



# STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Centre-Based  
Childcare Facility

16 Bangaroo Street,  
North Balgowlah

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## Statement of Environmental Effects

### Proposed Childcare Centre

### 16 Bangaroo Street, North Balgowlah

Prepared under instructions from

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## 1 Introduction

This statement has been prepared by BBF Town Planners for alterations and additions to the existing dwelling and the use as a child care centre.

This application represents a considered response to the comments provided in the Pre-Lodgement meeting held on the 21 May 2020, specifically in relation to traffic generation, parking and access and potential noise impacts. These concerns have been addressed within the accompanying traffic and parking report and acoustic report. A plan of management has also been prepared which outlines how the child care centre will be managed and operated to limit its potential amenity impacts.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Architectural Plans including plans, sections, elevations, perspectives, shadow diagrams prepared by Rapid Plans;
- BCA report prepared by GRS Building Reports Pty Ltd;
- Acoustic Report prepared by Wilkinson Murray;
- Traffic and Parking Assessment prepared by TTPA Pty Ltd;
- Operational Management Plan
- Estimated Cost of Works.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed use.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

## 2 Site Analysis

### 2.1 Site Description and Location

The site is identified as Lot 111 in DP 11936, No. 16 Bangaroo Street, Balgowlah. The site is rectangular shaped allotment with frontage and address to Bangaroo Street. Locational context of the subject site is provided below.



Figure 1: Aerial Location





*Figure 2: Street view of subject site*

The existing development on the site consists of a 2 storey single dwelling set within an informal landscape setting. The topography of the site has a gentle slope down across the site in a southerly direction.

Surrounding development is characterised predominately by residential land uses. The built form is typically single dwellings. A residential flat building is located on the neighbouring property to the rear of the subject site.

The site is well serviced with public transport with a bus stops located directly opposite the subject site and to the south, adjacent to the corner of Worrobil and Bangaroo Streets.

## 3 Description of the Proposed Use

### 3.1 Details of the Proposed Use

The application proposes alterations and additions to the existing dwelling and the use of the ground floor as a child care centre.

The application proposed a new ground floor layout which creates activity spaces and new outdoor play areas. The works also include the widening of the existing vehicle crossover to provide access to the 5 off-street parking spaces proposed. These details are depicted on the plans prepared by Distinctive Additions.

The childcare centre is to cater for 24 children and 3 staff members. The proposed hours of operation are from 8.30am to 4pm, Monday – Friday.

### 3.2 Operational Characteristics – Child Care Centre

The application is accompanied by an Operational Plan of Management. The proposed 24 place child care centre will operate from 8.30am – 4pm (Monday - Friday), employing a total of 3 staff. The centre will only be intaking children between 3 and 5 years of age.

In the morning children will start to arrive from 8.30am. Parents will be allocated a 10 minute drop off time in the morning and 15 minute pick up time in the afternoon. The timeframes for pick up and drop off will be agreed in the Little Gems contract. The contract will have a penalty clause in the agreed hours contract, to prevent any congestion occurring with the car park.

The structure of the daily routines is detailed in the operational management plan.

Most of their playtime is conducted in the secure indoor environment. The children's daily routines are planned and managed to be conducive to the environment and amenity of the neighbourhood.

In terms of the car parking demand/ traffic generation we note that a majority of children (approximately 90%) will be dropped off before 9am and collected before 4pm. The acceptability of the traffic/ car parking circumstance is detailed in the Traffic and Parking Assessment Report

## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

### 4.1 Warringah Local Environmental Plan 2011

#### 4.1.1 Zoning and Permissibility

The subject property is zoned R2 Low Density Residential pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011) with centre-based child care centres defined and permissible with consent in the zone.

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposal satisfies these objectives through the provision of a child care centre that will provide child care facilities, employment opportunities and services to meet the day to day needs of residents in the local area. The proposal is for a modestly sized child care centre which limits its age groups to between 3 and 5 year old. The provision of a maximum of 24 children does not raised significant concerns regarding amenity impact on neighbours with acoustic privacy attenuation measures proposed and detailed plan of management provided. Accordingly, there is no statutory impediment to the granting of consent.

#### 4.1.2 Height of Buildings

Pursuant to clause 4.3 of PLEP 2014 the maximum building height for development on the land is 8.5 metres. The objectives of the building height control are as follows:

- a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*



- c) *to minimise any adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,*
- d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The works do not propose any significant external alterations and will not change the existing overall height or envelope of the existing dwelling. As such, the proposal is compliant with the building height development standard.

#### 4.1.3 Development on Sloping Land

Having regard to the clause 6.4 WLEP 2011, the site is mapped as ‘Area B’ on the Landslip Risk Map. The works proposed consist of internal reconfigurations and do not involve any significant excavation that would impact on the landslip risk of the site.

#### 4.2 Warringah Development Control Plan 2011

The Warringah DCP 2011 contains development controls for the design and construction of buildings and the development of land in Warringah. The proposed development has been assessed against the relevant provisions of Warringah DCP as outlined in the following table.

Control	Requirement	Proposed	Compliance
<b>Wall Heights</b> <b>B1</b>	7.2m	No works are proposed to the dwelling that alters its existing built form or envelope. The existing wall heights are to be maintained	Yes
<b>Side Boundary Envelope</b> <b>B3</b>	Buildings on land shown must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:  • 4 metre	No change to the existing building envelope	Yes

Control	Requirement	Proposed	Compliance
<b>Side Boundary Setbacks</b>  <b>DCP Controls B5 &amp; B6</b>	900mm	The development maintains the established compliant side setbacks	Yes
<b>Front Boundary Setbacks</b>  <b>DCP Control B7 &amp; B8</b>	6.5m	<p>The proposal maintains the established front setback to the existing dwelling.</p> <p>The proposal seeks to provide off-street parking at the front of the site which are to be hardstand spaces. These spaces are within the front setback however will not create an unreasonable visual impact with no built structures proposed. It will still preserve a sense of openness within the street and not create any unreasonable amenity impacts to neighbouring dwellings.</p>	Yes
<b>Rear Boundary Setback</b>  <b>DCP Control B9</b>	6m	Existing rear setback to the dwelling to remain.	Yes
<b>Traffic, Access and Safety</b>  <b>DCP Controls C2</b>	To minimise: a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle	<p>A Traffic and Parking Assessment Report has been prepared by Transport and Traffic Planning Associates</p> <p>The report found that there is not any unsatisfactory traffic capacity or safety-related</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>crossings in a street;</p> <p>d) traffic, pedestrian and cyclist conflict;</p> <p>e) interference with public transport facilities; and</p> <p>f) the loss of “on street” kerbside parking.</p>	<p>implications associated with the proposal.</p> <p>The childcare centre will require the creation of an additional vehicle crossover to provide the hardstand area. The street will still be serviced with available on-street parking with the inclusion of the additional crossover</p>	
<p><b>Parking Facilities</b></p> <p><b>DCP Control</b></p> <p><b>C3</b></p>	<p>Application of the DCP Parking Rates yields the following requirements:</p> <p>1 space for every 4 children, having regard to the maximum number of children authorised to be cared for at any particular time.</p>	<p>The proposed development will be served by a total of 5 car parking spaces which is minorly non-compliant with the control based on max 24 children proposed.</p> <p>The traffic and parking report provided demonstrates that the proposed car parking provided will adequately service the child care centre with the local area providing adequate on street parking and public transport options.</p>	<p>No – worthy on merit</p>
<p><b>Waste Management</b></p> <p><b>DCP Control</b></p> <p><b>C9</b></p>	<p>Each development must include, or have access to Waste/Recycling Storage Rooms and Areas.</p>	<p>The proposal incorporates a dedicated commercial enclosed waste storage area within the ground floor of the development, which will be collected by a commercial contractor.</p>	<p>Yes</p>
<p><b>Noise</b></p> <p><b>DCP Control</b></p>	<p>Noise from combined operation of all mechanical plant and</p>	<p>An acoustic report prepared by Wilkinson Murray accompanies the DA. The</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<b>D3</b>	equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses	<p>report provides an assessment of the potential noise impacts associated with the proposed development to the nearest residential receivers.</p> <p>The report considers that provided the mitigation measures provided within the report are implemented the child care centre can meet the relevant noise standards.</p>	
<b>Electromagnetic Radiation</b> <b>DCP Control D4</b>	Child Care Facilities located within 500m of a mobile phone base station are required to be accompanied by a report that demonstrates that the site is safe for use.	The site is not located within 500m of a mobile phone base.	Yes
<b>Access to Sunlight</b> <b>DCP Control D6</b>	<p>Pursuant to these provisions development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:</p> <ul style="list-style-type: none"> <li>• Development should avoid unreasonable overshadowing any public open space.</li> <li>• At least 50% of the required area of private open</li> </ul>	No change to the existing overshadowing circumstance.	Yes

Control	Requirement	Proposed	Compliance
	<p>space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</p>		
<p><b>Views</b> <b>DCP Control D7</b></p>	<p>Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.</p>	<p>No change to the existing built form that would impact on views.</p>	<p>Yes</p>
<p><b>Privacy</b> <b>DCP Control D8</b></p>	<p>Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.</p>	<p>The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining development through building design and orientation, the appropriate use and the inclusion of fixed privacy screen treatments where necessary.</p> <p>The use of integrated privacy attenuation measures and orientation play areas ensure that no direct overlooking</p>	<p>Yes</p>



Control	Requirement	Proposed	Compliance
		opportunities will exist towards neighbouring properties. In this regard appropriate privacy and security will be maintained between adjoining developments.	
<b>Building Bulk DCP Control D9</b>	Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	The dwelling will maintain the existing bulk and scale and presentation in the streetscape.	Yes
<b>Building Colours and Materials DCP Control D10</b>	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	No change to existing	Yes
<b>Accessibility DCP Policy D18</b>	To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.	The proposed development has been designed to ensure a convenient, comfortable and safe access for all people including wheelchair and pram accessibility.  A BCA report has been prepared an accompanies this application.	Yes

Control	Requirement	Proposed	Compliance
<p><b>Safety and Security</b></p> <p><b>DCP Policy D20</b></p>	<p>Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>2. Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> <p>3. There is to be adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings are to be from public streets wherever possible.</p> <p>6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime,</p>	<p>The design of the development enables casual observation of the street frontages. The entry foyer and reception at the ground level is easily identifiable from Bangaroo Street. The opportunity for seclusion within the approaches to the site is minimised as a consequence.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).</p>		
<p><b>Landslip Risk DCP Policy E10</b></p>	<p>The site is identified as falling within Landslip Risk Area B.</p> <p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> <li>• The proposed development is justified in terms of geotechnical stability; and</li> <li>• The proposed development will be carried out in accordance with good engineering practice.</li> </ul>	<p>No significant excavation works are proposed, that would affect the stability of the site.</p>	<p>Yes</p>

#### 4.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 has provisions that will make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining approval processes to save time and money and deliver greater consistency across NSW. The SEPP balances the need to deliver additional educational infrastructure with a focus on good design.

The proposed child care centre is defined under this SEPP as “centre-based child care”. For consistency between environmental planning instruments, this definition has also recently been inserted to the Standard LEP Instrument.

The following part 3 clauses are of relevance to the proposed centre-based child care on the site:

##### *Clause 22 Centre-based child care—concurrence of Regulatory Authority required for certain development*

*(1) This clause applies to development for the purpose of a centre-based child care facility if:*

*(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*

*(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

*(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.*

*(3) The consent authority must, within 7 days of receiving a development application for development to which this clause applies:*

*(a) forward a copy of the development application to the Regulatory Authority, and*

*(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.*

*(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW)*

*(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3).*

*Note. The effect of section 79B (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.*

*(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.*

*(7) In this clause:*

*Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).*

The proposal satisfies the regulations 107 and 108 regarding unencumbered indoor and outdoor space and, as such, this clause does not apply in this instance.

#### *Clause 23 Centre-based child care—matters for consideration by consent authorities*

*Before determining a development application for development for the purpose 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.*

The applicable provisions of the Child Care Planning Guideline are addressed below in Section 4.4 of this report.

#### *Clause 25 Centre-based child care—non-discretionary development standards*

*(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.*

*(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—*

*(a) location—the development may be located at any distance from an existing or proposed early education and care facility,*

*(b) indoor or outdoor space*

*(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or*

*(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary*



*Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,*

*(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,*

*(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*

In relation to the proposed child care centre, the location, indoor and outdoor space provisions, site dimensions and colour scheme satisfies the criteria within the National Regulations. These non-discretionary standards are therefore satisfied.

#### *26 Centre-based child care facility—development control plans*

*(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility—*

*(a) operational or management plans or arrangements (including hours of operation),*

*(b) demonstrated need or demand for child care services,*

*(c) proximity of facility to other early education and care facilities,*

*(d) any matter relating to development for the purpose of a centre-based child care facility contained in—*

*(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or*

*(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

*(2) This clause applies regardless of when the development control plan was made.*

The Warringah DCP applies and has been addressed previously in this report.

#### **4.4 Child Care Planning Guideline**

This Planning Guideline objectives include:

- *promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations*

- *ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses*
- *minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment*

### **Part 3 – Matters for Consideration**

The proposed childcare facility has been designed to minimise any adverse impacts to the amenity of surrounding residential dwellings while providing a safe and functional child care centre layout. It is considered that the proposal is consistent with the objectives of the design criteria addressed below:

**Site selection and location** – The site is appropriately zoned for a child care facilities. The potential impacts from traffic, noise, health, safety and wellbeing of children, staff and visitors at the centre are considered low and further details can be found within this report and the accompanied plan of management. The small scale nature of the centre ensures that no unreasonable amenity impacts, particularly relating to noise concerns, will occur with the proposed use.

**Local character, streetscape and the public domain interface** – The proposed child care facility has been designed to retain the existing built form of the dwelling. The inclusion of additional hardstand parking spaces ensure that the sense of openness will remain within the streetscape.

**Building orientation, envelope and design** – The existing built form will be retained.

**Landscaping** – the landscaping has been designed to allow for opportunities for the children to play safely outdoors with trees providing shading of the outdoor play area.

**Visual and acoustic privacy** – An acoustic report has been provided and the recommendations provided with regard to acoustic fences is incorporated into the design.

**Noise and air pollution** – The recommendations of the acoustic report will ensure that appropriate levels of acoustic amenity will be afforded to neighbouring dwellings. The site is located within an established residential area and, as such, air pollution is not considered to be of concern.

**Hours of operation** - the proposed hours of operation between 8am – 4pm Monday to Friday which is consistent with this guide and will not adversely impact the amenity of surrounding properties.

**Traffic, parking and pedestrian circulation**- A traffic and Parking Assessment has been included with this application.

### **Part 4 – Applying the National Regulations to development proposals**

**Indoor space requirements:**

*Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.*

*It is recommended that a child care facility provide: a minimum of 0.3m<sup>3</sup> per child of external storage space and a minimum of 0.2m<sup>3</sup> per child of internal storage space.*

With a proposed 24 children it would result in a requirement of 78m<sup>2</sup> which is achieved via the 2 large indoor activity areas proposed. Storage areas for the children are proposed under the stairs.

#### **Laundry and hygiene facilities:**

*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.*

A new laundry is proposed at the ground floor level. The door to the laundry will be locked at all times when not in use.

#### **Toilet and hygiene facilities:**

*A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.*

The new toilet will be in accordance with regard to age appropriateness and will adequately service the 24 children proposed.

#### **Ventilation and natural light:**

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

The building will receive excellent levels of natural light and ventilation in combination with air conditioning.

#### **Administrative space:**

*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.*

A meeting room is provided at ground level for administration to conduct consultations with parents and staff. The first floor level is a dedicated space for staff.

**Nappy change facilities:**

*Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.*

The proposed age of children to attend the proposed facility is limited to pre-school aged children 3-5. Children who attend will be required to have adequate levels of toilet training and, as such, no nappy changing will be required with this proposed centre.

**Premises designed to facilitate supervision:**

*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.*

The proposed layout allows for each space to be appropriately supervised with toilet facilities located within the activity spaces for easy supervision for staff.

**Emergency and evacuation procedures:**

*Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:*

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

The centre administration will prepare an emergency and evacuation plan before the centre opens in accordance with the regulations.

**Outdoor space requirements:**

*An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.*

Based on 24 children proposed this would result in an outdoor play area of 168m<sup>2</sup> with the proposal being consistent with this requirement.

**Natural environment:**

*The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.*

The proposal provides for an artificial grassed area surrounded by natural landscaping which includes a sandpit area.

**Shade:**

*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.*

Natural shade is afforded to outdoor play area via the existing trees.

**Fencing:**

*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.*

Appropriately high fencing is proposed to enclose the outdoor space. Any access gates will be childproof locked.

**Soil assessment:**

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

The site has been used as a residential dwelling within an established residential area and is highly unlikely to be affected with contaminated soils.

#### **4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as Amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are as follows.

(i) The provision of any Planning Instrument

The proposed alterations and additions are permissible and consistent with the intent of the Warringah Councils Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works given the constraints imposed by the sites location, environmental and topographical constraints.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the



proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Warringah DCP applies

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

*Context and Setting*

*i. What is the relationship to the region and local context in terms of:*

*The scenic qualities and features of the landscape*

*The character and amenity of the locality and streetscape*

*The scale, bulk, height, mass, form, character, density and design of development in the locality*

*The previous and existing land uses and activities in the locality*

**These matters have been discussed in the body of this report.**

*ii. What are the potential impacts on adjacent properties in terms of:*

*Relationship and compatibility of adjacent land uses?*

*sunlight access (overshadowing)*

*visual and acoustic privacy*

*views and vistas*

*edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to SEPP (Educational Establishments and Child Care Facilities) 2017

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

*Travel Demand*

*dependency on motor vehicles*

*traffic generation and the capacity of the local and arterial road network*

*public transport availability and use (including freight rail where relevant)*

*conflicts within and between transport modes*

*Traffic management schemes*

*Vehicular parking spaces*

These issues have been discussed in detail in the report. The development provides adequate carparking facilities in conformity with the policy controls.

*Public Domain*

The proposed development will have no adverse impact on the public domain.

*Utilities*

This matter has been discussed in detail in the body of this report.

*Flora and Fauna*

The proposal does not require the removal of any flora or fauna.

*Waste Collection*

Normal waste collection and commercial contractors used when required.

*Natural hazards*

N/A.

*Economic Impact in the locality*

The proposed development will generate temporary employment during construction. On-going employment will be provided by the business by providing employment opportunities to child care professionals.

#### *Site Design and Internal Design*

*i) Is the development design sensitive to environmental considerations and site attributes including:*

*size, shape and design of allotments*

*The proportion of site covered by buildings*

*the position of buildings*

*the size (bulk, height, mass), form, appearance and design of buildings*

*the amount, location, design, use and management of private and communal open space*

*Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

*ii) How would the development affect the health and safety of the occupants in terms of:*

*lighting, ventilation and insulation*

*building fire risk – prevention and suppression*

*building materials and finishes*

*a common wall structure and design*

*access and facilities for the disabled*

*likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as detailed in the report prepared by BCA Logic. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### *Construction*

*i) What would be the impacts of construction activities in terms of:*

*The environmental planning issues listed above*

*Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

*(c) The suitability of the site for the development*

*Does the proposal fit in the locality*

*Are the constraints posed by adjacent development prohibitive*

*Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*

*Are utilities and services available to the site adequate for the development*

*Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography of the site, is of adequate area, and has no special physical or engineering constraints is suitable for the proposed development

*(d) Any submissions received in accordance with this act or regulations*

It is envisaged that Council will appropriately consider any submissions received during the notification period.

*(e) The public interest*

The proposed works are permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed alterations and additions. The development would not be contrary to the public interest.

## 5 Conclusion

This statement demonstrates that the development is permissible with consent and generally compliant with the applicable statutory planning regime as it relates to this form of development on this particular site.

The development has been designed to maintain building form and an appropriate spatial relationship with the neighbouring residential properties. The provision of noise attenuation measure around the perimeter of the site will ensure that appropriate levels of amenity are afforded to neighbouring dwellings. The small scale nature of the child care centre and plan of management will ensure that centre will not create any unreasonable amenity impacts within the neighbourhood. The minor variation to the parking provision has been found to be acceptable as detailed in the traffic and parking study provided.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.