



Pre-lodgement Meeting Notes

Application No:	PLM2024/0004
Meeting Date:	7 March 2024
Property Address:	7 Blackbutts Road FRENCHS FOREST
Proposal:	Construction of a childcare centre
Attendees for Council:	Daniel Milliken (Development Advisory Services Manager) Adam Croft (Principal Planner) Clare Costanzo (Planner)

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant	
Landscaping requirements	<p>Minimum landscaped area requirements for this site was raised by the applicant. Specific clarification was sought regarding how Council calculated their landscaped area and if AstroTurf was included as landscaped area.</p> <p>In accordance with the WDCP, landscaped area must be 1m deep soil and at ground level, to be included in the calculation. AstroTurf is not included in the percentage of landscaped open space.</p>

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2011 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Centre-based child care facilities means – <ul style="list-style-type: none"> (a) a building or place used for the education and care of children that provides any one or more of the following – <ul style="list-style-type: none"> (i) long day care, (ii) occasional child care, (iii) out-of-school-hours (including vacation care), (iv) preschool care, or (b) an approved family day care venue (within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i>)
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	Permitted with consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.3 Height of buildings	8.5m	>8.5m (insufficient info.)	No (Note: sections provided as part of the development application must indicate the existing ground level)



Part 4 - Principal Development Standards

Comment:

There appears to be significant scope to lower the overall building height through reducing the basement ceiling clearance and the floor to ceiling heights of the levels above. A conventional roof form may also assist in minimising the building height while maintaining the residential character of the locality. Consideration may also be given to splitting the floor plates of the development if compliance cannot be achieved through alternate methods.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

The following notes the identified non-compliant areas of the proposal only.

Part B Built Form Controls		
Control	Permitted	Proposed
B1 Wall Heights	7.2m	8.1m
<p>Comment:</p> <p>There is a significant wall height breach along the southern elevation and Council recommends a redesign to reduce the noncompliance to minimise the visual impact of development when viewed from surrounding land.</p>		
B3 Side Boundary Envelope	4m at 45 degrees	Not within along southern elevation
<p>Comment:</p> <p>The building does not comply with the envelope control along the southern elevation and it is recommended a design is made to address this concern.</p> <p>The encroachment could be reduced through reduced basement design, increased setbacks to the level 1 play area and providing perimeter planter boxes. In its current form the proposed childcare centre appears to be visually dominant by virtue of its height and bulk, specifically where limited articulation has been incorporated to reduce noncompliance.</p>		
B5 Side Boundary Setbacks	0.9m (east and south)	Complies
<p>Comment:</p> <p>The proposal currently complies with the side boundary setback controls. Redesign of the building should ensure all elements of the works comply with the side boundary setback controls, including the basement level.</p> <p>It is recommended the driveway is relocated/realigned to increase the setback to the southern boundary.</p>		
B7 Front Boundary Setbacks	Primary frontage (northeast): 6.5m	4.2m (Basement) 1m (Ground) 6m (Level 1)



Part B Built Form Controls		
	Secondary frontage (west): 3.5m	1.2m (Basement) 0.8m (Ground) 2m (Level 1)
<p><u>Comment:</u></p> <p>The proposal in its current form presents significant non-compliances with the numerical controls and objectives of the development control plan regarding primary and secondary frontages.</p> <p>The basement should be located on the 3.5m secondary setback (subject to tree retention) and the northeastern setback should be increased to maximise deep soil landscaped area on site.</p> <p>There is also an expectation that the front setback along the western elevation of the ground floor and level 1 should comply with the 3.5m. Outdoor play areas on these levels should not be within any primary or secondary setback.</p> <p>The front setbacks areas are to be landscaped and generally free of any structures, basements, carparking or any facilities other than driveways, letter boxes, garbage storage areas and fences. Council recommends increasing landscaped areas within the front setbacks and rationalising structures within these areas by refining the building entries and the stair access from the basement (should this stair be co-located with the lift?).</p> <p>It is not suggested that compliance with the built form controls be achieved by shifting the entire building east, as this will minimise the utility of the eastern lawn and is likely to impose additional amenity impacts onto the adjoining property. Council recommends a reduction in the size and a redesign of the childcare centre in order to achieve consistency with the controls.</p>		
Part D Design		
Control	Permitted	Proposed
D1 Landscaped Open Space and Bushland Setting	40%	27% (299m ²)
<p><u>Comment:</u></p> <p>The proposal presents a significant non-compliance with the minimum requirement of deep soil areas on site as a result of the extensive basement. Council recommends significant design amendments to increase the landscaped area on the site, particularly the provision of deep soil areas within the primary and secondary street frontage.</p> <p>A variety of small, medium, and large trees should be considered to help revegetate the site with this opportunity this redevelopment application provides. Landscaping should be used to assist in mitigating any unreasonable visual and acoustic privacy impacts by providing spatial separation and reducing direct view lines available. Landscaping should also be selected and located to provide shading on site within the play areas.</p> <p>Please note AstroTurf is not included in the landscaped area calculation and should be minimised as treatment for ground level landscaped areas.</p>		



Part B Built Form Controls

D8 Privacy	See objectives under D8 Privacy of the WDCP	Large elevated open spaces within the primary and secondary setbacks.
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Comment:
Council recommends reducing the size of the outdoor play areas to ensure the building will comply with the setback controls to improve visual and acoustic privacy. Additional privacy mitigation measures should be provided in the final design for lodgement, including screening and additional landscaping.

D9 Building Bulk	See objectives under D9 Building Bulk of the WDCP	Built form that is not of a bulk and scale that is consistent with the surrounding area or the desired future character of the locality.
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Comment:
The proposed building presents significant built form noncompliance that contribute to a bulk and scale that does not comply with the controls whereby visual impact of development is to be minimised when viewed from adjoining properties streets, waterways and land zoned for public recreation purposes.

Increased setbacks and reduction in the overall size of the proposed childcare centre are recommended to ensure a built form that can be supported by Council. The Design and Sustainability Advisory Panel addresses issues and recommendations in greater detail.

The overall bulk and scale of the building could be reduced by lowering the finished level of the ground floor by lowering the basement floor to ceiling. This would also reduce the transition between the building and the eastern lawn. Amendments to floor to ceiling heights and roof design/parapet should be considered in order to achieve building design that achieves the objectives of this control.

Council also recommends incorporating shade structures to the outdoor play area as part of the proposal. Retractable awnings or operable pergolas are recommended, however bulk and scale must be taken into consideration when incorporating these structures into the overall building design to ensure good design and innovative architecture to improve the urban environment.

Lastly, Council recommends considering breaking up the horizontal banding of the proposal, particularly along the façade of the western play area. Further design amendments and articulation is required.

Specialist Advice

Design and Sustainability Advisory Panel

The Panel does not support the proposal in its current form. A complete redesign and reduction in the floor area is required. The design should respect the setbacks and provide better visual and acoustic buffer to the surrounds. The proposed capacity results in a building mass which is too large for the area in terms of bulk and scale, amenity and the impact on traffic. The traffic and parking impacts of the proposal need detailed analysis and attention.



Specialist Advice

Please see the Design and Sustainability Panel Meeting Report from the 26 October 2023 for further comments.

Environmental Health

Noise

Childcare Centres located near residential dwellings have the potential create a noise disturbance to residential occupants therefore the noise aspect of this development needs to be thoroughly assessed with an acoustic report provided as part of the DA submission. Some noise sources to consider:

- Outdoor play areas
- Indoor play areas
- Mechanical plant location
- Drop off and pick up locations and expected noise creation.
- Details on the proposed acoustic glass around the play area will need to be provided especially in relation to the proposed noise reduction, build, height, etc. Is it to be around the entire play area?
- Will residential properties have direct line of sight to the centre and what sections (outdoor play, classrooms, etc). is there direct line of sight to the outdoor play area on level 1 and 2?
- The location of outdoor play areas – what noise barriers are proposed and what material is proposed on the floor area of the outdoor play areas?
- What activities are likely to occur in the outdoor area, for how long will children be in the outdoor area and how many children at one time will be in the outdoor area?
- Proposed operating hours? What time can staff arrive and what time does the doors to the centre close?
- What time is waste collection/deliveries proposed?
- Are there off site daytrips proposed with the children and educators from the centre during operational hours?
- Noise from internal rooms when activities such as music, singing and the like are occurring.

The following documents are to be considered in the noise assessment:

- Association of Australasian Acoustical Consultants - Guideline for Childcare Centre Acoustic Assessment Version 3.0
- Industrial Noise Policy 2017



Specialist Advice

It is very important for the acoustic consultant to provide design noise mitigation measures and to not heavily rely on behavioural noise control measures as these are subject to change and difficult to manage.

In addition, the operator/owner of the centre needs to develop and submit a Noise Management Plan (NMP) directly applicable to the childcare centre.

The NMP is to include but not limited to:

- Include details on outdoor play times, number of educators outside with children, proposed management for crying children, loud activities etc.
- Noise Complaints procedure – who to contact, how to contact,
- Measures for managing noise impacts.

Food Safety

If meals are proposed to be cooked onsite detailed relating to the fit out of the kitchen area will need to be provided as part of the development application.

Traffic Referral

It is noted that the site is located on the corner of Blackbutts Road and Nyorie Place with the driveway sited at the southern end of the site accesses off Nyorie Place. As Blackbutts Road is a high volume road and Nyorie Road carries much lower volumes of traffic the proposed location for vehicle access off Nyorie Road represents the safest and most appropriate point from which to access the site.

The proposed access ramp appears to be appropriately graded and of a width which complies with minimum widths as per AS2890.1 however swept path plots will be required with the DA to confirm that B85 and B99 vehicles can pass each other as they enter and egress the site and circulate through the carpark.

The Warringah DCP requires parking at a rate of 1 space for every four children which for 80 children would mean that 20 spaces are required. As the plans make allowance for 20 parking spaces the DCP requirement is met. It is noted that the visitor spaces are at a width of 2.6m which is appropriate for this high turnover parking while the staff spaces are at a narrower width of 2.4m which, again, is appropriate for low turnover parking and compliant with requirements for AS2890.1. One of the visitor spaces is an accessible parking space which is not opposed however this space has not been dimensioned. Its dimensions must be compliant with those in AS2890.6.

The RMS guide to traffic generating development advises that the average length of stay by a parent dropping off or picking up a child at a child care centre is 6.8minutes. i.e each parking space would turnover almost 9 times within a hour. The developer proposes to allocate 10 spaces (including the accessible parking space) for visitor parking. If it is assumed that the accessible parking space would turnover less frequently the remaining 9 spaces would be adequate to allow for the 80 children to be dropped off or picked up within an hour. Any reduction in the number of visitor parking spaces would not be supported. The 10 staff spaces should be adequate to cater for the staff parking requirements of the centre. All parking spaces will need to be marked as to their intended use and consideration should be given to signposting



Specialist Advice

a 10 minute limit on the visitor parking spaces particularly during peak drop off and pick up periods to ensure parents do not overstay.

Swept path plots to and from critically located parking spaces such as the accessible parking spaces and those at the ends of aisles should be provided with the DA in a traffic and parking impact report.

Landscape Referral

Tree Retention

- a. Plans should provide for retention of all Category A trees as identified in the Arborist's Report
- b. Tree root mapping as recommended in the Arborist's Report is to be undertaken and submitted with Development Application documentation.
- c. All street trees and trees on adjoining properties are to be retained and protected.

Landscape Outcomes

- a. The proposed building, basement and associated play areas result in a visually prominent development. Bulk and scale of the built form needs to be softened by adequate deep soil and soft landscape areas capable of accommodating trees, shrubs and groundcovers to integrate the development into the streetscape and local character.
- b. A landscape plan prepared by a qualified Landscape Architect or Landscape Designer is required to be submitted with a Development Application. The Landscape Plan needs to address local environmental amenity as well as internal amenity for the users of the childcare centre. High quality and generous landscape areas should be provided.
- c. The design as proposed is not considered to provide adequate landscape area to address issues of streetscape, transition between and amenity of adjoining properties and suitable childcare setting.

Planning Controls

- a. Review of the plans provided raises significant concern with regard to the planning controls relevant to landscape issues which will require further resolution of the proposal to address the controls if a Development Application is to be lodged:
 - i. WLEP Zone R2 Low Density Residential – Objectives
 - To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
 - ii. WDCP Controls - D1 Landscaped Open Space and Bushland Setting; D9 Building Bulk; D14 Site Facilities; E1 Preservation of Trees or Bushland Vegetation

Water Management Referral



Specialist Advice

A Water Sensitive Urban Design (WSUD) Strategy shall be prepared for all new buildings. The Strategy shall demonstrate compliance with WSUD objectives of the DCP and with Council's Water Management for Development Policy.

The following is to be developed:

- Stormwater quality requirements – Demonstrate how Stormwater Quality Requirements of the WM Policy will be met, including the location, size and configuration of stormwater treatment measures proposed for the development.
- MUSIC model - Prepared in accordance with the Council Modelling Guidelines unless alternative modelling parameters are justified based on local studies. Details of the modelling of those elements, parameters and assumptions used. All MUSIC data files must be provided to Council.
- Refer Table 5 water quality targets of the WM Policy. Due to the type, size and location of the proposal, the project will likely trigger the water quality requirements found in Table 5 of the Water Management for Development Policy. A water quality strategy including infiltration and reuse should be developed based on water sensitive urban design principles.
- Integration with the urban design – Identify how the treatment measures will integrate with the development layout and the surrounding area. Proprietary devices in isolation to WSUD features are unlikely to be approved.
- Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources.
- All water management facilities and stormwater infrastructure are to be privately owned and operated.

Dewatering

The proposed basement is likely to intercept the existing groundwater table or be subject to direct rainfall, and this should be identified in a geotechnical report. Any future development application might be subject to WaterNSW approvals and would be considered integrated development. Geotechnical assessment to confirm the need for WaterNSW dewatering approvals.

Please refer to WaterNSW guidelines:

Minimum requirements for building site groundwater investigations and reporting Information for developers and consultants:

https://water.dpie.nsw.gov.au/__data/assets/pdf_file/0003/541605/minimum-requirements-for-building-site-groundwater-investigations-and-reporting.pdf

Forming part of:

<https://www.watarnsw.com.au/customer-services/water-licensing/dewatering>

https://www.watarnsw.com.au/__data/assets/pdf_file/0005/167279/Fact-sheet-Geotechnical-investigation-reports-Minimum-requirements-FA.pdf



Specialist Advice

Geotechnical Report

The proposed development will require on-site stormwater detention (OSD) in accordance with section 9.3.2 of Council's Water Management for Development Policy. The design method is to be in accordance with section 9.3.2.5 Full Computation Methods.

The maximum allowable discharge to the kerb is to be limited to 30 litres per second for all storms up to and including the 1% AEP storm event with a single outlet in Nyorie Place. Where this discharge rate is exceeded, the site discharge is to be piped to the nearest Council piped system in Nyorie Place with a minimum 375mm diameter reinforced concrete pipe.

Any seepage flows will need to be connected directly to Council's piped drainage system.

A Geotechnical report must be provided for the proposal.

Comments have been provided by Council's Traffic Team regarding the driveway crossing. The proposed pedestrian access point is on Blackbutts Road but there appears to be a pedestrian access path within the proposed basement. It is considered that a new footpath must be provided along the Nyorie Place frontage of the site to allow parents to walk the children into the front pedestrian access point in lieu of the basement carpark. Traffic may need to comment on the extent of the footpath in Nyorie Place and if any sign posting along both frontages of the site will be required to limit the stay of vehicles during peak drop off times.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Quantity Surveyor Report
- Owner's consent (if required)
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Landscape Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Operational Plan of Management
- Noise Management Plan
- Traffic and Parking Impact Report (including swept path plots)
- Arboricultural Report
- Water Sensitive Urban Design Strategy



- Geotechnical Report

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 7 March 2024 to discuss the construction of a childcare centre at 7 Blackbutts Road, Frenchs Forest. The notes reference the plans prepared by Sustain D&C Workshop dated 14 February 2024.

Based on the built form control breaches and issues raised by Council and DSAP, the current design is an overdevelopment of the site. Council recommends analysing other recent childcare approvals in relation to site area and capacity to determine an appropriate intensity. On lodgement of the DA, the application will be referred back to DSAP for a second review. The DA design should respond to the issues raised in the DSAP and PLM advice, and be accompanied by a written response to each issue.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.