

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1038
Responsible Officer:	Alex Keller
Land to be developed (Address):	Lot 1 DP 1210327, 25 Frenchs Forest Road East FRENCHS FOREST NSW 2086
Proposed Development:	Use of Premises as a recreation facility (indoor) and centre based childcare (after school care)
Zoning:	Warringah LEP2011 - Land zoned B7 Business Park
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Lif Pty Ltd
Applicant:	Wizzy World Pty Ltd
Application lodged:	19/06/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	28/06/2018 to 16/07/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 190,000.00

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

Assessment - SEPP Educational Establishments and Child Care Facilities 2017

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 1210327 , 25 Frenchs Forest Road East FRENCHS FOREST NSW 2086
Detailed Site Description:	<p>The subject property is located within a group of warehouse & commercial units within a complex located on the southern side of Frenchs Forest Road. The complex is within a landscaped business park setting on a property that is 4.2 hectares that contains 3 main buildings, carparking adjacent the buildings and landscape buffer along the boundary areas.</p> <p>The Unit to be occupied for the indoor recreation facility and centre-based childcare is addressed as number "7" within the complex and is located adjacent to the northern boundary, towards the north-eastern corner of the site. The ground floor area is 1,200 sqm with an internal first floor area of 570sqm.</p> <p>Carparking for the subject tenancy is provided on the western and southern side of the unit. The unit has access to 25 car spaces, with additional parking for 4 vehicles adjacent to the roller doors for the warehouse.</p>

Map:



SITE HISTORY

Development Consent No.87/134 for the erection of 3 detached industrial / office buildings containing 14 Units was granted by Council on the 27 April 1987. While the site has frontage to Warringah Road, access is from Frenchs Forest Road. The complex contains 14 Units with a mix of warehouse compatible land uses.

Since construction the subject unit has had a number of business / light industrial occupancies suitable for the warehouse but is currently vacant.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for the use of the subject industrial unit as an indoor recreation facility & after school care facility. Details of the alterations / fit-out required for the use includes:

Ground Floor

- Internal alterations to existing ground floor level to provide for new entry, internal stairs, reception, kitchen, office, two party rooms, four bathrooms (male, female, parents room, disabled), storeroom, eating area and play area.

First Floor

- Internal alterations to provide for internal stairs, two party rooms, four offices, two storerooms, upstairs foyer, male and female bathroom, kitchen, disco area/party room and play area.

External changes

- Business use identification signage.

Operating hours:

Use	Day	Time
Party Centre	Saturday	9:15am to 6:00pm
	Sunday	9:15am to 6:00pm
Play Centre	Monday to Friday	9:15am to 2:30pm
Before and After School Care (During School Term)	Monday to Friday	7:00am to 8:45am 3:00pm to 6:00pm
Vacation Care (During School Holidays)	Monday to Friday	7:00am to 6:00pm

Therefore business also fits the definition of a **centre-based childcare facility**, pursuant to the *SEPP (Educational Establishments and Child Care Facilities) 2017*.

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)),

The definition of a recreation facility (indoor) means:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The applicant has proposed the operational use and staffing to be as follows:

Party Centre:

- Average of 15 children per party, with each party room holding a maximum of 20 children;
- Supervision ratio of one parent per five children;
- Each party having a duration of two hours; and
- Parties commencing every half hour (subject to booking and room availability).

Play Centre:

Average daily weekday attendance of up to 59 children between 9:15am and 2:00pm for Before and

After School Care:

Weekday Morning Period

- Parents to drop-off children whom are then placed on a bus at 8:30am; and

Weekday Afternoon Period

- Bus to drop-off children at the Centre whom are picked-up between 3:30pm to 6:00pm.

Staff:

- Visitor and general staff parking shared for the Strata allocated Unit parking; and
- Two (2) parking spaces allocated for the Centre Manager and Cook, only.

The proposal does not involve any increase in the floor space of the building and suitable rooms can be used for "homework" rooms for children that need a quiet space during afterschool care.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of</p>

Section 79C 'Matters for Consideration'	Comments
	<p>days taken in this assessment in light of this clause within the Regulations. No additional information was requested, and the applicant was requested to withdraw the proposal on 8 August 2018 due to traffic and parking concerns. In response the applicant reduced the maximum enrollment and revised the traffic assessment to address concerns over parking and traffic generation. A revised traffic report was submitted on the 29 August 2018.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 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><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 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 79C (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) 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) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development as the use of the premises by "Dell" remains unchanged.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Public Exhibition" in this report.
Section 79C (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.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The subject property is located within a group of warehouse and commercial units within a complex towards the north-eastern corner of the site and is currently vacant. The application seeks to formalize land use as an indoor recreational facility and after school care centre facility with some internal alterations and additions to both ground and first floor levels and includes the installation of business identification signage. The proposal is a change in Classification under the <i>Building Code of Australia</i>.</p> <p>Therefore, subject to application of appropriate Consent conditions to ensure basic Fire Safety provisions are incorporated within the tenancy. No objection are raised to the proposal subject to conditions, as recommended.</p>
Environmental Health (Industrial)	<p>Environmental Health have assessed proposed fit-out. The proposal does not address food premises fit-out, mechanical ventilation for cooking or adequacy of toilet numbers for increased loading. However, these issues can be addressed with conditions.</p> <p>No objection to approval, subject to conditions as recommended.</p>
Traffic Engineer	<p>Parking: The applicant is not altering the current layout of the car park. As such, all assumptions shall be based on the 29 parking spaces currently dedicated to Unit 7, which is the site under the proposal. The applicant will be required to adjust one of the spaces to an accessible parking space. This will result in the loss of one (1) parking space. The shortfall will mean the assumptions will be based on 28 parking spaces being made available. This issue is addressed by conditions as recommended.</p> <p>Traffic: The applicant's consultant has assumed a potential of 20-40 trips in the peak hour. After correct application of the rates in the RMS Guide to Traffic Generating Developments, the actual potential of the site, based on 116 students is 82 vehicles in the peak hour. In addition to the expected 20 vehicles being generated by the party facilities, this brings the total to 102 vehicles. Discounting the existing site generation of 10, there is a potential of 92 vehicles in the peak hour.</p>

Internal Referral Body	Comments
	<p>Therefore, the assumptions of the applicant's consultant are not acceptable without detailed modeling of all adjacent intersections and a SIDRA model.</p> <p><u>Revised comments on Reduced Occupancy Traffic Report dated 29.8.2018</u></p> <p>The revised proposal and report should be revised is more suitable for the location and no longer requires detailed modeling of the local intersections as it fits within the capacity of the site and land use pattern. The limit of 50 children for holiday and after school care is to be included as a condition. A maximum capacity of 80 for the "party" functions (Saturday and Sunday) is also recommended to be addressed by condition.</p> <p>Car Park Layout: The existing arrangement is acceptable onsite, provided the applicant signposts a section to be dedicated to buses for drop off and pick up of children. This can be signposted to reflect the anticipated time of the drop-off/pick-up period. i.e. 'No Parking; XXam-XXam; XXpm-XXpm, School Days'. This is addressed by conditions as recommended.</p> <p>Waste: The applicant is within a business park. Therefore, commercial waste collection arrangements will remain as they are currently.</p> <p>Traffic Team raise no objection to waste vehicle access.</p> <p>Pedestrian: Appropriate marked pedestrian desire lines are to be installed to enable safe visual access from the parking spaces to the entry location. This is addressed by conditions as recommended.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to <i>Ausgrid</i> . No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The proposal was referred to <i>NSW Police</i> - Local Command. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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 Educational Establishments and Child Care Facilities 2017

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

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

This application is for the establishment of a centre-based child-care facility ("the centre"). This entails supervised after school care and school holiday programs within an indoor recreation facility environment. The facility will also include group booking options for children's parties as indoor recreational functions within the centre (similar to a "play-gym").

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

DESIGN QUALITY PRINCIPLES

Opening comment:

The centre is proposed within an existing warehouse building occupying one unit within a larger industrial complex. As such, there is limited scope for extensive redesign of the building or the site and therefore, limited scope to easily meet these principals when compared to a brand new purpose built building on a new site. Notwithstanding, the design utilises the unit as and is suitable for the type of recreational based childcare use, where active play and large indoor spaces are required for activity areas.

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 proposal has suitably designed the indoor space layout to provide a responsive, small scale centre that will fit within the business park environment of the local area and not create any unreasonable

noise disruption to surrounding land.

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 does not propose any alterations or additions as the centre based childcare is accommodated within an existing building.

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 will provide a dynamic play area principally set up for indoor recreational activities and children's parties. The centre is not equipped for long-day care for infants. Day care is provided as holiday care for the entire day during school holiday periods.

Principle 4: Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

This includes the 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 proposal utilised the existing warehouse style unit in a business park and provides adequate indoor spaces for the children and service areas. This design will allow adequate cross ventilation and sunlight by the use of existing openings and windows. Waste will be suitably disposed of by commercial arrangement and there will be no change to stormwater function.

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:

No change is proposed to the existing landscape setting of the building.

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 centre provides appropriate design and layout for and indoor recreation and centre-based childcare. Long day care is not proposed that would require higher levels of amenity.

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 vehicle areas line marked and allocation and located exterior to the centre. Traffic and parking is within the business park complex and appropriate for the surrounding environment for the children, staff and parents.

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

MATTERS FOR CONSIDERATION

Objectives	Criteria/Guidelines	Comments
3.1 Site selection and location		
C1 To ensure that appropriate zone considerations are assessed when selecting a site	For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity. 	The relatively small scale centre-based childcare will not result in unreasonable acoustic or privacy impacts on adjoining properties. Traffic and parking impacts will be acceptable, subject to the reduced numbers of children submitted by revised maximum enrolment as provided by the applicant.
C2 To ensure that the site selected for a proposed child care facility is suitable for the use	When selecting a site, ensure that: <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • 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 site is not environmentally constrained, not bushfire or flood prone and not contaminated. It is located in a business park environment and away from hazardous pollution sources.

	<ul style="list-style-type: none"> • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	
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. 	The site will provided a mini-bus collection service and for staff the location has suitable access to nearby public bus transport options.
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:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses 	The centre based childcare facility is not within any zone of influence for heavy industry, gas or petrol stations and the like.
3.2 Local character, streetscape and the public domain		
C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape	<p>The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • 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 	The proposal involves a re-fit to the internal area of the building. The development will retain its compatibility with the character of the local area and the business park already contains another established childcare centre within the complex.

	<ul style="list-style-type: none"> • integrate car parking into the building and site landscaping design in residential areas. 	
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>No significant change to fencing or entry areas is required.</p> <p>The car park is well marked and convenient to the subject unit.</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>The centre based childcare (& recreation facility) will include suitable operating hours to service the after school demand and provide an indoor recreation facility.</p>
	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • 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. 	<p>The development does not adjoin a public park.</p>
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. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>No significant change is proposed to external surface colour or materials.</p>
	<p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary</p>	<p>The building is constructed to concrete panels and fixed glazing that affords appropriate sound protection from Warringah Road.</p>
3.3 Building orientation, envelope and design		
C11 To respond to the streetscape and site, while optimising solar access and opportunities for	<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: 	<p>The orientation is set by the existing building. There will be no changes to this.</p>

shade	<ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries 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. 	
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>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. 	The proposal involves a partial refit to the internal area of the building. The development will retain its compatibility with adjoining developments, subject to conditions to limit the maximum capacity.
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.	No change is proposed to the setbacks.
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	No change is proposed to the building setbacks.
C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute	<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 	The building is not subdivided and has been part of the local neighbourhood character for a significant period of time.

to an area's character	<ul style="list-style-type: none"> • 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. 	
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 • 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. 	Satisfactory.
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 • minimizing 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>	Satisfactory. Existing at-grade access is addressed with conditions for BCA compliance and CC fitout.
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>	Satisfactory. No significant change is required.

	<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>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. 	No change is required to the existing carpark.
3.5 Visual and acoustic privacy		
C20, C21 To protect the privacy and security of children attending the facility	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Satisfactory for the business park environment.
	<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 • permanent screening and landscape design. 	Satisfactory for the business park environment.
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. 	Satisfactory for the business park environment.
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. 	Satisfactory for the business park environment.
	A suitably qualified acoustic professional	Satisfactory for the business

	<p>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 fence to enable the noise criteria to be met. 	park environment.
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 	Satisfactory for the business park environment.
	<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 Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 	Satisfactory for the business park environment.
C27, C28 To ensure air quality is acceptable where child care facilities are proposed close to external	<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>	Satisfactory for the business park environment.

<i>sources of air pollution such as major roads and industrial development</i>	<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 minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	Satisfactory for the business park environment.
3.7 Hours of operation		
<i>C29, C30 To minimise the impact of the child care facility on the amenity of neighbouring residential developments</i>	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.	Satisfactory. Clarification of hours of use were provided to minimize disruption to existing traffic condition.
	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.	Satisfactory for the business park environment.
3.8 Traffic, parking and pedestrian circulation		
<i>C31, C32, C33 To provide parking that satisfies the needs of users and demand generated by the centre</i>	<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 	Satisfactory, subject to conditions to ensure ongoing compliance with traffic and parking details as proposed in the revised traffic assessment.

	<ul style="list-style-type: none"> • 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> <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.	The proposal has been revised to reduce the intensity of use and therefore minimize traffic conflict with parking and traffic generation.
	<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. 	Satisfactory, subject to conditions to ensure ongoing compliance with traffic and parking details as proposed in the revised traffic assessment.
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 dangerous goods or hazardous materials. <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 	Satisfactory.

	traffic.	
	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.	Satisfactory.
C36, C37, C38 To provide a safe and connected environment for pedestrians both on and around the site	<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 • vehicles can enter and leave the site in a forward direction. 	Satisfactory, subject to conditions to ensure compliance as applicable with the Construction Certificate
	<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 maneuvering 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. 	Satisfactory, subject to conditions to ensure compliance as applicable with the Construction Certificate
	<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 	Satisfactory.

	as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards	
	• include wheelchair and pram accessible parking.	

APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

Regulation	Design Guidance	Comments
4.1 Indoor space requirements		
Regulation 107 Education and Care Services National Regulation <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 	<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>Satisfactory, subject to conditions to ensure compliance as applicable with the Construction Certificate.</p>

- on-site laundry
- other space that is not suitable for children.

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.

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.

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.

Development applications should indicate how these needs will be accommodated.

Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.

4.2 Laundry and hygiene facilities

Regulation 106

<p>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 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><i>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.</i></p> <p>Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.</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>	<p>Not applicable.</p>
<p>4.3 Toilet and hygiene facilities</p>		
<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</p>	<p><i>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.</i></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 	<p>Satisfactory. Standard conditions required to address with the fit out works.</p>

safe use and convenient access by the children.	without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries	
Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.		
4.4 Ventilation and natural light		
Regulation 110 Education and Care Services National Regulation Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i> . Ceiling height requirements may be affected by the capacity of the facility.	<p><i>The proposed development includes indoor spaces to be used by children that:</i></p> <ul style="list-style-type: none"> • <i>will be well ventilated; and</i> • <i>will have adequate natural light; and</i> • <i>can be maintained at a temperature that ensures the safety and well-being of children.</i> <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</p>	Satisfactory

	<p>to:</p> <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		
<p>Regulation 110 Education and Care Services National Regulation</p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p><i>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.</i></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>	Satisfactory.
4.6 Nappy change facilities		
<p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy</p>	<p><i>(To be completed only if the proposed development is for a service that will care for children who wear nappies).</i></p> <p><i>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</i></p>	Not applicable

<p>changing and bathing. All 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><i>immediate vicinity of the nappy change area.</i></p> <p>In circumstances where nappy change 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><i>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.</i></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>Not applicable.</p>
4.8 Emergency and evacuation procedures		
<p>Regulations 97 and 168 Education and Care Services National Regulations</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</p>	<p>Satisfactory. Standard conditions required for fire safety.</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> <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. 	<p>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 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		
<p>Regulation 108 Education and Care Services National Regulations</p> <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>Unencumbered outdoor space excludes any of</p>	<p><i>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</i></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 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 	<p>The proposal includes use of the premises as an indoor recreation facility and therefore the principal area is within the centre is used for recreational play space.</p> <p>Fit out and design is as per the plans.</p>

the following:

- 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.

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.

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.

A verandah that is included within indoor space cannot be included when calculating outdoor

where a wall with an opening forms the perimeter

- have adequate flooring and roofing
- be designed to provide adequate protection from the elements

Simulated outdoor environments

Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.

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.

Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.

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:

- more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility
- 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.

space and vice versa.		
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><i>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</i></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 development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • assist supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 	Satisfactory.
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><i>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</i></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</p> <p>Controlled exposure to daylight for limited periods is essential as sunlight provides</p>	Satisfactory.

vitamin D which promotes healthy muscles, bones and overall well-being. Outdoor play areas should be provided with controlled solar access throughout the year.

Outdoor play areas should:

- 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 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		
Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code	<p><i>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.</i></p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding 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>	Satisfactory.
4.13 Soil Assessment		
Regulation 25 Education and Care Services National Regulations Subclause (d) of	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.	Satisfactory.

<p>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>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. 	
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SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for light industrial warehouse purposes for a significant period of time with no prior land uses. In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the light industrial warehouse land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated

under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy 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 1 of SEPP 64, 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 Business Identification Signage is compatible with the proposed use of the land for a corporate business park. Signage in the vicinity of the site is not a visually dominant feature for various businesses fronting the road. The proposal will have no adverse impact on the desired future character of the area and has no significant impact on the Structure Plan surrounding the Northern Beaches Hospital precinct.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is relevant with the approved redevelopment of the land for and a recreation facility and childcare services within the building. The signage painted to the wall for visual definition.	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 signage uses a flush wall sign to provide identification of "Wizzy World". The lettering is light blue and grey and does not detract from the urban surroundings.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The signage does not unreasonably affect any views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The sign is fixed to the outer wall and above the awning of the building and does not dominate views.	YES
Does the proposal respect the viewing rights of other advertisers?	The image on the sign area are evenly spaced and does not detract from other adjacent signage in use by existing business operations.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and setting of the signage is appropriate for the building and balanced with the other signage along the same side facing Warringah Road.	YES
Does the proposal contribute to the	The signage is on a painted on a concrete	YES

visual interest of the streetscape, setting or landscape?	wall stylised with a picture and writing that forms the company logo / sign and does not adversely impact the streetscape or landscape. No illumination is proposed.	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No other sign is to be removed.	YES
Does the proposal screen unsightliness?	The sign is not used a screen.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign is fixed to the existing wall along the carpark façade and does not protrude above the existing building height.	YES
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 proposed signage is compatible with the use and provides a identification of the business premises along the street frontage without being unduly contrasting or disruptive.	YES
Does the proposal respect important features of the site or building, or both?	The signage involves lettering that in stylised lettering. The materials are practical for the busy road frontage to resist weather, road grime, and other deterioration.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign will fit suitably on the existing façade is consistent with signage used in the local business park.	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?	Soft backlighting is to be used for the lettering / signs that would not create glare.	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?	No illumination is to be used as backlighting for the signage.	YES
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	YES
Is the illumination subject to a curfew?	Not applicable.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal will not adversely affect public safety and will unreasonably distract to motorists, subject to conditions. The RMS has raised no objection and no comments to the development	YES

	application.	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs are fixed to the wall and not above the awning and do not obstruct sight lines.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent, subject to conditions, with the provisions of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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*. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Roads and Maritime Service (RMS)

The site has direct frontage to a classified road (Warringah Road MR328) but access is only from Rodborough Road. Therefore, the proposal is required to be referred to the *RMS* pursuant to Section 101 of the SEPP. The RMS referral response did not raise any objection to the proposal.

Other Service Infrastructure Authorities

No other referrals are required pursuant to the SEPP.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
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

The proposal is for occupation and fit-out of an existing industrial Unit. Therefore, no change to the built

form controls is proposed and no further detailed assessment is required as the existing building height remains unchanged.

Compliance Assessment

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

The proposal is for occupation and fit-out of an existing industrial Unit. Therefore, no change to the built form controls is proposed and no further detailed assessment is required as the existing wall height, side boundary envelope and building setbacks and landscaped open space remain unchanged.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B4 Site Coverage	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
B14 Main Roads Setback	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	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
D1 Landscaped Open Space and Bushland Setting	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

Clause	Compliance with Requirements	Consistency Aims/Objectives
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	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
E10 Landslip Risk	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Description of non-compliance

The land use as an indoor recreational facility and centre-based after school care centre. The proposed use operates as a single integrated business in that recreational play acts as the principal activity that will occupy the time of children using the centre for after-school care and holiday care or children parties.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Recreational facility (Indoor)	Comparative study for Play Centre. [The use is comparable to a Gymnasium. 4.5 spaces per 100 m ² GFA.]	Increased demand on the weekend for children's parties, and children's recreational functions.	29 spaces. Adequate for pick-up and drop-off. Nil disabled persons parking space.	- 1 disabled persons parking space.

Childcare (Play centre, holiday care and before & after school care)	1 space for every 4 children, having regard to the maximum number of children authorized to be cared for at any particular time.	13 parking spaces	As above. (The uses are integrated as one operation.)	As above. (The uses are integrated as one operation.)
Total				

The proposed development will have a capacity of 50 children for the before and after-school care operation, that will coincide with peak periods. Children attending after-school care will mostly be brought to the centre from local school by a mini-bus service. Therefore, most traffic generated for the afterschool care will occur late in the day due to parent pick-up. Similarly, children's functions (such as parties) generally create less than 1 car tip per child due to parents car-pooling. Holiday care programs similarly co-inside with an easing in local traffic congestion as many families take time off work during the school holiday periods.

Therefore, with the limited capacity (reduced to 50 children at any one time) the proposal will not create any unreasonable impacts on local traffic conditions or parking demand within the site. (See Council's Traffic Engineering referral response for a further detailed assessment.) The available parking is adequate for staff car parking and also for pick-up and drop-off periods to cater for parents vehicles that mostly only stay for a short while. The provision of a disabled persons parking space convenient to the main entry is addressed by a recommended condition.

The use of the facility as a recreation facility for a play centre occurs during the middle of the day and on weekends, when the before and after school care is not occurring. A limit of 80 children for the weekend play centre use for parties and the like is addressed by condition. While this is more than the "before and after school care" the traffic generation for children's parties factors in parents "car pooling" to bring children to the party.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

The site has a parking allocation for the unit outside the western and southern wall of the building which creates minimal visual impact and is convenient to staff and customers. The parking area is screened from view by landscaping and other buildings within the complex and therefore has a minimal visual impact.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The parking area is screened from view by landscaping and other buildings within the complex and therefore has a minimal visual impact.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D23 Signs

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment:

The proposed signage is for an recreation and afterschool care business occupying the subject unit as a major tenant. The sign is made of durable high quality materials in both fabrication and back-lit illumination. The signage fits the architectural design of the existing building, along with the visual amenity of the surrounding area - whilst keeping in-line with the "Wizzy World" business name and advertising image. The proposed signage is consistent with this objective.

- *To achieve well designed and coordinated signage that uses high quality materials.*

Comment:

The graphic design used is appropriately spaced and located on the building façade without being overbearing on the streetscape. The graphic work shows stylized picture and company brand name. The signage is space appropriately on the building and uses building setback as a backdrop to the sign.

- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*

Comment:

The picture and lettering is not highly distracting, but does give subtle contrast to the wall mount used for visual effect. The use of the selected materials will not readily show markings from weather conditions, road grime, vehicle emissions and the like.

- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

Comment:

The signage will not have an overbearing or adverse amenity impact on any nearby residential properties, as it is lower than the existing building height and is has a low illumination in a manner that will not cause lighting glare.

- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

The signage will not detract from the surrounding landscaped open space or any local heritage items.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 190,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.45%	\$ 855
Section 7.12 Planning and Administration	0.05%	\$ 95
Total	0.5%	\$ 950

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 2000;
- 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

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1038 for Use of Premises as a recreation facility (indoor) and centre based childcare (after school care) on land at Lot 1 DP 1210327, 25 Frenchs Forest Road East, FRENCHS FOREST, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan - Car Parking	June 2018	JLL
Ground Floor Plan	June 2018	JLL
First Floor Plan	June 2018	JLL

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

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

Waste Management Plan		
Drawing No.	Dated	Prepared By
Waste Management Plan - Unit 7	18.6.2018	Vaughan Milligan

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Limitation of Development Consent for Signage**

Pursuant to the provisions of State Environmental Planning Policy No 64-Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates

Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) Where applicable, 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) Where applicable, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (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) 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 (DACPLB09)

4. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

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

during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(j) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 7.12 Development Contributions Plan		
Contribution based on a total development cost of \$ 190,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.45%	\$ 855.00
Section 7.12 Planning and Administration	0.05%	\$ 95.00
Total	0.5%	\$ 950.00

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

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

Reason: To provide for contributions in accordance with Northern Beaches Council

Contributions Plan 2018.

6. Security Bond

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

7. Kitchen fitout

The design construction and fit out of the kitchen shall comply with Australian Standard AS 4674 – 2004 – 'Design, Construction and fit-out of food premises'.

Details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the Australian Food Standards Code.

Reason: Food safety (DACHPCPC6)

8. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

9. Childcare Regulatory Requirements

The applicant shall ensure the occupation and fit-out work is consistent with the NSW Regulatory Authority requirements for a centre-based childcare facility, as applicable to the approved use.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the Construction Certificate.

Reason: To prevent inconsistencies between consent and statutory requirements. (DACPLC10)

10. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

11. **Fire Safety - Egress and Essential Services Upgrade**

Building Code of Australia (BCA) compliant 'Essential Fire Safety services and equipment', and BCA compliant Egress provisions (BCA Volume 1- Part D and E), generally consisting of Emergency Lighting, Exit Signage, Portable Fire Extinguishers, Hose Reels, Fire Detection & Alarm System/s and the like, and BCA compliant required Egress including Travel distances, Egress doors and Door Hardware is to be provided to the tenancy to the degree necessary so as to comply with Part D and E of the BCA.

All works being certified upon completion as being capable of performing their intended function/s by a suitably qualified person prior to any use or occupation of the premises/tenancy occurring, and prior to the issue of any interim or final occupation certificate.

Details demonstrating implementation and compliance are to be submitted to the Principal Certifying Authority prior to any use or occupation of the premises, and prior the issue of any Interim / Final Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises to ensure building occupant safety. (DACBCF01)

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

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

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

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

13. **Sanitary Facilities**

The number of sanitary facilities (closet pans, urinals and washbasins) to be provided for use by employees and patrons (male, female, accessible / ambulant) must comply with the requirements contained within the *National Construction Code of Australia*.

Detailed plans and specification documents are to be prepared by appropriately qualified

persons in order to demonstrate that adequate and compliant sanitary facilities are to be provided in accordance with the requirements of the National Construction Code (NCC) of Australia 2016, Volume 1, Part F2 – Sanitary and Other Facilities.

Hand washing facilities are to:

- i. be accessible.
- ii. contain hot and cold water temperature mixers.
- iii. be protected from the weather.
- iv. be supplied with liquid soap dispensers.
- v. contain hygienic hand drying facilities - automatic air dryers or disposable paper towels.

The plans and specification documents are to be submitted to the Certifying Authority for assessment prior to the issue of the Construction Certificate.

Reason: to ensure that potential impacts relating to public health are considered and adequately addressed.(DACHPCPCC5)

14. **Mechanical Exhaust including kitchen area**

The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2. 2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

Reason: To ensure the mechanical exhaust ventilation system complies with Australian Standard AS1668 and to protect public health and safety

15. **Notification of the food premises**

The proprietor of a food business must notify the Council of the details of the business prior to commencement of trading.

Reason: To ensure compliance with the Australian Food Standards Code.

16. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority 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.

17. **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 Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

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

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

18. **Line Marking**

Pedestrian zone markings are to be provided to improve safe pedestrian movement to the allocated parking spaces for the subject Unit.

Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: Safe pedestrian movement for childcare facilities (DACPLFPOC2)

19. **Disabled Access Parking**

A disabled persons car parking space is to be provided near the main pedestrian entry for the carparking allocated to the subject Unit. The disabled persons parking space shall be in compliance with current standards under AS2890.1.

Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: Accessibility

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

20. **Amplified Noise**

The use of any amplified sound equipment and/or public address systems is only permitted when the related structures/equipment are located entirely within the premises and used in such a manner that offensive noise is not caused.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the *Protection of the Environment Operations Act* (DACHPGOG6)

21. **Allocation of Spaces**

Car parking spaces shall be provided and made accessible for vehicle parking at all times. The spaces shall be allocated as follows:

- **28** car spaces for staff and visitors, including (1) one disabled persons parking space.

Car-parking provided for Unit 7 shall be used solely in conjunction with the approved use.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

22. **Maximum Enrolment / Occupancy**

The approved *centre-based childcare* use is limited to a maximum capacity of 50 children during the approved weekday childcare hours.

The approved *indoor recreation* use for children's parties, recreational functions and the like, is limited to a maximum capacity of 80 children during the approved weekend hours.

Reason: To maintain consistency with traffic and parking capacity limitations of the whole property. (DACPLG04)

23. **Hours of Operation**

The hours of operation are to be restricted to:

Play Centre

- Saturday and Sunday - 9:15am to 6:00pm
- Monday to Friday – 9:15am to 2:30pm

Before and After School Care (During School Term)

- Monday to Friday - 7:00am to 8:45am and 3:00pm to 6:00pm

Vacation Care (During School Holidays)

- Monday to Friday - 7:00am to 6:00pm

Staff should maintain consistency of ancillary operational requirements within 30 minutes of these opening and closing hours.

Reason: Information to ensure that hours of operation remain consistent with the approved use. (DACPLG08)

24. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

25. **Signs/Goods in the Public Way**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety and to protect the streetscape. (DACPLG15)

26. **Bus Zone**

A pick-up drop off-zone is to be provided within the available parking area for the subject unit premises. This may be in front of the loading dock area or may be a time restricted area over the allocated Unit car parking. The bus zone is to be sign posted to time restrict parking and allow a mini-bus to park across the parking spaces for a 30 minute loading / unloading period in the morning and afternoon.

Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.

Reason: Traffic management for before & after school care (DACPLGOG1)

In signing this report, I declare that I do not have a Conflict of Interest.

Signed




Alex Keller, Planner

The application is determined on //, under the delegated authority of:




Steven Findlay, Manager Development Assessments

ATTACHMENT A

Notification Plan	Title	Date
 2018/378098	Plan - Notification	19/06/2018



ATTACHMENT B

Notification Document	Title	Date
 2018/395513	Notification Map	28/06/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/378083	Owners Consent - ASICS Extract	28/05/2018
 2018/378106	Report - Traffic	18/06/2018
 2018/378087	Owners Consent - Land & Property Information + Power of Attorney	19/06/2018
 2018/378102	Report - Statement of Environmental Effects	19/06/2018
 2018/378108	Report - Waste Management	19/06/2018
 2018/378098	Plan - Notification	19/06/2018
 DA2018/1038	25 Frenchs Forest Road East FRENCHS FOREST NSW 2086 - Development Application - Alterations and Additions	19/06/2018
 2018/378132	Plans - Master Set	19/06/2018
 2018/378025	DA Acknowledgement Letter - Wizzy World Pty Ltd	21/06/2018
 2018/378063	Development Application Form	21/06/2018
 2018/378069	Applicant Details	21/06/2018
 2018/392940	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/1038 - 25 Frenchs Forest Road East FRENCHS FOREST NSW 2086	27/06/2018
 2018/396046	Environmental Health (Industrial) - Assessment Referral - DA2018/1038 - 25 Frenchs Forest Road East FRENCHS FOREST NSW 2086	27/06/2018
 2018/394718	Traffic Engineer Referral Response	27/06/2018
 2018/395489	ARP Notification Map	28/06/2018
 2018/395493	DA Acknowledgement Letter (not integrated) - Wizzy World Pty Ltd	28/06/2018
 2018/395513	Notification Map	28/06/2018
 2018/395520	Notification Letter - 26	28/06/2018
 2018/402563	Environmental Health Referral Response - industrial use	03/07/2018
 2018/443333	Building Assessment Referral Response	11/07/2018
 2018/501256	Request for Withdrawal of Development Application - Wizzy World Pty Ltd	08/08/2018
 2018/599531	Traffic Issues RE: 25 Frenchs Forest Rd East, Frenchs Forest - DA2018/1038	16/08/2018
 2018/599535	Options regarding Traffic and Parking Issues DA 2018/1038 - 25 Frenchs Forest Road East, Frenchs Forest	28/08/2018
 2018/599545	Revised Traffic Study and reduced capacity 25 Frenchs Forest Rd East, Frenchs Forest -	29/08/2018

DA2018/1038

	2018/618095	Working plans	24/09/2018
	2018/622586	Traffic Engineer Referral Response	25/09/2018