Refer to attached Architectural Plans for detail.

Appropriate natural and built shade structures are incorporated into the design of the child care facility that will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

4.12 Fencing

*Regulations 104
Education and Care Services National
Regulations*

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.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

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*.

Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should:

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Development proposes appropriate fencing that is consistent with fencing within the subject area and with comparable child care facility within the wider Local Government Area.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Noted - Side fencing has been undertaken in accordance with the Environmental Noise Impact Assessment.

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.

Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Designed to comply.

4.13 Soil assessment

*Regulations 25
Education and Care Services National
Regulations*

Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval.

A PSI has been submitted that confirms the suitability of the site for the child care proposal.

DISCUSSION ON SITE SUITABILITY: PROXIMITY TO LICENSED PREMISES

The provisions of the CCPG set out relevant considerations including C2 which sets out:

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

C2

• 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.

In relation to licensed premises it is noted that the CCPG is concerned with premises licensed for alcohol or gambling- being hotels (pubs), clubs, cellar door premises. That is, the concern is with premises where patrons can drink or gamble on site and in proximity to a child care centre- such that patrons affected by alcohol or gambling addictions are not in proximity to the child care centre. It is clear that the Guideline is not intended to apply strictly to a shop selling packaged liquor because that liquor is not consumed on the premise. Therefore it is considered C2 would be satisfied on that basis.

However regardless of this it is noted that care has been taken with the design of the proposal as follows:

- The child care centre has a dedicated lift from the basement;
- The child care centre has a dedicated and separate entry and associated lobby at the ground floor;
- The Dan Murphys entrance near the lift is a discreet entry where alcoholic products and the like are not highly visible relative to child care attendees.

On that basis the proximity to the shop selling liquor is acceptable and the proposal is compatible and satisfies the CCPG in this regard.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the relevant controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

It is noted that a large portion of the controls have been addressed in Chapter 3 Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

Clause	Controls	Comment	Complies
Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
106	Laundry and hygiene facilities	A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
107	Space requirements – indoor space	The proposed centre-based child care facility provides 3.25m ² of unencumbered indoor play space per child as shown on the submitted architectural plans.	Yes
108	Space requirements – outdoor space	The proposed centre-based child care facility provides 7.0m ² of unencumbered outdoor play space per child as shown on the submitted architectural plans.	Yes

109	Toilet and hygiene facilities	Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and natural light	The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
Division 2 Additional Requirements for Centre-Based Services			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy change facility is provided by the proposed centre-based child care facility.	Yes
113	Outdoor space – natural environment	As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes
114	Outdoor space – shade	The proposed centre-based child care facility has provided adequate shading. Refer to attached architectural plans for detail.	Yes
Part 4.4 Staffing Requirements			
123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u>Australia:</u></p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u>New South Wales.</u> Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 8 children (2 staff) 2-3 Years – 15 children (3 staff) 3-5 Years – 37 children (4 staff)</p>	Yes

Total: 9 staff educators.

The development provides a total of 23 educators. Complies.

Part 7.3 New South Wales – Special Provisions

271	Educators to child ratios – (1) children aged 36 months or more but less than 6 years	(1) Regulation 123 (1)(c) applies as modified by this section. (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.	Yes
This is addressed in the section above.			

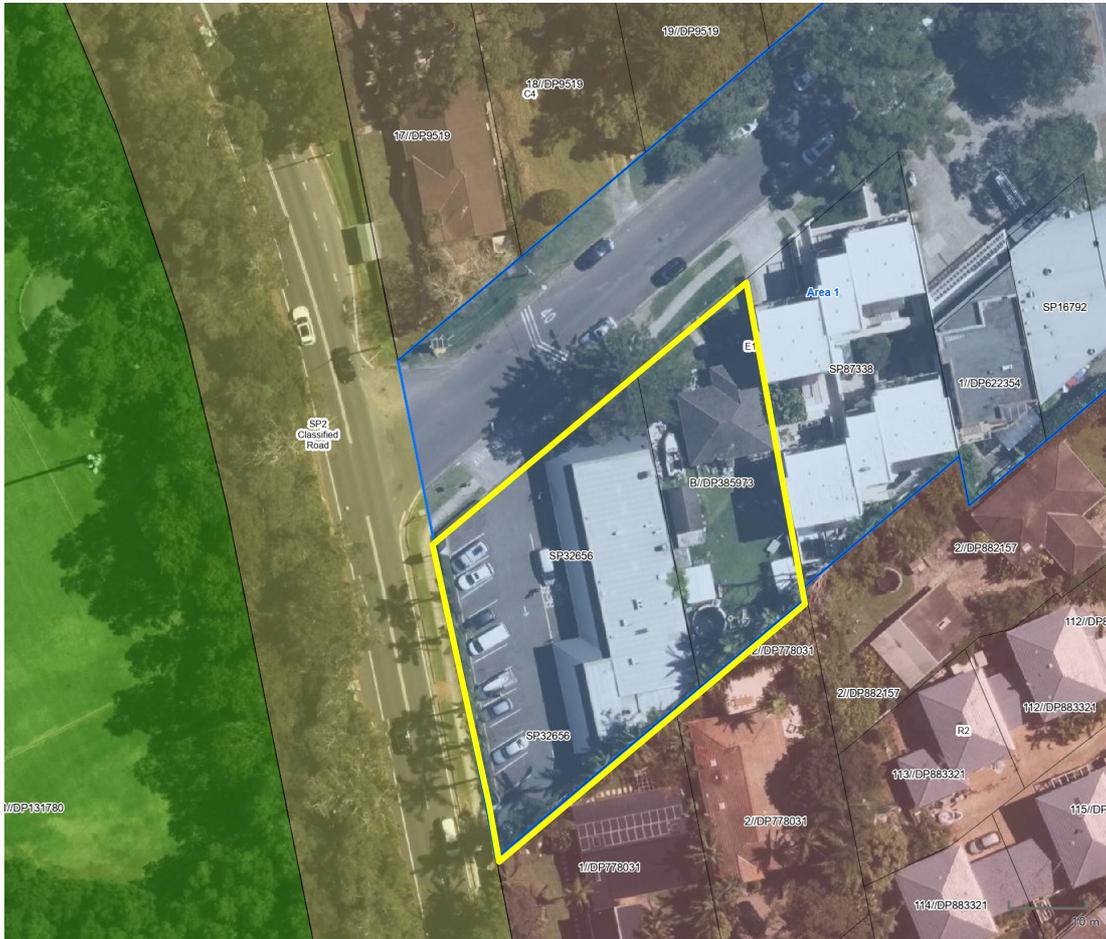
Each of the relevant requirements contained in the Regulation have been considered and responded to in the design of the proposal.

Separate licensing approval of the proposal will be sought prior to occupation and running of the Child Care Facility.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

The development site is zoned E1 Local Centre as per the zoning map extract below.

Figure 7: Zoning Map Extract (Source: Spatial Viewer)



Within the zone, the following uses are relevant:

- Commercial
- Early education and care facility

Both terms are permitted with consent within the zone and are defined as follows:

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,

(c) *retail premises.*

Of the above terms, the proposal is a **retail premises**:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

(a), (b) *(Repealed)*

(c) *food and drink premises,*

(d) *garden centres,*

(e) *hardware and building supplies,*

(f) *kiosks,*

(g) *landscaping material supplies,*

(h) *markets,*

(i) *plant nurseries,*

(j) *roadside stalls,*

(k) *rural supplies,*

(l) *shops,*

(la) *specialised retail premises,*

(m) *timber yards,*

(n) *vehicle sales or hire premises,*

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of commercial premises—see the definition of that term in this Dictionary.

Within this definition, the proposal is a shop, and is therefore permitted within the zone. A **shop** means the following:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that

hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

The second use is a **centre based child care facility**, which is a term within the below definition:

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

Within this term a centre based child care facility is defined as:

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children’s parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note—

Centre-based child care facilities are a type of early education and care facility—see the definition of that term in this Dictionary.

The proposal is accordingly permitted with consent in the zone under Pittwater LEP 2014.

The development proposal is also consistent with the prescribed zone objectives that are stipulated in the table below

Zone objective	Consistency
<ul style="list-style-type: none"> – To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. 	<p>The proposal provides 4 shops for retail and business use. Likewise a centre based child care centre is provided. Together, the development provides a range of uses, with varying floor area that meets the needs of residents and also visitors to the area.</p>
<ul style="list-style-type: none"> – <i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i> 	<p>The proposal provides upgraded commercial opportunities within an existing shopping strip. The proposal revitalises the Careel Head Road Shops and provides more economic opportunities, including local employment.</p>
<ul style="list-style-type: none"> – <i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.</i> 	<p>The proposal is consistent with consent in the zone and contributes to councils vision for a local shopping village.</p>

<ul style="list-style-type: none"> - <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i> 	Ground floor uses are non-residential
<ul style="list-style-type: none"> - <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse, and functional streets and public spaces.</i> 	The proposal provides three fine grain retail tenancies, with a fourth larger tenancy behind. This provides an attractive an active street address that encourages pedestrian access, in addition to vehicles.
<ul style="list-style-type: none"> - <i>To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.</i> 	The development is a scale and form that responds well to its local context. It achieves compliance with key planning controls including height and is therefore of a scale consistent with the locality. Further landscaping is provided to integrate into the broader context, including as a transition buffer to lower density land.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Pittwater Local Environmental Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	E1 Local Centre	The proposed development is permitted within the zone	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the E1 Local Centre Zone, as noted in the table above.	YES
2.6	Subdivision – Consent Requirements	Not applicable	N/A
2.7	Demolition Requires Consent	This development seeks consent for the demolition of existing structures on site.	YES
Part 4 Principal Development Standards			
4.1	Minimum subdivision lot size	Not applicable	N/A
4.3	Height of Buildings – 8.5m	The development is to be fully contained within the 8.5m maximum height limit.	YES
4.4	Floor Space Ratio	Not applicable	N/A

4.5A	Density controls for Certain Residential Accommodation	Not applicable	N/A
4.6	Exceptions to development standards	The proposal is fully compliant	N/A
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	There are no European or aboriginal heritage restrictions on the site or within its immediate vicinity. Not applicable.	N/A
5.11	Bushfire Hazard Reduction	The site is not identified as containing Bushfire Prone Land.	N/A
5.21	Flood Planning	<p>The ground floor levels of the proposed buildings are at or above the Flood Planning Level of 3.7m AHD. This is consistent with Council's planning requirements.</p> <p>Council's engineer has also confirmed during pre-da minutes that: <i>The new buildings are either outside of the 1% AEP flood extent or outside of the 1% AEP flood storage area.</i></p> <p><i>The car parking changes appear to be consistent with the Flood Prone Land DCP Control.</i></p> <p>The basement entry point is also above Council's estuarine planning level of 2.57m and has adopted Council's standard of at least 3.07m at basement entry. Therefore, appropriate mitigation against flooding from sea level rises has is incorporated into the design.</p> <p>Given the advice of Council, the proposal clearly complies with relevant floor planning requirements and no further consideration is necessary.</p>	Yes

Part 7 Additional Local provisions

7.1	Acid Sulfate Soils		<p>The subject site is located on land partly identified as Class 2 and 5 acid sulfate soils.</p>	Yes
			<p>A geotechnical report has been prepared by CEC Geotechnical and is submitted with this application. The report includes an assessment of groundwater which indicates at Section 4.5 that ground water was encountered and further investigations are being undertaken to determine the approximate groundwater level.</p>	
			<p>The soils are non-saline with a pH that is non-aggressive for steel piles and reinforced concrete piles.</p>	
7.2	Earthworks		<p>The development proposes a basement carpark which requires excavation.</p>	Yes
			<p>A Geotechnical Report is submitted with this application which makes an assessment of ground conditions provides appropriate recommendations to guide future development. Refer to attached report for detail.</p>	
7.5	Coastal risk planning		<p>The site is not identified on the map.</p>	N/A
7.6	Biodiversity		<p>The site is not identified on the map.</p>	N/A
7.7	Geotechnical Hazards		<p>The site is not identified on the map.</p>	N/A
7.8	Limited development on foreshore area		<p>The site is not a foreshore area</p>	N/A
7.10	Essential Services		<p>The site is appropriate serving, noting that the proposal will not increase demand for these services.</p>	Yes

PITTWATER 21 DEVELOPMENT CONTROL PLAN

The table below provides detail on the development standards relevant to the current proposal.

Pittwater 21 Development Control Plan			
Clause	Controls	Comment	Complies
Section B – General Controls			
B1	Heritage Controls	Not relevant to this proposal	N/A
B2	Density Controls	Not residential development and therefore not relevant to this proposal	N/A
B3	Hazard Controls		
B3.1	Landslip Hazard	Not relevant to this proposal	N/A
B3.2	Bushfire Hazard	Not relevant to this proposal	N/A
B3.3	Coastline (Beach) Hazard	Not relevant to this proposal	N/A
B3.4	Coastline (Bluff) Hazard	Not relevant to this proposal	N/A
B3.6	Contaminated Land and Potentially Contaminated Land	Addressed under Hazards and Resilience SEPP 2021. Refer to earlier discussion against the provisions of this SEPP.	Yes
B3.9	Estuarine Hazard – Business, Light Industrial and Other Development	<p>The subject site is identified as potentially impacted by “Wave Action and Tidal Inundation”.</p> <p>Council have advised that the estuarine planning level is a base of 2.57m, and if the design life is higher a base level should be 3.07m. The proposal complies with the car park having an RL of 3.05 and the basement entry a ramp height of RL3.07m. The ground level of the entry forecourt is RL3.66m and the floor level of the shops RL 3.7m. This complies with DCP design requirements.</p> <p>Other elements such as signage to a pedestrian safe haven, and vents can be conditioned.</p>	Yes
B3.11	Flood Prone Land	See discussion at the end of this table.	Yes
B3.12	Climate Change (Sea Level Rise and Increased Rainfall Volume).	The floor level of the shopping centre has adopted Council’s advised floor planning level, which	Yes

		<p>includes the climate change level. This is 3.7m.</p> <p>Refer to discussion in B3.9 above which confirms that the basement has been designed to comply with Council's estuary planning levels.</p> <p>Stormwater management plans submitted with this Development Application confirm that the proposal complies with pre-and post-development flows in terms of managing stormwater.</p>	
B4.22	Preservation of trees and bushland vegetation	<p>Addressed under Biodiversity and Conservation SEPP 2021.</p> <p>The proposal is supported by an arborist report by Redgum Horticultural, with the DA plans clearly showing the trees for retention and those required for removal.</p> <p>Seven trees were identified, with two trees recommended for removal. A further five trees identified as exempt specimens are also recommended for removal.</p> <p>In terms of two trees identified for removal, the following recommendation was made:</p> <p><i>Trees 1 & 2: Araucaria heterophylla - Norfolk Island Pine & Casuarina glauca - Swamp She Oak; located within the site, adjacent to the northern boundary and positioned within the proposed building / basement footprint. These specimens which have asymmetrical, co-dominant canopies cannot be retained unless redesign can accommodate the 6.0m & 5.4m (respectively) tree protection zones measured radially from centre of trunk. If this cannot successfully be achieved, and the current proposed design is approved, the specimens are recommended to be removed and replaced with super advanced</i></p>	Yes

		<p><i>specimens as part of the landscape works component for this development.</i></p> <p>These trees are unable to be retained due to their location, with the recommendations of the arborist incorporated into the site landscaping.</p>	
B5 Stormwater Management			
B5.5	Rainwater tanks – Business, Light Industrial and other development	<p>The proposal includes an integrated approach to stormwater management as shown in the attached plans. Rainwater tanks are included, along with an onsite detention tank and a WSUD underground tank located near the south western boundary. Further WSUD elements include the use of a bio-detention basin/ swale.</p> <p>This provides a completely integrated approach to the management of water, with the combination of storage meeting council design requirements. This water can be used for non-potable purposes on the site, for example irrigation of gardens. Refer to engineering plans for details.</p>	Yes
B5.15	Stormwater	<p>Stormwater plans have been prepared by C and S Engineering Services. These are attached and form part of this Development Application.</p> <p>The stormwater strategy is an integrated approach as described in B5.5 above and meets water quality targets, along with pre and post development flow requirements. Music model results are attached.</p>	Yes
B6 Access and Parking			
B6.2	Internal Driveways Minimum 5.5m required	The basement ramp has been designed to comply with minimum widths. It is two lane ramp, with a width exceeding 5.5m.	Yes

	Maximum gradient 1:5	The driveway is double with and has a ramp gradient of 1:4, which is within DCP design guidance. Cross section diagrams are provided, along with vehicle sweep paths. Further the traffic report by CJP confirms that the design achieves compliance with council requirements and is therefore appropriate.	
	Drainage	As shown in the engineering plans, all drainage is collected on site.	
B6.3	Off street parking requirements		
	1 space per 30 sqm for retail	24 retail spaces are required and 24 are provided, plus an additional 2 click and collect spaces.	Yes
	Child care centre 1 space/4 kids	15 spaces are required, with 15 provided.	Yes
	Bicycle Parking	4 spaces	
	Motorcycle parking	1 space is provided	Yes
	Delivery vehicles	A delivery vehicle space has been provided as shown in the attached plans. This is capable of servicing a medium rigid vehicle, and is separate from customer parking areas.	Yes
B6.5	Access Driveways	The site currently has an approved ingress from Careel Head Road, with egress to Barrenjoey Road. This is to be retained. The traffic report submitted with this application confirms that access, parking and loading areas comply with relevant requirements specified in AS2890. Therefore the use of the existing entry and exit driveways remains appropriate. Refer to attached report for details.	
B6.7	Transport and Traffic Management	CJP have prepared a Traffic Report for the proposal. This report confirms that the proposal will not have any undue impacts and is therefore supportable on traffic grounds.	Yes

The conclusion is reproduced below for context:

Based on the findings contained within this report, the following conclusions are made:

- *the site is conveniently located in close proximity to bus stops on Barrenjoey Road and Careel Head Road, with regular services provided, 7 days per week*
- *the proposed development is expected to generate in the order of 68-73 vehicle trips during the weekday AM/PM and Saturday peak periods*
- *when compared to the existing local shopping village on the site, the proposed development is expected to result in a nett increase of 26-46 trips during the weekday peak periods, however, a nett reduction in peak period traffic on a Saturday*
- *in any event, the proposal is not expected to result in any unacceptable implications in terms of road network capacity or safety*
- *the proposed development makes provision for 41 car parking spaces (including 5 accessible spaces and 2 click & collect spaces), which satisfies the numerical requirements specified in Council's 21 DCP and the RMS Guide*
- *the proposed development also makes provision for Y bicycle spaces and Z motorcycles*
- *the proposed vehicular access, parking and loading area design complies with the relevant requirements specified in the AS2890 series, having regard to the retention of the existing entry and exit driveways.*

<p><i>In light of the foregoing assessment, it is therefore concluded that the proposed development is supportable on vehicular access, traffic, parking and servicing grounds and will not result in any unacceptable implications</i></p>			
B8	Site works management		
B8.1	Construction and Demolition – Excavation and landfill	A geotechnical report, prepared by CEC Geotechnical is provided. The report provides appropriate analysis of ground conditions and also recommendations to guide future development on the site. Refer to attached for details.	Yes
B8.3	Construction and Demolition – Waste minimisation	A Waste Management Plan prepared by Dickens Solutions Pty Ltd is attached	Yes
B8.4	Construction and Demolition – Site fencing and security	The proposal can comply, with this a condition of consent	Yes
B8.5	Construction and Demolition – Works in the Public Domain	No works are proposed in a public reserve	N/A
B8.6	Construction and Demolition – Traffic Management Plan	The proposal can comply, with this a condition of consent	Yes
Section C – Development Type Controls			
C2 Design Criteria for Business Development			
C1.1	Landscaping	A landscape plan has been prepared by Canvas Landscape Architects. Refer to attached for details.	Yes
C1.2	Safety and Security	The development is to be designed compliant with the CPTED requirements.	Yes
C2.7	Building facades	The proposal has been designed with a visually attractive façade that makes a substantial improvement to the local context. Specifically, it does not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place. Refer to architectural plans for details	Yes

C2.8	Energy and Water conservation	Embodied Energy details are submitted with the application.	Yes
C2.9	Waste and Recycling facilities	<p>A Waste Management Plan prepared by Dickens Solutions Pty Ltd is attached and complies with DCP requirements.</p>	
		<p>Council's Waste Management DCP does not prescribe waste and recycling generation rates for Child Care Centres. As such all waste and recycling generations have been calculated according to information obtained in the Better Practice Guide for Resource Recovery in Residential Buildings, published by the NSW EPA.</p>	
		<p>All waste and recycling services will be provided by a licensed private waste and recycling collection contractor.</p>	
		<p>The proprietor of the Child Care Centre will be responsible for ensuring that all on-going waste management activities are carried out in accordance with the provisions of this Waste Management Plan.</p>	
		<p>The WMP aims to promote the use of recyclable materials in the excavation, demolition, construction, and on-going operation of the building.</p>	
		<p>The WMP aims to ensure the design of waste and recycling storage facilities are of an adequate size, appropriate for the intended use of the building, hygienic with safe and manoeuvrable access.</p>	
		<p>The WMP aims to ensure that the provision of waste and recycling services to the completed buildings are carried out in an efficient manner, which will promote the principles of health, safety, and convenience.</p>	

		The measures set out in this WMP aim to demonstrate that all such activities will be carried out effectively and efficiently, in a healthy, safe, and convenient manner, to acceptable community standards, and to the requirements of the Northern Beaches Council.	
C2.10	Pollution control	The proposal has been designed to ensure that there are no pollution impacts.	Yes
C2.11	Signage	All signage will be subject of a future development application	N/A
C2.12	Protection of residential amenity		
	Solar access	The proposal has been designed to minimise any impact to the southern neighbour. The building height is fully compliant with the 8.5m height limit, with a 3 m setback provided along the boundary. Further, the upper level is setback an additional 1.62m, further reducing the shadow cast from the building. There will accordingly be no shadow impact.	Yes
	Privacy	There is no overlooking, with outdoor play areas appropriately screened with a 1.7m high privacy screen. Likewise, there is no window to the southern boundary or eastern boundary from the child care room, with the only windows from the staff room and office and kitchen. Staff room and office windows are awning style, meaning they cannot be opened at the bottom and only partly at the middle. This ensures that privacy is maintained. An acoustic report by ANAVAS is submitted with this application which provides recommendations for the child care centre operation, including management procedures for outdoor play areas. Refer to attached report for details.	

C2.22	Plant, Equipment Boxes and Lift-Over-run	All services are integrated into the building design and comply with DCP guidance	Yes
Section D – Locality Specific Development Controls – D1 Avalon Beach Locality			
D1.1	<p>Character as viewed from a public place.</p> <p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p> <p>Bulk and scale to be minimised</p> <p>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</p>	<p>The proposal has been designed to integrate into its local setting. It complies with height requirements and is appropriately setback into the site, noting that the existing at grade car park remains. Overall, the use of differing materials, along with landscaping ensures that the proposal provides an attractive local character on the site, representing a significant improvement to the local context.</p> <p>The façade has been broken up through the use of vertical columns, recessive shop frontages, use of corner elements via setbacks, along with location of building entries. This along with material selection and diversity breaks up the façade into elements minimises the bulk and scape and complies with DCP design guidance. Refer to architectural plans.</p> <p>The setback ensures that the building is recessive to neighbouring dwellings along Barrenjoey Road along with providing an opportunity for landscaping along setbacks to both street frontages. Along with the setback from the southern boundary, which is landscaped, the proposal has the character of a building within a landscaped setting, providing an attractive and desirable destination and therefore contribution to local character.</p> <p>In terms of Careel Head Road, the proposal blends into the existing building alignment, providing continuity within what is the local shopping strip, along with landscaping within the setback area.</p>	

Site landscaping therefore provides an appropriate screen to the building, particularly along the southern boundary and along with the setback of the building, and compliant height, will not have any detrimental impact on the area in terms of visual quality.

Refer to landscape plans for additional details.

D1.4 Scenic Protection – General Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The proposal presents an attractive façade to both street frontages. It complies with height requirements of the LEP. As described above, the proposal sits within a landscape setting, with parking predominantly within the basement, with the existing parking remaining. The car parking area (at grade) is an appropriately landscaped which softens the appearance of the building when viewed from Barrenjoey Road. Likewise the recessive nature of the design, with its mixed palate and facade articulation all contribute to an aesthetically pleasing development that makes a substantial positive contribution to the local area.

Yes

D1.5 Building Colours and Materials

Colours

The proposal introduces an attractive palate of materials as shown below:

Variation, but complies with intent

MATERIAL LEGEND		
		<varies>
	AWD1	ALUMINIUM FRAME WINDOWS & DOORS - COLOUR 1
	CF3	CONCRETE FINISH - SMOOTH
	CG	CLEAR GLASS
	CL1	COLORBOND VERTICAL CLADDING - SMOOTH -COLOUR BASALT
	PS	PERSPEX
	RP1	RENDERED PAINT - DULUX NAPKIN WHITE
	ST1	STONE CLADDING

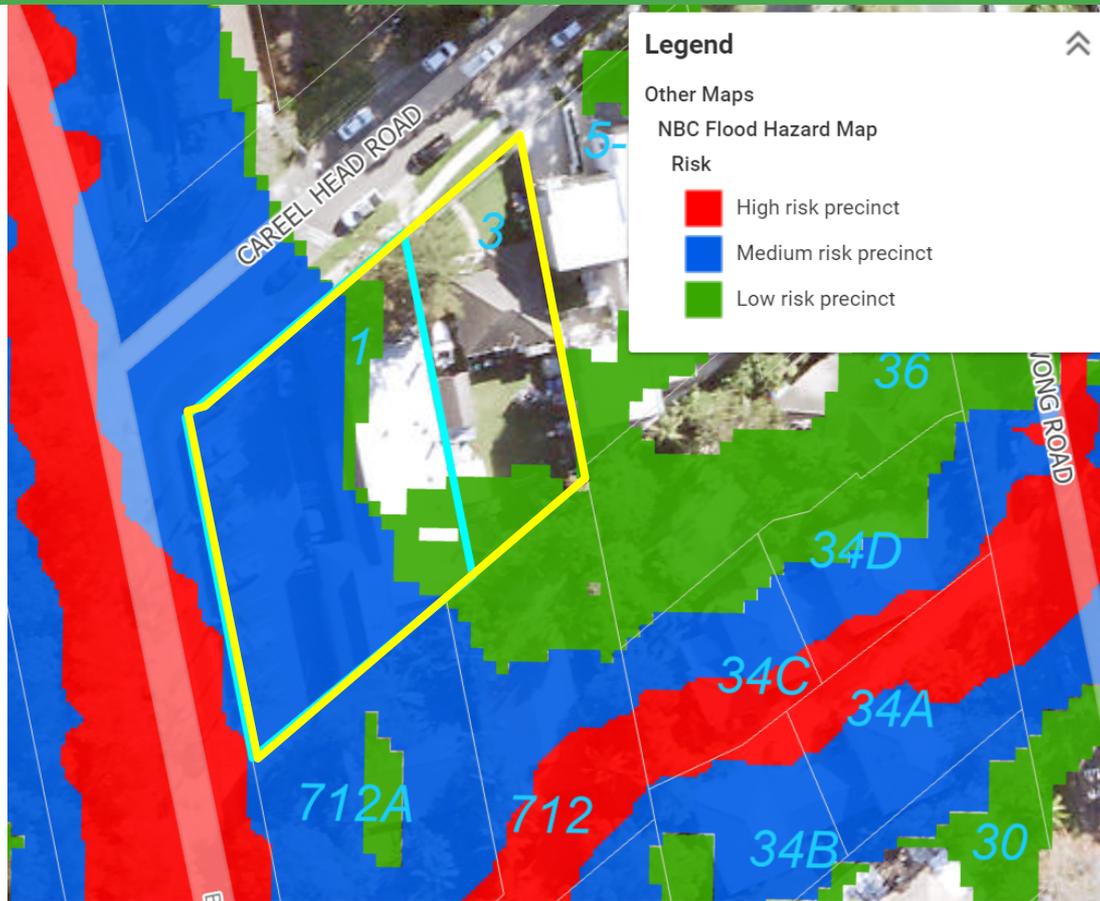
Whilst the DCP seeks darker materials, lighter colours are more sustainable and contribute to a cooler urban environment through less heat absorption. The design of

	above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).		
D1.14	Landscaped area – General	Not applicable as not within Area 3	N/A
D1.14	Landscaped area – Environmentally Sensitive Land	Not applicable as not within Area 1 or 2.	N/A

B3.11 FLOOD PRONE LAND

As per the map extract below, the site is identified as partially containing low risk and medium risk flood precincts.

Figure 8: Extract of the Northern Beaches Council Flood Hazard Map.



It is noted that Council have advised that the estuarine planning level is a base of 2.57m, and if the design life is higher a base level should be 3.07m. The proposal complies with the car park having an RL of 3.05 and the basement entry a ramp height of RL3.07m. The ground level of the entry forecourt is RL3.66m and the floor level of the shops RL 3.7m. This complies with DCP design requirements.

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.