

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1107
----------------------------	-------------

Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 1 DP 1282038, 4 - 8 Inman Road CROMER NSW 2099
Proposed Development:	Change of use and alterations and additions to Office C for the purpose of a centre-based child care facility and associated landscaping and signage
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes, under Standard Instrument (Local Environmental Plans) Order 2006
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	ID Fitouts Pty Ltd

Application Lodged:	31/08/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Community facility
Notified:	08/09/2023 to 22/09/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,427,456.91
---------------------------------	-----------------

EXECUTIVE SUMMARY

This development application seeks consent for a change of use and alterations and additions to Office C within the mixed-use development, known as the "Roche Site", for the purpose of a centre-based child care facility and associated landscaping and signage.

The application is referred to the Northern Beaches Local Planning Panel (NBLPP) due to including partial demolition of a local heritage item, listed in Schedule 5 of the *Warringah Local Environmental Plan 2011* (WLEP), as Item 152 - Roche Building at 100 South Creek Road.

In accordance with the definitions of the WLEP, 'demolish', in relation to a heritage item, means wholly

or partly destroy, dismantle or deface the heritage item. The application proposes minor alterations to the facade of one of the original Roche heritage-listed office buildings (Office C), including replacement of existing windows and new door openings, demolition of some internal partition walls and the fit out of the ground floor tenancy for a centre-based child care facility with associated landscaping and signage.

No submissions were raised during the exhibition period or during assessment.

The site is subject to the land use zone savings provisions provided under Part 2 Section 5 of the *Standard Instrument (Local Environmental Plans) Order 2006*. On 26 April 2023, the zone changed from IN1 General Industrial to E4 General Industrial which resulted in the land use of an *early education and care facility* to become prohibited. This use was permissible in the former IN1 zone. The savings provision allows for permissible land uses in the former zone to remain permissible in the new zone until 26 April 2025.

No critical assessment issues have been identified. The site has been extensively remediated as part of the development of the "Northern Beaches Business Park" complex and is deemed to be suitable for the proposed childcare centre use. No residential premises are located within close proximity to the subject site.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal is suitable for the subject site for the reasons outlined in this report.

This report concludes with a recommendation that the NBLPP grant approval to the development application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the change of use and alterations and additions to the ground floor of "Office C" within the Northern Beaches Business Park industrial and commercial complex for the purpose of a centre-based child care facility (child care centre) with associated landscaping and signage.

Specifically, the proposed development involves the following works:

- Demolish the security office, located within the unenclosed area to the south of the subject premises.
- Undertake internal alterations to separate the subject premises at the ground floor level from a new foyer area at the base of the spiral stair, so that the spiral stair may be used to access the upper level office without entering the subject premises.
- Undertake internal alterations within the subject premises to allow its use as a child-care centre.
- Create a new external opening in the eastern elevation and install a new doorway.
- Create a new opening in the northern wall of a protrusion on the western side of the building, with that part being at a 90-degree angle to Inman Road, for a new door opening.
- Remove specified windows facing Inman Road and replace with new sliding access doors.
- Remove specified windows facing Inman Road and replace with new non-sliding access doors.
- Install a separate air-conditioning system for the premises.
- Specified vegetation is to be removed from the Inman Road setback area, in accordance with the submitted tree safety report.
- Minor earthworks are to be carried out within the Inman Road setback area. The earthworks will establish a proposed outdoor play area.

- Undertake landscaping works, including the installation of paving and soft fall surface and of play equipment and associated fixtures and fittings in association with the use of the Inman Road setback area as an outdoor play area for children at the centre.
- Install new aluminium shade louvres over part of the proposed new paved area within the Inman Road setback area, using existing support structures in that area.
- Install a new steel and aluminium pergola and louvre shade structure over part of the new paved area within the Inman Road setback area.
- New fencing to be installed is only an extension of the existing 2m high black palisade fencing, which highly transparent not solid, which to include a business identification sign of 4.5m width by 1.2m height, as an illuminated signage panel.
- Install fixtures, fittings and suitable surfaces within the unenclosed area to the southern side of the premises, for the use of that area as an outdoor play area.
- Installation of a kitchen and laundry within the eastern area adjacent to the pedestrian walkway, along with amenities for staff and visitors. There is to be a parent lounge area adjacent to the spiral stair. There is to be an entry foyer adjacent to the spiral stair, with a reception desk. A director's office, a meeting room and a staff room will be in the northeast area of the premises.
- A waste storage area is to be adjacent to the eastern side of the premises, with screening from the pedestrian walkway to be provided

The child care centre will contain 447m² of internal play area and 1,000m² of outdoor play area to accommodate up to 120 children ranging from years 0 to 6. A maximum of 20 staff will be on the site at any one time.

31 car spaces are allocated to the proposed child care centre (20 allocated spaces and 11 assigned special provisions during nominated drop off and pick up hours from the site shared pool parking).

The child care centre is proposed to operate 7am to 6pm, Mondays to Fridays and 8am to 3pm, Saturdays, with no operation on Sundays.

AMENDED PLANS

During the assessment, Council raised several concerns including site suitability and permissibility, landscaping and biodiversity, traffic and parking and land contamination.

To address these matters, the applicant has provided an amended SEE further outlining site suitability and permissibility, architectural and landscape plans, traffic and parking report and plans and contamination site audit statement. These amended documents have been reviewed and satisfactorily address Council's concerns.

In accordance with the provisions of the Northern Beaches Community Participation Plan, re-notification of the application was not required. The amendments are considered to be minor and will result in a similar environmental impact on nearby properties and the public domain.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act

1979, and the associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

SITE DESCRIPTION

Property Description:	Lot 1 DP 1282038 , 4 - 8 Inman Road CROMER NSW 2099
Detailed Site Description:	<p>The site consists of one (1) allotment located on the eastern side of Inman Road.</p> <p>The site is irregular in shape with a frontage of approximately 200 metres along Inman Road and 168 metres along South Creek Road, and a depth of 152 metres. The site has an approximate area of 36,797m².</p> <p>The subject site concerns the ground floor of Office C only, which is the building that fronts Inman Road. The ground floor of Office C has a tenancy area of approximately 790m².</p> <p>The site is located within the E4 General Industrial zone and accommodates an industrial facility. Office C is currently vacant.</p> <p>The topography changes significantly across the site, however is relatively flat at the site of Office C.</p> <p>The site contains several trees along its Inman Road and South Creek Road frontages, and some lawn areas within the site, including directly west of Office C.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by large industrial and recreational facilities.</p>

Map:



SITE HISTORY

The land has been used for industrial and commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

Application **DA2019/1346** for Demolition works and alternations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café was approved on 17/08/2020 by the Sydney North Planning Panel.

Application **DA2021/2608** for Use of Premises (Warehouse 1) as an Indoor Recreation Facility (swim school), internal fit-out, reconfiguration of car parking and signage was approved on 24/06/2022 by Council staff.

Application **DA2022/1807** for Change of use and fitout of Warehouse 11 for the purpose of a golf facility (indoor recreation facility) was approved on 30/01/2023 by Council staff.

Application **DA2023/0294** for Change of use and fitout of Warehouse 7 and 8 for the purpose of a indoor recreation facility was approved on 18/07/2023 by Council staff.

Application **DA2023/1142** for Use of existing premises as an indoor recreational facility, including fitout and signage was approved on 24/11/2023 by Council staff.

Application **DA2023/1202** for Use of Premises as an indoor recreational facility, fitout and signage was approved on 06/03/2024 by the Northern Beaches Local Planning Panel.

Application **DA2023/1644** for Use of Premises as an Indoor Recreation Facility, fitout and signage was approved on 14/03/2024 by Council staff.

Application **DA2024/0123** for Use of Premises as a Indoor Recreation Facility, fitout and signage was approved on 15/05/2024 by the Northern Beaches Local Planning Panel.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	<p>See discussion on “Environmental Planning Instruments” in this report.</p> <p>The NSW employment zones reforms have been made and came into force on 26 April 2023. These reforms result in this property changing from an IN1 General Industrial zone to an E4 General Industrial zone. The proposed centre-based child care facility use becomes prohibited in the new zone.</p> <p>Despite the proposed use being prohibited in the E4 zone, savings provisions introduced via the Standard Instrument (Local Environmental Plans) Order 2006 allows for land use that was permitted under the previous zone but becomes prohibited in the new zone to remain permitted with consent until 26 April 2025.</p> <p>Therefore, the proposed centre-based child care facility use continues to be permitted with consent in the E4 zone until 26 April 2025.</p>
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural and landscape plans, traffic report and heritage impact statement.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration	Comments
	<p>Clauses 62 and/or 64 of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 08/09/2023 to 22/09/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment

Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><i>Supported with conditions</i></p> <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i><u>Note:</u> The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Environmental Health (Contaminated Lands)	<p><i>Supported without conditions</i></p> <p>This application is seeking consent for demolition and construction at 4-8 Inman Road, Cromer. Internal alterations are proposed to include a childcare centre, minor earthworks, 20 car park spaces to the childcare centre within the basement.</p> <p>Site Audit Interim Advice has been provided by James Davis from Enviroview Pty Ptd, dated 4 April 2024. The interim advice states the following:</p> <p>It is the Site Auditor's opinion that the assessments in relation to site contamination of the Heritage Building for the proposed use as a childcare centre have been appropriately conducted and that the findings of the assessment, are supporting by the investigations conducted. On this basis, the Heritage Building (Office C) is considered by the Site Auditor to be suitable for the proposed use as a childcare centre.</p> <p>This site audit interim advice does not constitute a Site Audit Statement (SAS) , therefore Council will be requiring a SAS prior to commencement.</p> <p>UPDATED REFERRAL COMMENTS</p> <p>A Site Audit Statement completed by James Davis dated 21 May 2024 has concluded that the site is suitable for the following uses:</p> <p>Daycare centre, preschool, primary school.</p> <p>Environmental Health recommends approval without conditions.</p>
Environmental Health (Industrial)	<p><i>Supported with conditions</i></p> <p>This application is seeking consent for change of use to a childcare</p>

Internal Referral Body	Comments
	<p>centre on the lower ground floor level. An acoustic report has been prepared which has considered noise from vehicles, road noise, impacts on adjoining tenancies and noise within children's sleep rooms.</p> <p>Children are sensitive receivers to noise therefore design solutions are critical at this stage to reduce potential noise impacts on the children and educators within the childcare centre but also to the office space above the childcare centre. Internal play areas have the potential to cause a noise disturbance to occupants above in the office space. Therefore, consideration will need to be given to effective noise barriers to the ceiling.</p> <p>The proposed fence to Inman Road is to be acoustically treated to reduce noise impacts to the children while in the outdoor play area.</p> <p>Screening of outdoor play areas is critical.</p> <p>A Noise Management Plan is to be created and made available at all times to staff and families of the childcare centre. The noise management plan is to address behavioral solutions and noise management strategies.</p> <p>Environmental Health recommends approval subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p><i>Supported with conditions</i></p> <p>This applicant is seeking consent for demolition and construction at 4-8 Inman Road, Cromer. Internal alterations are proposed to include a childcare center (CCC). minor earthworks, 20 car park spaces to the CCC within the basement car parking area. Total of 120 children. A kitchen and laundry for the CCC is also proposed.</p> <p>The operating hours for the center are to be 7am to 6pm Mondays to Fridays and 8am to 3pm Saturdays, with no operation on Sundays. In relation to food safety, the fitout can be adequately conditioned.</p> <p>Environmental Health recommends approval subject to conditions.</p>
Landscape Officer	<p><i>Supported with conditions</i></p> <p>The proposal is supported with regard to landscape issues.</p> <p><u>Additional Information Comment 29/04/24:</u> The amended reports and plans are noted.</p> <p>The Arboricultural Impact Assessment (AIA) identified 15 trees of which trees T1, T63, T66, T70, T72 and T75 are proposed for removal. Tree T63 is exempt by species and as such can be managed or removed at the discretion of the applicant without consent. Trees T66 and T72 have been identified as 'not suitable for retention' in the AIA, and should the application be approved no</p>

Internal Referral Body	Comments
	<p>concerns are raised with their removal. Trees T1, T70 and T75 are identified in the AIA as low quality and value and should the application be approved no concerns are raised with their removal. The amended Landscape Plans include 11 replacement native trees which will sufficiently offset the proposed canopy loss. A Project Arborist shall be engaged to supervise all work in the tree protection zone of trees to be retained and the required pruning works identified in the AIA. All other trees and vegetation shall be protected during works.</p> <p>The amended landscape proposal is generally supported and all proposed planting shall be installed in accordance with the requirements outlined in the conditions of consent. Should any existing planting, recently installed and shown to be retained, be damaged or removed during construction it shall be replaced with like for like substitutes to ensure the landscape character is maintained.</p> <p>Any approval or otherwise for netting under the existing mature canopy is deferred to the Assessing Planning Officer for comment.</p> <p><u>Planner Note:</u></p> <p>The applicant no longer seeks to construct netting beneath the tree canopy above the outdoor play area.</p> <p><u>Original Comment:</u></p> <p>It is noted this property has undergone many applications since DA2019/1346 was approved. Upon review of the subsequent applications the original landscape character has mainly remained as approved. It is noted this application seeks to change the landscape character and streetscape amenity provided along Inman Road, and approved under DA2019/1346.</p> <p>Landscape Referral raises the following concerns:</p> <ul style="list-style-type: none"> The Tree Risk Assessment provided with the application does not comment on the impact of proposed works to the trees which are to be retained. Artificial turf will almost entirely impact structural root zones and tree protection zones, and sandstone flagging will impact tree protection zones; comment in the form of an Arboricultural Impact Assessment (AIA) is required (refer to Council's DA Lodgement Requirements under AIA Report for more information). Landscape Referral notes compaction of subgrade is normally required for artificial turf and sandstone flagging which would significantly alter the permeability within the tree protection zones. The Arborist shall outline the tree sensitive construction methodology required to mitigate impact to existing trees to be retained and provide comment that the landscape proposal is acceptable in terms of tree protection/retention.

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • The Tree Risk Assessment shows 6 trees to be removed and the plans show 10 trees to be removed; please coordinate and clarify. Trees that have previously been removed shall be identified to avoid confusion. • Landscape Referral questions the suitability of a childcare play area under mature Eucalyptus species and raises concerns that construction impacts and ongoing risk may eventually require the removal of the entire mature canopy in this area, if the application is approved. • Upon visiting site it is noted the landscaped buffer along the western boundary, approved under DA2019/1346 and slightly modified under MOD2022/0452, has been installed to some capacity. It is noted the proposed plans state that the existing fence will be removed and replaced. To help maintain the streetscape character approved under DA2019/1346 it is suggested that the existing newly planted vegetation be retained and the new fencing be installed along the inside (eastern side) of the newly planted vegetation. • This application shows 6-10 trees to be removed and the Landscape Plan provided is unclear as to how many trees are proposed as replacements. Please clearly provide species selection, location, quantities, mature heights and pot sizes for all planting; refer to Council's DA Lodgement Requirements under Landscape Plans for more information.
NECC (Bushland and Biodiversity)	<p><i>Supported with conditions</i></p> <p><u>Updated Comments</u> The amended plans has reduced the recommended tree removals, and will now remove non-local species or trees of low quality. Suitable compensatory tree planting is proposed as part of the submitted landscape Plan, with proposed species and the locations provided. The development therefore satisfies DCP Control E1 Preservation of Trees or Bushland Vegetation.</p> <p><u>Original Comments</u> The proposed development has been assessed against the requirements of the NSW Biodiversity Conservation Act 2016, the associated 2017 Regulation, and Warringah DCP Control E1 Preservation of Trees or Bushland Vegetation.</p> <p>The Statement of Environmental Effects states that 10 trees will be removed which does not correlate with the submitted Plans and Arborist Report. In addition, the SEE states that the trees are not important from a biodiversity perspective, and this is also incorrect. The impacts to trees and native vegetation was assessed via a Biodiversity Development Assessment Report submitted as part of DA2019/1446, and the majority of the trees were to be retained. The DA was approved as it achieved a no net loss standard via offsetting the unavoidable impacts offset under the Biodiversity Offsets</p>

Internal Referral Body	Comments					
	<p>Scheme, the protection and retention of trees, and additional environmental management and mitigation measures including landscaping.</p> <p>The Arborist recommends a range of remediation actions to several trees, so that rather than removal the trees can be retained. This includes trees 65, 67,69, 71, 77 and 78, and the suggested works and retentions are to be detailed in the SEE and Plans. The Arborist is to also provide additional justification for the removal of trees 72 and 73.</p> <p>Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required, such as Tree 67 and tree 76. Details including proposed species and the location of replacement planting are to be provided, with reference to tree species the Landscape Plans approved under DA2019/1446</p>					
NECC (Development Engineering)	<p>Supported with conditions</p> <p>The application seeks consent to change the use and alterations and additions to Office C for the purpose of a child care centre and landscaping.</p> <p>Access No changes are proposed to the existing vehicle crossings and internal parking faculties for the property.</p> <p>Stormwater No changes are proposed to the existing stormwater management system for the property. Proposal will connect into the existing drainage system as required.</p> <p>No objection to proposal, subject to conditions.</p>					
Strategic and Place Planning (Heritage Officer)	<p>Supported with conditions</p> <table><tr><th>HERITAGE COMMENTS</th></tr><tr><td>Discussion of reason for referral</td></tr><tr><td>This application has been referred as the site contains a heritage item, being Item I52 - Roche Building and is within the vicinity of 2 other heritage items being Item I53 - Givaudan-Roure Offices and Item I38 Trees - Campbell Avenue, which are all listed within Schedule 5 of Warringah LEP2011.</td></tr><tr><th>Details of heritage items affected</th></tr><tr><td>Details of heritage item on site, as contained within the Heritage Inventory, are: Item I52 - Roche building <u>Statement of Significance</u> A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of</td></tr></table>	HERITAGE COMMENTS	Discussion of reason for referral	This application has been referred as the site contains a heritage item, being Item I52 - Roche Building and is within the vicinity of 2 other heritage items being Item I53 - Givaudan-Roure Offices and Item I38 Trees - Campbell Avenue , which are all listed within Schedule 5 of Warringah LEP2011.	Details of heritage items affected	Details of heritage item on site, as contained within the Heritage Inventory, are: Item I52 - Roche building <u>Statement of Significance</u> A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of
HERITAGE COMMENTS						
Discussion of reason for referral						
This application has been referred as the site contains a heritage item, being Item I52 - Roche Building and is within the vicinity of 2 other heritage items being Item I53 - Givaudan-Roure Offices and Item I38 Trees - Campbell Avenue , which are all listed within Schedule 5 of Warringah LEP2011.						
Details of heritage items affected						
Details of heritage item on site, as contained within the Heritage Inventory, are: Item I52 - Roche building <u>Statement of Significance</u> A substantial & excellent example of an industrial complex in the late 20th Century international style. Displays high degree of						

Internal Referral Body	Comments		
	<p>integrity. One of first industrial complexes set in substantial landscaped grounds. Socially significant due to landmark nature</p> <p><u>Physical Description</u></p> <p>Industrial/office building of off-form concrete with glass curtain walling. Assymetrical arrangement with hexagonal tower of off-form concrete with squatter glass-walled tower to east. Strong horizontal element provided by 3 storey office wing to west.</p>		
	Other relevant heritage listings		
	SEPP (Biodiversity and Conservation) 2021	No	Comment if applicable
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	However, Roche building was previously on RAIA Register
	Other	No	
	Consideration of Application		
	Revised comment - 31 July 2024 - Amended Plans		
	<p>Amended plans were submitted in April 2024 and further amended information provided in July 2024, in response to a number of heritage concerns with the application.</p> <p>Permissibility</p> <p>The application no longer relies on Clause 5.10(10) of Warringah LEP 2011, for the permissibility of the child care centre use. <i>Schedule 1, Part 2, Clause 5 of Standard Instrument (Local Environmental Plans) Order 2006</i> allows for the continuation of development that was previously permitted with consent before 26 April 2023, and this savings clause has an end date of 26 April 2025. Therefore, the child care centre is a permissible use with consent and heritage grounds are no longer needed to be used to approve the use.</p> <p>Amended plans</p> <p>There were several concerns with the amended plans, including:</p> <ul style="list-style-type: none"> The white <i>Vergola</i> shade structures, when closed, will be dense and dominate the heritage building. From a heritage point of view, the preferred option would be a dark lightweight structure covered by climbing vegetation to provide the required shade. However, it is recognised that shade provision would be dependent upon the health of the climbing vegetation and this type of structure would not provide rain protection. On this basis the <i>Vergola</i> structure 		

Internal Referral Body	Comments
	<p>can be supported, as long as it is not white, as shown on the plans. It should be a darker colour which integrates the structure better with the vegetation, while also not dominating the building facade. (but not black or other very dark colours such as Monument);</p> <ul style="list-style-type: none"> • The proposed timber decking area in front of Activity areas 01/02 should be replaced by a paved area, if necessary with a soft fall cover system; • The use of netting as a safety device for the trees is not supported as it will have an adverse visual impact upon the appearance of the heritage building. Insufficient details were provided to fully assess the impact. <p>In response to these comments, further amended plans and information were submitted by the applicant in July 2024. The amended proposal deletes any netting of the tree canopy, removes the timber decking outside Activity area 01/02 and clarifies the ground treatment of the area outside Activity area 03/04.</p> <p>The latest amended plans have been reviewed and can be considered acceptable on heritage grounds, subject to the <i>Vergola</i> being in a darker colour to minimise its visual impact upon the heritage item. A condition will be imposed to this effect.</p> <p>Additionally, as this proposal will result in changes to the interior of a heritage building and its exterior setting, a comprehensive Photographic Archival Record is required to record the heritage item prior to any change. A condition will be imposed to this effect.</p> <p>Therefore, taking all matters into consideration, no objections are raised on heritage grounds, subject to the imposition of a number of conditions.</p> <p>Original comment - 12 February 2024</p> <p>This application proposes use of one the heritage listed building on-site for the purposes of a child care centre (Building 6), relying on the use of clause 5.10(10) of Warringah LEP 2011, to facilitate the change of use. This clause allows Council to approve a use otherwise prohibited by the zoning, if it is satisfied that the requirements of all of the five criteria in this clause are met. Essentially, the proposed use must facilitate the conservation of the heritage item and must not have an adverse impact upon the identified heritage significance of the item.</p> <p>The application was supported by a Heritage Impact Statement by Heritage 21 (June 2023), which concludes that the proposal is acceptable on heritage terms, in relation to the works proposed and also in relation to the use as a child care centre, using the</p>

Internal Referral Body	Comments
	<p>conservation incentives clause. This conclusion is not agreed with.</p> <p>Heritage comments were received from Council's external heritage advisor, Robert Moore, who assessed the impact of the proposal on the significance of the heritage item:</p> <p><u>Contextual works (landscaping).</u></p> <p>It is in this aspect of the proposal that significant impact appears entailed by the development. The specific needs of the proposal for treatment of the associated external spaces and fencing gives rise to pronounced conflicts of character which would impact the core significance of the former Roche complex as a related group of Modernist buildings sited in a considered landscape setting. A major section of the garden around the building cannot be sequestered in the way proposed.</p> <p>The shade structure, highly detailed and intense landscape treatment, and enveloping fencing all promise conflict with the "core idea" of the complex and would inappropriately distinguish the part of it to be occupied by this use.</p> <p>The Modernist expression of rigorous, minimalist and consistent buildings set in an open bushland garden would be overwhelmed by what is proposed. The fencing in particular is at odds with the open setting, and would inhibit the intended visibility of the buildings in the original design.</p> <p>I note the issues raised in the internal landscape referral regarding safety in a play area under mature indigenous tree cover.</p> <p><u>External works</u></p> <p>To the extent that the details and impact of these are clear, the substitution of opening door elements for existing glazing elements may be within the tolerable extent of changes that the building could sustain. Again the shade structure, intruding into the setting and differentiating this part of the complex, is difficult and adverse in its impact, in my opinion. Other changes to masonry may be avoidable with further discussion or capable of execution in acceptable ways.</p> <p><u>Internal Works</u></p> <p>While some form of lightweight, reversible partitioning might be anticipated in an open plan environment such as this part of the complex, the drawings suggest a complex permanent subdivision of the space with the creation of hallways, offices, service areas and bathrooms. The extensive wet areas must raise complex servicing issues, and would require invasive works for plumbing. Alternative approaches to that shown in the drawings might be possible, allowing for a genuinely reversible fit out of the space, more in tune with the management of the significance of such a</p>

Internal Referral Body	Comments
	<p>complex.</p> <p>Robert Moore concludes that as currently submitted, the proposal could not be supported in heritage terms, due to its clear and substantial impact upon the reasons why the complex is heritage listed.</p> <p>In relation as to whether Clause 5.10(10) can be used to approve the use, the following comment is provided:</p> <p><u><i>Is the conservation of the heritage item facilitated by the granting of consent - cl 5.10(a).</i></u></p> <p>Conservation of the heritage item is not facilitated by the proposed use of the building as a child care centre, as the changes and adaptations proposed for that specific use are considered detrimental to the fabric and significance of the heritage item. In particular the treatment and use of the outdoor play space is at odds with the identified significance of this heritage item.</p> <p><u><i>Development in accordance with an approved heritage management document – cl 5.10(10)(b).</i></u></p> <p>The application asserts that the proposed use as a child care centre is in accordance with an approved heritage management document. There is a CMP approved for the site, however this proposal is not in accordance with this document. The CMP lists the external walls, fenestration, internal structure and openings, along with the landscaping as having a High level of significance. A specific SHI was submitted with the DA, however, the conclusions of the SHI are not agreed with.</p> <p><u><i>What is the necessary conservation work? - cl. 5.10(10)(c).</i></u></p> <p>The proposed use as a child care centre does not propose any conservation works to the building, in fact it alters fabric and changes the landscaped setting, which is an essential part of the heritage significance of this item.</p> <p><u><i>Will the Proposed Development adversely affect the heritage significance of the heritage item, including its setting? – cl 5.10(10)(d).</i></u></p> <p>The proposed development will adversely impact upon the heritage significance of the building and its landscaped setting (as outlined above in the detailed DA comments above).</p> <p><u><i>Any significant adverse effect on the amenity of the surrounding area – cl 5.10(10)(e).</i></u></p> <p>The amenity of the surrounding area is affected by the proposed changes to the landscaped setting, which is a significant component of the heritage significance of the site.</p> <p>Therefore, it is considered that this application does not meet the criteria outlined in Clause 5.10(10) of Warringah LEP 2011, to allow the approval of a child care centre use for this heritage building and its setting, contrary to the zoning provisions. The</p>

Internal Referral Body	Comments
	<p>conservation of the item is not facilitated by its use as a child care centre and in fact, the proposal has an adverse impact upon the item's significance, in particular on the landscaped setting. In addition, it is considered that the proposal is inconsistent with Part 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021, specifically Clause 3.23.</p> <p>Therefore this application cannot be supported on heritage grounds.</p> <p><u>Consider against the provisions of CL5.10 of WLEP 2011:</u> Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? Existing CMP for site. Is a Heritage Impact Statement required? Yes Has a Heritage Impact Statement been provided? Yes</p>
Traffic Engineer	<p><i>Supported with conditions</i></p> <p><u>Additional comments - 19/7/24</u></p> <p>The amendments shown on the parking plan dated 02.07.24 have addressed the traffic engineering concerns. It is noted that a new "pedestrian only" gate with a 2m opening providing direct pedestrian access from the relocated drop off and pick up spaces into the "Pedestrian Zone" has been provided. A marked pedestrian path along the rear of the drop off/pick up spaces has also been added and speed humps have also been added within the carpark to slow traffic to low speeds within the vicinity of the childcare centre. The speed humps do however extend into the 1.5m pedestrian area which is unsuitable for use by parents pushing prams. It will be conditioned that these speed humps be reduced in length to create a level surface for prams to be pushed along.</p> <p><u>Additional comments - 31 May 2024</u></p> <p>The amended plans show 20 allocated spaces for staff use which will be adequate to cater for the peak of 20 staff to be employed at the centre. An additional 11 spaces are also shown on the plans allocated for child care drop off and pick between the hours of 7:00am-8:30am and 5pm-6:30pm. These would correspond with the peak drop off and pick up hours of the centre. Any drop off and pick up activity occurring outside of those hours should be able to be accommodated within the balance of the unallocated parking within the carpark. The quantum of parking is now considered acceptable</p> <p>There is however concern about safety for children travelling between the drop off and pick parking spaces and the childcare centre. The parking spaces are located within the centre of a vehicle circulation area with a fence and roller gate separating the parking spaces from the centre. Parents with children in tow will need to</p>

Internal Referral Body	Comments
	<p>cross the vehicle circulation area and exit the parking area through the main carpark entry gates before entering the " pedestrian zone" While the presence of the "pedestrian zone" is supported and the presence of removable bollards to restrict vehicle access to that zone is supported, the only means of facilitating pedestrian safety when travelling between this zone and the parking spaces are some 10km/h shared zone signs. The presence of a 10km/h shared zone is supported however signs by themselves do not by any means create a safe environment for pedestrian access from drop off area to the childcare centre. At the very least a direct means of access from the childcare drop off spaces into the "pedestrian zone" together with traffic slowing devices to physically reinforce a 10km/h speed zone environment are required. It is not acceptable for mothers with children to be walking to and from the childcare centre through the main entry gate to the carpark.</p> <p>Given that there are still concerns relating to pedestrian safety, the proposal in its current still cannot be supported, It is however considered that with some amendments to the design it could be made acceptable</p> <p><u>Original comments - 5/1/2024</u></p> <p>The childcare centre has a DCP parking requirement of 30 parking spaces. It is however unclear from the plans and associated documentation how many parking spaces will be allocated to the childcare centre. The traffic report advises that there are 20 "permanent" spaces with an additional 20 set down and pick up spaces in the shared parking area and that the site has the luxury of an additional 42 shared parking spaces. It is unclear from the above whether the 20 additional set down and pick up spaces are allocated to the childcare centre or whether they are part of the unallocated parking supply available for use by all tenancies. If it is the later there is no guarantee that the spaces will be available for child care pick up and set down particularly given that there have been a number of recent approvals for other change of use applications most of which are also relying upon these shared spaces to offset undersupply of dedicated spaces to meet DCP parking requirements. It is therefore unlikely that these spaces will be available on a regular and dependable basis for childcare centre use.</p> <p>It is also unclear from the information provided how many full time equivalent staff will be required to staff the childcare centre and what the likely parking demands associated with the staffing levels will be. The traffic report simply advises that the 20 allocated spaces will be more than sufficient for staff parking but does not elaborate on how many staff parking spaces will be required.</p> <p>If the 20 spaces intended for pick up and drop off are to be located within the central parking aisle there is concern that parents will be unloading children from vehicles in a vehicle circulation area and then having to cross another circulation area to access the centre.</p>

Internal Referral Body	Comments
	<p>Pick up and set down spaces are ideally located parallel to a footpath to enable parents to load/unload directly onto the footpath area. If that is not possible, a marked pedestrian passageway should lead from the parking spaces to a ramped access point to a footpath to separate pedestrians from circulating traffic and enable easy access for prams to and from footpath areas.</p> <p>Additional information clarifying the status of the 20 set down and pick up spaces, providing further information on staffing levels and staff parking needs and providing amended details demonstrating safe pedestrian access to and from the centre is required prior to further consideration of the proposal.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<p><i>Supported with conditions</i></p> <p>The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.

- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid who raised no objections.

Chapter 3 Educational establishments and child care facilities

Section 3.23 of Chapter 3 SEPP (Transport and Infrastructure) 2021 stipulates that:

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

As previously outlined this application is for the establishment of a centre-based child-care facility to cater for a maximum of 120 children ranging from ages 0 to 6 years.

As per the provisions of Section 3.23, the provisions of Chapter 3 and the Child Care Planning Guideline are applicable.

DESIGN QUALITY PRINCIPLES

Principle 1: Context

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

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

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.

Comment:

The proposed child care centre provides for a streetscape presentation, overall built form and integration of landscaping that is appropriate given the context of the area. The context is formed by a range of industrial warehouses and business park developments, a nearby school and a nearby sports ground.

In particular, this forms a character with sense of openness at site frontages including vegetation buffers along the street frontage.

The subject site includes a landscaped front setback area with several mature canopy trees that is to be utilised as an outdoor play area. The design provides a both functional and visually appropriate outcome given the context of the area.

Principle 2: Built Form

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

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

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

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

Comment:

The proposal involves a built form that is compliant with the building height control, is well modulated at each elevation and is setback between 9.8m and 16.2m from Inman Road. This design provides a form in which the presentation of bulk from the public space is both minimised and sufficiently integrated with landscaping.

The proposal also provides an array of colours, material and textures which is visually pleasing and complements the context of the area. This includes neutral materials and finishes to the facade that matches and complements the heritage quality of the existing building and natural colours in the surrounding area.

Principle 3: Adaptive Learning Spaces

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

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

Comment:

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

Principle 4: Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

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

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

Comment:

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

Principle 5: Landscape

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

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

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

Comment:

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

Principle 6: Amenity

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

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

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

Comment:

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

Principle 7: Safety

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

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

Comment:

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

MATTERS FOR CONSIDERATION

The following table is an assessment against the criteria of the 'Child Care Planning Guideline' as required by Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Objectives	Criteria/Guidelines	Comments
3.1 Site selection and location		
C1 To ensure that appropriate zone considerations are assessed when selecting a site	<p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions the potential impact of the facility on the viability of existing commercial or industrial uses. 	<p>Consistent</p> <p>The site has been assessed and remediated from contamination and will not have unsafe health impacts on children, staff and visitors. The site is generally isolated from other industrial uses in the locality. Traffic levels and environmental amenity are acceptable to facilitate the childcare centre.</p>
C2 To ensure that the site selected for a proposed child care facility is suitable for the use	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 	<p>Consistent</p> <p>The site is suitable for the proposed childcare facility for the following reasons:</p> <ul style="list-style-type: none"> The site is opposite a high school and separated from other industrial and commercial uses in the complex and locality.

		<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 materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug 	<ul style="list-style-type: none"> • The site is not identified as being hazard prone. • The site has been remediated from contamination and has been assessed as being suitable for the child care centre use. • The site is large and demonstrates sufficient area to facilitate the child care centre. • The existing building and associated outdoor space are considered to be appropriate for the child care centre. • Suitable drop off and pick up areas and off street parking is provided. The site fronts a local road with generally low traffic volumes. The site is not located in the vicinity of any facilities for incompatible social activities, licensed premises or sex service premises. • The site fronts a local road with generally low traffic volumes. • The site is not located in the vicinity of any incompatible uses.
--	--	--	--

	clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	
C3 To ensure that sites for child care facilities are appropriately located	<p>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>Consistent</p> <p>The site is opposite a high school and is easily accessible from surrounding residential areas. The immediate locality lacks frequent public transport, but the use of private vehicles in this area is dominant. Sufficient off street parking and drop off and pick up areas is provided.</p>
C4 To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazard	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:</p> <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 	<p>Consistent</p> <p>A search of Councils records, a site visit, and evidence provided by the applicant has identified not evidence of adverse environmental conditions.</p> <p>Council's Environmental Officers also reviewed the application and raise no concerns and have provided conditions.</p>
3.2 Local character, streetscape and the public domain		
C5 To ensure that the child care facility is compatible with the local character	The proposed development should:	<p>Consistent</p> <p>The design and siting of the development complements</p>

and surrounding streetscape	<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 • include design and architectural treatments that respond 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 existing character and desired future character of the area.</p> <p>The design and siting involves landscaping that surrounds the built form which is under the building height limit and that is well articulated and modulated, and materials that blend with the natural environment.</p> <p>The proposed development will adequately integrate into the surrounding area.</p>
C6, C7, C8 To ensure clear delineation between the child care facility and public spaces	<p>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>Consistent</p> <p>A clear transition between the centre and public space is formed through fencing, clear separation of areas on site and a landscaped buffer, which surrounds the development.</p>
	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Consistent</p> <p>The proposed childcare centre is clearly delineated as a result of being at different levels and having separate access points. Along with the varying colours and materials, this provides for appropriate</p>

		legibility for children and visitors.
	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences. 	N/A
C9, C10 To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.	<p>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>	Consistent The proposed front fence is visually permeable and consistent with the heritage values of the site.
	<p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary</p>	N/A
3.3 Building orientation, envelope and design		
C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade	<p>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 	<p>The proposed new childcare involves an orientation and design that appropriately responds to the streetscape in the following ways (while optimising solar access and opportunity for shade):</p> <ul style="list-style-type: none"> • The siting of the childcare centre is well separated from surrounding uses. No residences are in the vicinity of the site. • The external and undercover play

	<ul style="list-style-type: none"> residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • 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 climatic conditions. 	<p>areas are located toward the west of the site and this allows for optimal sunlight.</p> <ul style="list-style-type: none"> • The proposed works are predominantly at the existing ground level so as to adequately minimise cut and fill. • The childcare centre faces Inman Road to assist in appropriately defining the street. • The outdoor play area is on the western side building and has a section of covered area. This allows for the building and covering to adequately screen and protect from varying climatic conditions.
<p>C12 To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised</p>	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • 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 	<p>Consistent</p> <p>The design adequately minimises the impacts of the proposal on local character in the following ways:</p> <ul style="list-style-type: none"> • The proposed utilises the built form of the existing building. This is complementary with the area. • Along of the articulation of the building, the landscaped buffers and the physical separation of the centre away from the public domain, the proposed setbacks

	the existing character.	provide for an appropriate level of privacy.
C13, C14 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	Consistent The existing building setbacks are utilised.
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	N/A
C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	<p>Consistent</p> <p>The proposal demonstrates articulation, bulk and scale that is consistent within the local area.</p> <p>The development on the site suitably relates to the context of the site and the character of the area through colours, materials and landscaping that complements the landscape setting.</p>
C16 To ensure that buildings are designed to create safe environments for all users	<p>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 	<p>Consistent</p> <p>The facility allows for ease of access directly from Inman Road. The entry is clearly visible from the street frontage, and can be simply</p>

	<ul style="list-style-type: none"> • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	monitored through natural or camera surveillance. The facility is not accessed through an outdoor play area. Overall, the design provides a safe environment for all users.
C17 To ensure that child care facilities are designed to be accessible by all potential users	<p>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. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>Note: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>Consistent</p> <p>The centre provides access from the Inman Road to the built form and to the car park areas. This is accessible by all potential users.</p>
3.4 Landscaping		

C18, C19 To provide landscape design that contributes to the streetscape and amenity	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Consistent</p> <p>The proposal involves landscaping between the childcare centre and the front boundary. Much of the existing landscape features and canopy trees are maintained to contribute to a high quality of area and conditions are provided to ensure an adequate outcome for planting and landscaping.</p>
	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees 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. 	<p>Consistent</p> <p>The childcare centre is to utilise the existing car park for the business park complex. The car park is underground and integrated into the existing building.</p>
3.5 Visual and acoustic privacy		
C20, C21 To protect the privacy and security of children attending the facility	<p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>N/A</p>
	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors 	<p>Consistent</p> <p>The indoor rooms are well separated and screened to appropriately restrict visibility from the street.</p>

	<ul style="list-style-type: none"> • permanent screening and landscape design. 	
C22 To minimise impacts on privacy of adjoining properties	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>Consistent</p> <p>The proposal will not result in any direct overlooking as a result of adequate physical separation between spaces.</p>
C23, C24 To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments	<p>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:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>Consistent</p> <p>The nearest residential area is over 200m towards the northeast. No acoustic amenity impacts upon the residential area is expected.</p>
	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic 	<p>Consistent</p> <p>The proposal is supported by an Acoustic Assessment Report by Norrebro Design and is consistent with these requirements.</p> <p>The recommendations within the Acoustic Assessment Report have been included within the draft set of conditions.</p>

	fence to enable the noise criteria to be met.	
3.6 Noise and air pollution		
C25, C26	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • 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 openings facing noise sources • using double or acoustic glazing, acoustic louvres 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 	<p>Consistent</p> <p>The proposed childcare centre involves adequate physical separation to surrounding properties, and provides numerous areas for use on site.</p> <p>This ensures that the intensity of the use is well distributed across the site so as to be sufficiently minimised (or low intensity).</p> <p>Additionally, the recommendations within the Acoustic Assessment Report by Norrebro Design will minimise noise transmissions/sources (this could also be conditioned).</p>
	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 • along a railway or mass transit corridor, as defined by State Environmental 	<p>Consistent</p> <p>The proposal is supported by an Acoustic Assessment Report by Norrebro Design and is consistent with these requirements.</p>

	<p>Planning Policy (Infrastructure) 2007</p> <ul style="list-style-type: none"> • on a major or busy road • other land that is impacted by substantial external noise. 	
<p>C27, C28 To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development</p>	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>Consistent</p> <p>The siting is sufficiently separated from any major road. Despite being located in an area zoned for industrial use, the site is isolated from the nearest industrial uses and is located opposite a high school. Due to its spatial separation from the nearest industrial uses, external sources such as air and noise pollution is not expected to affect the operation of the childcare centre.</p>
	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and 	<p>Consistent</p> <p>The proposal is supported by an Ambient Air Sampling Report prepared by Trace Environmental and is consistent with these requirements.</p>

	<ul style="list-style-type: none"> minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility. 	
3.7 Hours of operation		
C29, C30 To minimise the impact of the child care facility on the amenity of neighbouring residential developments	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	N/A
	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Consistent The proposed hours of operation are 7am to 6pm, Mondays to Fridays and 8am to 3pm, Saturdays, with no operation on Sundays.
3.8 Traffic, parking and pedestrian circulation		
C31, C32, C33 To provide parking that satisfies the needs of users and demand generated by the centre	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> 1 space per 10 children 1 space per 2 staff. Staff parking may be stack 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>A reduction in car parking rates may be considered where:</p>	Consistent Based on 120 children, Part C3 of the WDCP requires 30 car parking spaces for this development type. The proposal provides 31 spaces, including 20 staff spaces and 11 drop off and pick up spaces. Significant on street parking is also available.

	<ul style="list-style-type: none"> the proposal is an adaptive re-use of a heritage item the site is in a B8 Metropolitan Zone or other high density business or residential zone the site is in proximity to high frequency and well connected public transport the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) there is sufficient on street parking available at appropriate times within proximity of the site. 	
	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Consistent No new on street parking is proposed.
	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> 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>Consistent The Traffic and Parking Report has sufficiently demonstrated that the proposal will not result in unreasonable amenity or traffic safety impacts in the locality.</p> <p>Councils Traffic Engineer has reviewed the Traffic Report submitted with the application and is satisfied that the proposal will result in a safe outcome, subject to conditions.</p>
C34, C35 To provide vehicle access from the street in a safe environment that does not disrupt traffic flows	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport 	N/A

	<p>dangerous goods or hazardous materials.</p> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	
	<p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	N/A
<p>C36, C37, C38 To provide a safe and connected environment for pedestrians both on and around the site</p>	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas 	<p>Consistent</p> <p>The pedestrian access is of a suitable design to ensure a safe pedestrian environment. This is enabled through the following design solutions:</p> <ul style="list-style-type: none"> a defined pedestrian walking area between the building entrance and drop off and pick up spaces in the car park a loading and turning bay located away from the main entry ability for vehicles to enter and leave in a forward direction

	<ul style="list-style-type: none"> vehicles can enter and leave the site in a forward direction. 	
	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Consistent</p> <p>The car park is exclusively used by cars and light commercial vehicles.</p> <p>Drop off and pick up spaces are provided at the same level as the childcare centre entrance and does not require the crossing of driveways or car park aisles.</p> <p>The parking spaces are grouped together and located the closest to the childcare centre entrance.</p>
	<p>Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and 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 and pram accessible parking. 	<p>Consistent</p> <p>The parking is suitable to service the facility and includes a disabled parking space near the entrance of the childcare centre.</p>

APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

Regulation	Design Guidance	Comments
4.1 Indoor space requirements		
<p>Regulation 107 Education and Care Services National Regulation</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set aside for the use or storage of cots • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry 	<p>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</p> <p>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.</p> <p>Storage Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. <p>Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.</p> <p>Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.</p> <p>Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.</p>	<p>Consistent The proposal is for a childcare centre with 120 children.</p> <p>As such, the minimum requirement for total unencumbered indoor space is 390m². The proposal involves the following:</p> <p><u>Unencumbered Areas</u></p> <p>(i) Activity room 1: 71m² (ii) Activity room 2: 91m² (iii) Activity room 3: 140m² (iv) Activity room 4: 97m²</p> <p>Total Unencumbered: 447m²</p> <p>The requirement for external storage for 120 children is 36m³.</p> <p>A total of 37m³ of external storage is provided.</p> <p>The requirement for internal storage for 120 children is 24m³.</p> <p>A total of 30m³ of internal storage is provided.</p>

<ul style="list-style-type: none"> • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs.</p> <p>Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>		
4.2 Laundry and hygiene facilities		
<p>Regulation 106 Education and Care Services National Regulation</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and</p>	<p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering</p> <p>Laundry and hygiene facilities are a key</p>	<p>Consistent</p> <p>The proposal includes laundry facilities that of an adequate size to service the facility.</p>

<p>linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p>consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.</p> <p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the 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. <p>External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	
--	--	--

4.3 Toilet and hygiene facilities

<p>Regulation 109 Education and Care Services National Regulation</p> <p>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from 	<p>Consistent The proposal provides suitable toilet facilities to each of the playrooms within the childcare centre.</p>
---	---	---

	neighbouring properties or from side boundaries	
4.4 Ventilation and natural light		
<p>Regulation 110 Education and Care Services National Regulation</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>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.</p>	<p>The proposed development includes indoor spaces to be used by children that:</p> <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children. <p>Ventilation Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p>Natural light Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p>	<p>Consistent The proposal demonstrates that access to natural light and ventilation within the facility is achieved through various openings and varied orients for each area.</p> <p>The proposed development includes indoor spaces to be used by children that:</p> <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children.

	<ul style="list-style-type: none"> • providing windows facing different orientations • using skylights as appropriate • ceiling heights. <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>	
--	--	--

4.5 Administrative space

Regulation 110 Education and Care Services National Regulation <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</p> <p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot. Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>	<p>Consistent</p> <p>The proposed childcare facility includes a dedicated office and meeting room in close proximity to the entrance.</p>
--	---	--

4.6 Nappy change facilities

Regulation 112 Education and Care Services National Regulations <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All</p>	<p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>In circumstances where nappy change</p>	<p>Consistent</p> <p>The proposed childcare centre additions will include adequate nappy change facilities and appropriate hand cleansing facilities.</p>
---	--	--

<p>nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p>facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • 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		

<p>Regulation 115 Education and Care Services National Regulations</p> <p>A 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 regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> • solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision • locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties • avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children • avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities 	<p>Consistent</p> <p>The facilities within the childcare centre are of a suitable design to ensure supervision of children at all times while maintaining the dignity and rights of a child.</p>
--	---	---

4.8 Emergency and evacuation procedures

<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p>	<p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child 	<p>Consistent</p> <p>The design allows for sufficient emergency and evacuation procedures.</p>
--	---	---

<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> protection concerns during evacuations a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. <p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> 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 roads 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 point, relative to the capacity of the facility and governing child-to-staff ratios. 	
---	--	--

4.9 Outdoor space requirements

Regulation 108 Education and Care Services National Regulations	The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.	Consistent Required unencumbered outdoor space for 120 children is 840m ²
<p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p>	<p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play.</p> <p>When new equipment or storage areas are added to existing services, the potential impact on unencumbered space</p>	<p>The total proposed unencumbered outdoor space is 870m².</p>

<p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>calculations and service approvals must be considered.</p> <p>Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements <p>Simulated outdoor environments Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.</p> <p>A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.</p> <p>Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.</p> <p>Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:</p> <ul style="list-style-type: none"> • more access to natural light and ventilation than required for an internal space through large windows, glass doors
---	--

	<p>and panels to enable views of trees, views of the sky and clouds and movement outside the facility</p> <ul style="list-style-type: none"> • skylights to give a sense of the external climate • a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment • sand pits and water play areas • furniture made of logs and stepping logs • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks • vegetable gardens and gardening tubs. 	
--	--	--

4.10 Natural Environment

<p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</p> <p>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:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the 	<p>Consistent</p> <p>The outdoor space is surrounded by and integrated with the natural environment.</p> <p>The spaces are also separated from potentially dangerous parts of the natural environment.</p>
--	---	---

	<p>development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</p> <ul style="list-style-type: none"> • 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 facilitate interaction. 	
4.11 Shade		
<p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.</p> <p>Solar access Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall well-being. Outdoor play areas should be provided with controlled solar access throughout the year.</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of 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 	<p>Consistent</p> <p>The proposal provides a covered and protected outdoor area and also provides trees within the outdoor space.</p>

activity spaces.

Natural shade

Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.

Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath. Planting for shade and solar access is enhanced by:

- placing appropriately scaled trees near the eastern and western elevations
- providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.

Built shade structures

Built structures providing effective shade include:

- permanent structures (pergolas, sails and verandahs)
- demountable shade (marquees and tents)
- adjustable systems (awnings)
- shade sails.

Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended

	head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.	
4.12 Fencing		
<p>Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code</p>	<p>Outdoor space that will be used by children will 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.</p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas.</p> <p>Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure. <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>Consistent</p> <p>The proposal involves fencing which surrounds the outdoor play areas. This fencing will be both safe and visually appropriate.</p>

4.13 Soil Assessment		
<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children 	<p>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:</p> <ul style="list-style-type: none"> • the application is to alter or extend the premises • the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre) • the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed • a soil assessment has not been undertaken at the children's service. <p>Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.</p> <p>An assessment of soil for a children's service approval application may require three levels of investigation:</p> <ul style="list-style-type: none"> • Stage 1 - Preliminary investigation (with or without soil sampling) • Stage 2 - Detailed site investigation • Stage 3 - Site specific human health risk assessment. 	<p>Consistent</p> <p>The proposal is supported by a Contaminated Land Site Audit prepared by Enviroview which concludes that no soil contamination exists and the site is suitable for the childcare centre use.</p>

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage are generally consistent with the existing signage surrounding the premises within the industrial area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the current theme for other business identification signage in the locality.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The premises is situated within a local heritage building (Roche Building). The signage is limited to business identification signage on the west elevation. The signage is considered to achieve visual interest, enhancing the visual quality of the vicinity, and will not disrupt the surrounding environment. No concerns have been raised by the relevant referral bodies, subject to the signage being removable without damaging the external fabric of the building.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The signage will be attached to the proposed front fence, and will not protrude higher than the height of the fence. The height of the signage is well below the building behind. The proposal will therefore not obscure or compromise important views, or dominate the skyline or the viewing rights of other advertisers.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?		
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal	The signage includes business identification signage of a modest scale and simple colour and logo that	YES

appropriate for the streetscape, setting or landscape?	will be positioned on the western elevation and will not dominate the streetscape. The proposal does not protrude above the height of buildings and trees in the area and is considered to improve visual interest by adding character to a currently vacant building tenancy.	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is considered compatible with the scale, proportion and characteristics of other signage within the Cromer industrial area. Council's Heritage Advisor supports the proposal, subject to conditions. The signage is considered acceptable for the heritage building and surrounding heritage items.	YES
Does the proposal respect important features of the site or building, or both?	The signage will be removable and therefore not cause damage to the fabric of the building, respecting its heritage significance.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage exhibits innovation and imagination in its relationship to the site and building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage presents the business' logo. The signage is at ground level and does not require any safety devices or platforms.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed signage illumination is minor and is not expected to cause unacceptable glare or affect safety of pedestrians or vehicles. There are no residences in the vicinity of the signage. A condition is recommended to cease illumination of the signage between 12 midnight and 6am.	YES
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No	YES

Accordingly, the proposed signage is considered / not considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent / inconsistent with the provisions of

this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses.

The applicant has submitted a report from a NSW EPA Contaminated Land Accredited Site Auditor (prepared by Enviroview, dated 4 April 2024) who is of the opinion that the assessments in relation to site contamination of the Heritage Building for the proposed use as a childcare centre have been appropriately conducted and that the findings of the assessment, are supporting by the investigations conducted.

On this basis, the Heritage Building (Office C) is considered by the Site Auditor to be suitable for the proposed use as a childcare centre.

A Site Audit Statement has been issued by Enviroview on 21 May 2024.

In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the centre-based child care facility land use.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	Pergola - 4m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
B1 Wall height	7.2m	Unaltered	N/A	Yes
B5 Side Boundary Setbacks	Merit	N - Unaltered	N/A	Yes
		S - Unaltered	N/A	Yes
B7 Front Boundary Setbacks	4.5m	Pergola - 9.8m	N/A	Yes
		Signage - 6.3m	N/A	Yes
		Main building - Unaltered	N/A	Yes
B9 Rear Boundary Setbacks	Merit	Unaltered	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$14,275 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$1,427,457.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is

considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

This proposal, for change of use and alterations and additions to Office C within the existing mixed-use development for the purpose of a centre-based child care facility and associated landscaping and signage has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to including partial demolition of a local heritage item.

The proposed development generally complies with all relevant EPIs and other planning and development controls and policies.

The critical issues with this application are; contamination and suitability for use as a child care centre of the proposed size and intensity, the heritage conservation of a significant industrial heritage item, the traffic and carparking issues, tree retention and preservation, and streetscape impacts of the front setback modifications. The preceding assessment demonstrates that the site is suitable and appropriate for the proposed change of use and retro-fit for the child care centre.

Overall, the development is a high quality design that performs well against the relevant controls and will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The proposal has therefore been recommended for approval.

REASON FOR DETERMINATION

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2023/1107 for Change of use and alterations and additions to Office C for the purpose of a centre-based child care facility and associated landscaping and signage on land at Lot 1 DP 1282038, 4 - 8 Inman Road, CROMER, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-01	A	Site Survey Plan / Roof Plan	ID Fitouts	22/03/2024
DA-02	C	Existing Tenancy - Basement Floor	ID Fitouts	05/04/2024
DA-03	C	Demolition Plan	ID Fitouts	05/04/2024
DA-04	E	General Arrangement Plan	ID Fitouts	22/03/2024
DA-04B	A	General Arrangement Plan - Storage Summary	ID Fitouts	30/07/2024
DA-05	F	Setout / Area Zone Plan	ID Fitouts	25/07/2024
DD-06	E	Reflected Ceiling Plan	ID Fitouts	05/04/2024
DD-07	D	Floor Finishes Plan	ID Fitouts	22/03/2024
DA-08	D	Allocated Car Parking Plan	ID Fitouts	02/07/2024
DA-08B	A	Allocated Car Parking Plan	ID Fitouts	02/07/2024
DA-E1	B	Proposed Elevations	ID Fitouts	22/03/2024
DA-E2	C	Proposed Elevations	ID Fitouts	05/04/2024
DA-S1	B	Proposed Sections	ID Fitouts	22/03/2024
DA-REF1	A	Materials and Finishes Elevations	ID Fitouts	05/04/2024

DA-REF2	A	Materials and Finishes Elevations	ID Fitouts	22/03/2024
CCC LP 01	G	Landscape Plan	Learn and Play Child Care Services	28/06/2024
CCC LP 02	A	Landscape Plan	Learn and Play Child Care Services	27/03/2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Arboricultural Impact Assessment Report	-	Martin Peacock Tree Care	27/03/2024
Acoustic Report	2	Norrebro	08/08/2023
Indoor Ambient Air Sampling Report (Ref 26.01)	-	Trace Environmental	24/03/2024
Regulatory Compliance Report	Final	McKenzie Group	11/08/2023
Statement of Heritage Impact (Ref: 9889)	2	Heritage 21	19/06/2023
Traffic and Parking Assessment (Ref: 23111)	C	Transport and Traffic Planning Associates	March 2024
Traffic Assessment Letter (Ref: 23111)	-	Transport and Traffic Planning Associates	03/07/2024
Waste Management Plan	-	ID Fitouts	18/07/2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response - Overhead Cables	18/09/2023
	Ausgrid Referral Response - Underground Cables	18/09/2023

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

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

3. **Approved Land Use**

Nothing in this consent shall authorise the use of tenancy as detailed on the approved plans for any land use beyond the definition of a *centre-based child care facility*, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

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.

Any variation to the approved land use of the tenancy beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. Prescribed Conditions

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

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

Reason: Legislative requirement.

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it

applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
- i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished
- The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

6. **Noise Management Plan**

A Noise Management Plan is to be developed and implemented into the operation of the Childcare Centre. The Plan is to include all operational and behavioral potential noise sources and suitable mitigation measures. The plan is to be made available during the centres opening hours and it must include complaints protocol including contact persons details.

Reason: To ensure acoustic compliance in an operational situation.

FEES / CHARGES / CONTRIBUTIONS

7. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$14,274.57 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$1,427,456.91.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

8. Security Bond

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

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

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9. National Construction Code (BCA) Report (Class 2-9)

A 'National Construction Code (BCA) Assessment Report' / 'Fire Audit Report' from an appropriately qualified Registered Certifier* will need to be submitted with the Construction Certificate application addressing the following:

The report is to detail the extent to which the existing building (relevant affected parts) does or does not comply with the deemed-to-satisfy provisions of Sections C, D, E and F of the National Construction Code (BCA). The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate for its intended use to:

- i) restrict the spread of fire from the building to other buildings nearby, and
- ii) protect persons using the building, and to facilitate their egress from the building in the event of fire, and
- iii) where appropriate, provide access for persons with a disability, and
- iv) provide facilities and services appropriate for the development

*To be regarded as an "appropriately qualified registered certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a construction certificate for the subject building.

The 'National Construction Code (BCA) Assessment Report' / 'Fire Audit Report' is to be

submitted to the Certifier with the Construction Certificate application.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

10. No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

11. Vehicle Access & Parking

All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

the following revision(s) must be undertaken;

- speed humps shown extending into the 1.5m wide painted pedestrian area at the rear of the childcare drop off/pick up spaces shall be reduced in length so that they do not extend into the pedestrian area
- details for linemarking and signposting of the 10km/h shared zone shall be prepared including signposting at the start and end points of the 10km/h shared zone and the addition of 10km/h speed limit pavement markings.

Plans prepared by a suitably qualified Engineer shall be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

12. Boundary Identification Survey

A boundary identification survey, prepared by a Registered Surveyor, shall be provided in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

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

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

13. Installation and Maintenance of Sediment Control

Prior to any works commencing on site, including demolition, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following

documents and provided to the Principal Certifier:

1. Council's relevant development control plan,
2. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

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

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

14. **Vergola structures - Colour**

The Vergola structures are not to be white. They need to be in a darker recessive colour (not black) which blends with the landscape setting and does not dominate the heritage building facade. Details of the colour are to be submitted to Council's Heritage Officer for approval, prior to the issue of a construction certificate.

Reason: To ensure the Vergola structures do not detract from the heritage significance of the building and its landscaped setting.

15. **Photographic Archival Record**

A photographic archival record of the site is to be made of all existing buildings and structures (including interiors and exteriors and their setting), generally in accordance with the guidelines issued by Heritage NSW.

This record must be submitted to Council's Heritage Officer for approval, prior to the issue of a construction certificate.

The photographic record should be made using digital technology and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the site, including buildings and landscape elements, prior to any works.

16. **Compliance with Standards**

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

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

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

17. Sydney Water "Tap In"

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

18. Project Arborist

a) a Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) the Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular:

- i) tree protection measures and works under sections 8 Discussion and 9 Recommendations,
- ii) any required tree pruning.

c) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

d) the Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

19. Tree Removal Within the Property

a) this consent approves the removal of existing trees on the subject site as listed below:

- i) trees T1 - *Melaleuca bracteata*, T63 - *Lagunaria patersonii*, T66 - *Eucalyptus sieberi*, T70 - *Leptospermum petersonii*, T72 - *Callistemon viminalis*, and T75 - *Hibiscus tiliaceus*.

b) a qualified AQF level 5 Arborist shall identify these trees on site and tag or mark prior to removal.

Reason: To enable authorised development works.

20. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for the standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly.

DURING BUILDING WORK

21. Tree and Vegetation Protection

a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work

commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as compliant to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

22. Condition of Trees

a) during the construction period the applicant is responsible for ensuring all existing trees required to be retained are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to, or by seeking arboricultural advice from an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture during the works. In this regard all protected trees shall not exhibit:

- i) a general decline in health and vigour,
- ii) damaged, crushed or dying roots due to poor pruning techniques,
- iii) more than 10% loss or dieback of roots, branches and foliage,
- iv) mechanical damage or bruising of bark and timber of roots, trunk and branches,
- v) yellowing of foliage or a thinning of the canopy untypical of its species,
- vi) an increase in the amount of deadwood not associated with normal growth,
- vii) an increase in kino or gum exudation,
- viii) inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition,
- ix) branch drop, torn branches and stripped bark not associated with natural climatic conditions.

b) any mitigating measures and recommendations required by the Arborist/Project Arborist are to be implemented.

c) the owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

23. Wildlife Protection

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

Reason: To protect native wildlife.

24. Road Reserve

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

Reason: Public safety.

25. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;

- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

26. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

27. **Waste Management During Development**

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

Details demonstrating compliance must be submitted to the Principal Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

28. **Fire Safety Matters**

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

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part Occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

29. **Outdoor Play Area**

The fence along the outdoor play area adjacent to Inman Road must be a minimum of 1.8m in height and must be acoustically treated and designed by a suitably qualified acoustical consultant. It must be free from gaps and holes, including beneath the fence base and have a sound reduction of 6 to 10dB.

The outdoor shaded section within the play area must have acoustic treatment provided to the

shade covering designed by a suitably qualified acoustical consultant. It must be free from gaps and holes.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure noise impacts from Inman Road are minimised to the childcare centre

30. Registration of food Business

The food business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

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

31. Landscape Completion

a) landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings CCC LP 01, and CCC LP 02 by Learn and Play Child Care Services dated 28/06/24), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of Natspec - Specifying Trees; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 3.0 metres from buildings or more, at least 1.0 metre from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- iv) mass planting shall be installed at minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- v) should any existing vegetation shown to be retained be damaged or removed during construction, it shall be replaced with a like-for-like substitute to ensure the existing landscape character is maintained.

b) prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

32. Condition of Retained Vegetation

a) prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

33. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

34. Priority Weed Removal and Management

All Priority weeds (as specified in the Northern Beaches Local Weed Management Plan) within the development footprint are to be removed using an appropriate control method.

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

Reason: To reduce the risk of site works contributing to spread of Priority weeds.

35. Allocated Parking Spaces (child care centre)

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development.

1. Childcare drop off/pick up spaces are to be marked and signposted to show that they are for use for "childcare drop off/pick up 7am-8:30am & 5pm - 6:30pm weekdays"

2. Childcare staff spaces are to be marked and signposted to show that they are "Childcare Staff parking"

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

Reason: To ensure parking availability.

36. Operational Management Plan

An Operational Management Plan (OMP) is required to be prepared and submitted to Council detailing the operation of the development. The OMP shall include, but not be limited to the following:

- Vehicle access and egress.
- Through-site circulation of vehicle movements.
- Management of car parking areas.
- The location and content of pedestrian directional signage.
- Complaints management.
- Noise management.
- Truck delivery times and methods of control to ensure deliveries do not occur during drop off and pick up hours.
- Waste management.

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

Reason: To ensure that the development operates with minimum disruption to the surrounding area.

37. Internal Ceiling Acoustic Treatment

Indoor activity and play areas are to be fitted with acoustically absorbent material to the ceilings to minimise the reverberant noise within the internal areas. An acoustic consultant is to provide design details on the exact material to be installed with a noise reduction coefficient of at least 0.7.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To ensure the noise amenity of the area.

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

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

39. Mechanical Ventilation certification

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

40. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

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

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

41. Landscape Maintenance

a) if any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) if any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

d) the approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

42. Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

43. Hours of Operation

The hours of operation are to be restricted to:

- Monday to Friday – 7:00am to 6:00pm
- Saturday – 8:00am to 3:00pm
- Sunday and Public Holidays – Closed

Upon expiration of the above hours, customers are required to leave the premises within 30 minutes.

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

44. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 12.00 midnight and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

45. Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

46. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

47. **Loading and Unloading**

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

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

48. **Children Numbers**

The maximum number of children to be cared for at any one time on the premises shall not exceed 120 children.

Reason: To ensure compliance with the approved development.

49. **Deliveries**

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

Reason: To protect ensure the acoustic amenity of surrounding properties.

50. **Pedestrian Gate**

The pedestrian gate at the rear of the child care drop off and pick up parking spaces shall remain open throughout the drop off and pick up period (7am-8:30am and 5pm-6:30pm) and at all times when the child care drop off/pick up spaces are in use.

Reason: to ensure safe and convenient access for children to/from the childcare centre