

WILLOWTREE PLANNING



8 April 2024

REF: WTJ24-091

Northern Beaches Council
1 Belgrave Street,
Manly 2095

Attention: Nick Keeler

RE: DEVELOPMENT APPLICATION DA2023/1107 FOR CHANGE OF USE AND ALTERATIONS AND ADDITIONS TO "OFFICE C" FOR THE PURPOSE OF A CHILD CARE CENTRE AND LANDSCAPING

PROPERTY AT: 4-8 INMAN ROAD, CROMER

Dear Nick,

This letter has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of ID Fitouts. This letter includes our response to Northern Beaches Council's RFI DA2023/1107, dated 6th February 2024.

The matters raised have been taken into consideration and are addressed accordingly in the response matrix below. It is considered that this information responds to Council's additional information requested, allowing the assessment to be approved by Northern Beaches Council.

The following attachments forms part of this RFI Response:

Attachment 1 - SEE

Attachment 2 - Architectural Plans

Attachment 3 - Landscape Plan

Attachment 4 - Arboriculture Impact Assessment Report

Attachment 5 - Heritage Response letter

Attachment 6 - Traffic and Parking Assessment

Attachment 7 - Traffic Assessment Letter

Attachment 8 - Site Audit Interim Advice

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Your sincerely,

Andrew Cowan
Director
Willowtree Planning Pty Ltd





Table 1: Response Matrix	
Council Comments	Proponent Response
Site Suitability and Permissibility	
Council raises concern regarding the suitability of the site for use as a childcare centre. As discussed in more detail below, the reliance on using heritage incentives under Clause 5.10 to approve an otherwise prohibited land use is not considered to be appropriate in this case.	DA2023/1107 has been amended and no longer relies on heritage incentives under Clause 5.10 for the permissibility of childcare. The amended SEE (refer to Attachment 1) explains pursuant to Schedule 1, Part 2, Clause 5 of <i>Standard Instrument (Local Environmental Plans) Order 2006</i> (The Order) centre based childcare facility is permitted with consent on the Site.
The reliance on the front setback area for outdoor play space is not considered acceptable as this area is established as a passive space to provide a landscaped buffer between the industrial complex from the public domain. The use of the front setback area as outdoor play space also requires the construction of a solid wall along the front boundary, which further degrades the intent of the front setback area.	The revised Architectural Plans (Appendix 2) illustrate the changes regarding the scope and type of new fencing. Since much of the fencing is already in place, the new additions are intended to complement the existing ones. This is also shown as largely see through as previous drawings were misunderstood as a proposed solid barrier.
The front setback area contains several mature eucalyptus trees, which may present a safety hazard for children in the outdoor play space in the event of a breaking branch. Such hazard may require the removal of these trees in the future, further impacting upon the landscaped setting of the complex.	The Heritage Response Letter (Attachment 5) notes the mature trees would be retained and maintained at the Site and regular inspections and risk assessments would be undertaken to monitor the trees. As noted in the Heritage Response Letter, a netting system would be installed to further protect the children from fallen branches.





<p>There is also insufficient information in relation to the colours and finishes (walls, windows and other building elements) for the presentation of the childcare centre to Inman Road and other viewable areas, as notoriously childcare centres are associated with bright and vibrant colours, which would need to be respectful of the heritage significance of the site and the high-quality streetscape character of the complex.</p>	<p>The amended set of Architectural Plans provide detailed information on the proposed materials and finishes and rendered elevations. The amended Architectural Plans are demonstrated within Attachment 1. The proposed new rendered elevations and material pallet, highlights the sympathetic approach and minimal impact to the nature of the existing build.</p>
<p>Curiously, the Statement of Environmental Effects does not include a description of the proposed use on the front page, it simply refers to a “Heritage Office”, which should be rectified in any re-submission.</p>	<p>The amended SEE (refer to Attachment 1), clearly describes the proposed use as a centre based child care facility. The SEE outlines a centre based childcare facility is a type of early education and care facility under the Warringah Local Environmental Plan 2011 (WLEP2011).</p>
<p>Based on the summary assessment in this RFI letter, the site is not considered to be suitable for the proposed childcare centre use.</p>	<p>Given the updates and amendments made the proposed childcare facility is considered to be suitable and permissible on the Site.</p>
<p>Landscape</p>	
<p>The Landscape Section raises the following concerns:</p> <p>The proposal is not supported with regard to landscape issues.</p>	<p>Council comments have been considered and the proposed landscaping works have been amended. Given the changes below it is anticipated Council will now support the proposed landscaping works on the Site.</p>
<p>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</p>	<p>An Arboriculture Impact Assessment Report is included within Attachment 4, which addresses Council's landscaping comments. Additionally, artificial turf is no longer proposed.</p>





<p>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</p>	
<p>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.</p>	<p>The Arboricultural Impact Assessment Report and Plans have been amended to be consistent and are now aligned correctly. Based on the recommendations within the Arboricultural Impact Assessment Report, the proposal seeks to remove six (6) trees.</p>
<p>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.</p>	<p>To address the safety concerns the Heritage Response Letter (Attachment 5) notes the mature trees would be retained and maintained at the Site and regular inspections and risk assessments would be undertaken to monitor the trees. As noted in the Heritage Response Letter, a netting system would be installed to further protect the children from fallen branches. The Arboricultural Impact Assessment Report references the <i>British Standard BS: 5837 (2005) Trees in Relation to Construction – Recommendations</i>. Risks and impacts of the mature trees during the construction stage has been considered and mitigation methods and recommendations are included within the Arboricultural Impact Assessment Report. To protect the trees from accidental damage and soil compaction within the trees' root zones, the installation of trunk and ground protection within TPZ areas will be required during the construction stage of the project. Construction machinery and vehicle movements within the site shall be restricted to areas of</p>





	ground protection (HDPE ground mats or plywood sheeting) at all times.
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.	The Heritage response includes photographs of the new metal fence along Inman Road. This has been installed as part of the approved works of DA2019/1346. The proposed childcare would maintain the existing fencing along Inman Road and the only addition would be new fencing along the southern end of the tenancy which would be along the driveway to ensure that access is blocked to this area. The landscape plans have been revised to retain the existing grassed areas and fencing as requested by Council. The amended proposal should assist with maintaining the streetscape character approved under DA2019/1346.
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.	The Landscape Plans have been amended to satisfy Council's DA lodgement requirements. This DA seeks to remove 6 (six) trees.
Biodiversity	
<p>The Biodiversity Section has raised the following issues:</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.</p>	The amended SEE states six (6) trees are to be removed this now correlates with the submitted plans and Arboricultural Impact Statement. The trees within the Site have been assessed in accordance with Australian Standard AS4970





<p>The impacts to trees and native vegetation were assessed via a Biodiversity Development Assessment Report submitted as part of DA2019/1346, 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 Scheme, the protection and retention of trees, and additional environmental management and mitigation measures including landscaping.</p>	<p>(2009) Protection of trees on development sites (AS4970) to determine their condition, quality and value(s), useful life expectancy and to allocate a Retention Category; Full details of the assessment are listed in 6.1 Tree Assessment Schedule within the Arboricultural Impact Statement.</p> <p>With the exception of Tree T63, the trees proposed for removal are all low value specimens that provide only limited amenity and canopy cover to the Site. Tree T63 is listed as exempt species under Councils Tree Management Controls and is considered unsuitable for retention within a playground areas due to the irritant hairs contained within the seed pods.</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>The Arboricultural Impact Assessment Report and SEE notes six (6) trees are to be removed. The tree removal is only demonstrated within the Architectural Plans justification and recommendation of the tree removal has been provided within the Arboricultural Impact Assessment Report. The proposed planting includes 11 trees of local species based on the local species listed on the Northern Beaches Council Tree Guide is intended to compensate for the tree removals.</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 DA2019/1346.</p>	<p>This DA seeks to remove six (6) trees – T1, T63, T66, T70, T72, T75. Sufficient justification has been provided within the Arboricultural Impact Assessment Report.</p>
<p>Heritage</p>	





<p>The Heritage Section has raised the following issues:</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. This conclusion is not agreed with.</p>	<p>Changes to the design and approach have been addressed within the Heritage Response Letter (Attachment 5). The amendments made are considered to be acceptable.</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 existing landscaped areas have been retained as per DA2019/1346, and this proposal seeks to retain the setback of the former Roche office building, fronting Inman Road.</p> <p>The proposed childcare facility maintains the existing fencing along Inman Road and the only addition would be new fencing along the southern end of the tenancy along the driveway to ensure access is blocked.</p> <p>As demonstrated in the amended Landscape Plans the section of the garden around the building has been amended.</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 heritage listed former Roche office building has been extensively altered along the Western façade, fronting Inman Road. The original clear glass glazing of the building has been altered with a later additional aluminium framed clear glass glazing. The significant original steel framed glazing along the southern façade would be retained as part of the proposed development and alterations have been limited to the introduction of a clear glass door within one of the existing glazing panels. This would ensure that the majority of the original heritage fabric would be maintained at the</p>





	<p>Site.</p> <p>Further details regarding the awning and landscape treatment are included within the Amended Landscape Plans and Heritage Response Letter.</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>The proposed design has been amended to reflect Council's comments. Detailed explanation of the changes are included within the heritage response letter and shown on the Architectural and Landscape Plans. The proposal no longer includes the installation of any artificial turf and new paving along the edge of the building would be of crushed sandstone.</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>The mature trees would be retained and maintained at the Site and regular inspections and risk assessments would be undertaken to monitor the trees. As noted in the Heritage Response Letter, a netting system would be installed to further protect the children from fallen branches.</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>The heritage response letter outlines the proposal would not alter the original glazing of the former Roche building which is present along the first floor and along the southern elevation of the subject tenancy.</p>





	The proposal would include minor demolition of external masonry walls, in areas which have been previously altered, for introduction of new doors and windows. These small openings would not alter the presentation of the heritage building or the identification of the original built structure.
<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 complex.</p>	The proposed childcare development has been revised to ensure that the proposed internal light weight partition walls are mostly of clear glass glazing between the proposed aged rooms and play spaces. The heritage response letter details the changes made to the internal plan including new wet areas and bathrooms. Heritage 21 states these works would be reversible, ensuring that the heritage building may be stripped back to its original form at the end of the tenancy.
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.	The revised proposal and further justification regarding heritage impact is considered to be acceptable.
Traffic	
<p>The Traffic Section has raised the following issues:</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</p>	The Traffic Assessment Letter (Appendix 7) outlines the proposed childcare facility provides 20 parking spaces of the parking facility to the east of the Site, permanently allocated to the childcare facility staff, with an additional 11 drop-





<p>"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 latter there is no guarantee that the spaces will be available for childcare 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>off/pick-up shared parking spaces for visitors that will be allocated during the allocated time period.</p> <p>The proposed parking areas and driveways for the childcare centre at 4 Inman Road, Cromer, comply with the relevant standards whereby:</p> <ul style="list-style-type: none"> ▪ A total of 31 car spaces are provided on-site for childcare use in satisfaction Council's minimum requirement of 30 car spaces comprising of the following arrangements: <ul style="list-style-type: none"> ○ 20 permanent car spaces are provided for staff use. ○ 11 reserved parking spaces during drop-off and pick-up times for visitors. ▪ Implementation of the existing shared zone by allocating drop off/pick up spaces in a specific area close to the childcare and during specific times. This ensures a safe vehicle operating environment around the childcare facility
<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>The amended SEE notes there will be a maximum of 20 educators of children at the centre during peak and 20 allocated permanent spaces.</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. Pick up</p>	<p>The 11 spaces proposed for pick up and drop off are located within the central parking aisle, as shown within the Architectural Plans.</p>





<p>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>	<p>The reserved parking spaces for childcare use will occur outside the general business hours of 9am-5pm and therefore have a negligible impact on the rest of the shared parking space provisions provided on site. Additional information has been provided to clarify Councils concerns are included within Attachment 6 Traffic and Parking Assessment and Attachment 7 Traffic Assessment Letter</p>
<p>Contaminated Lands</p>	
<p>The Environmental Health Section has raised the following issues:</p> <p>Environmental Health have not been provided with evidence that the land is suitable for the proposed use (childcare centre). Land contamination is present at 4-8 Inman Road and no Site Audit Statement has been provided to demonstrate that the site can be made suitable for such a sensitive land use.</p>	<p>Attachment 8 includes a Site Audit Interim Advice prepared by a Site Auditor to assist in the management of contamination issues regarding the requirements of the Site Audit at a particular stage of the Site Audit, prior to issuing the Site Audit Statement.</p>
<p>The applicant must provide a current Site Audit Statement from a NSW EPA approved Site Auditor to demonstrate the site can be made suitable for a childcare centre.</p>	<p>The Site Audit Interim Advice notes that the assessments in relation to the site contamination of the Heritage Building for the proposed use as a childcare centre have been appropriately conducted and that the findings of the assessments, are supported by the investigations conducted.</p> <p>On this basis, the Heritage Building (Office C) is considered by the Site Auditor to be suitable for the proposed childcare centre.</p>





Building Assessment	
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.	The Applicant confirms National Construction Code (BCA) Report (Class 2-9) and Fire Safety Matters are to be included as conditions and consent in the Approval of DA2023/1107.
Advice to the Applicant	
<p>Council is providing you with three (3) options to progress the handling of your application:</p> <ol style="list-style-type: none">1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 21 February 2024. If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the NSW Planning Portal; or	<p>In response to progressing with DA2023/1107 we have provided information to satisfy Council's comments and feedback. The RFI response letter and attachments will be uploaded to the Planning Portal.</p>
<ol style="list-style-type: none">2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or	<p>We do not request the current proposal proceeds to be determined. It is requested the amended proposal is assessed by Council.</p>





<p>3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover. Based on the number and magnitude of the critical assessment issues raised in this RFI letter, you are strongly advised to adopt Option 3 and withdraw this application.</p>	<p>DA2023/1107 will not be withdrawn.</p>
<p>Should you choose to amend your application, we ask that you contact the assessment officer to discuss resolution of the above issues and submission requirements. This is to ensure any amendments satisfactorily address the assessment issues, prior to further expenses and resources being spent on the application.</p>	<p>The information provided satisfactorily addresses the assessment issues and it is understood Nick Keeler is available to address queries related to DA2023/1107.</p>
<p>Should you choose to amend your plans to address the concerns above, you may also need to update your supporting documentation (eg: BASIX certificate, Bushfire Report, Geotechnical Report, etc). Please discuss this with the assessment officer to ensure the right documentation is updated.</p>	<p>Supporting documentation has been provided in the attachments of this response. The supporting documents are listed below:</p> <p>Attachment 1 – SEE Attachment 2 – Architectural Plans Attachment 3 – Landscape Plan Attachment 4 – Arboriculture Impact Assessment Report Attachment 5 – Heritage Response letter Attachment 6 – Traffic and Parking Assessment Attachment 7 – Traffic Assessment Letter Attachment 8 – Site Audit Interim Advice</p>





<p>To ensure the timely and efficient processing of your application, it is recommended that a genuine attempt is made to address these issues in their entirety as only one opportunity for amendments will be provided.</p>	<p>Confirming a genuine attempt to address Council's issues has been made within this RFI response.</p>
<p>As per the requirements of section 36 of the Environmental Planning and Assessment Regulation 2021 you are advised that this application was accepted on 31 August 2023 and 159 days in the assessment period has now elapsed.</p>	<p>The time elapsed since the lodgement of the application is noted. We appreciate the opportunity to be able to respond to the issues raised by Council.</p>
<p>Please advise of your selected option by responding to this letter by 21 February 2024 at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.</p>	<p>Mr Keeler confirmed via email on the 22nd February 2024, receipt of the request to not withdraw DA2023/1107 and allowance for consideration of the RFI response. A two week extension was granted until the 6th March. Michael Hala requested a further extension until the 6th April.</p>





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