

STATEMENT OF ENVIRONMENTAL EFFECTS

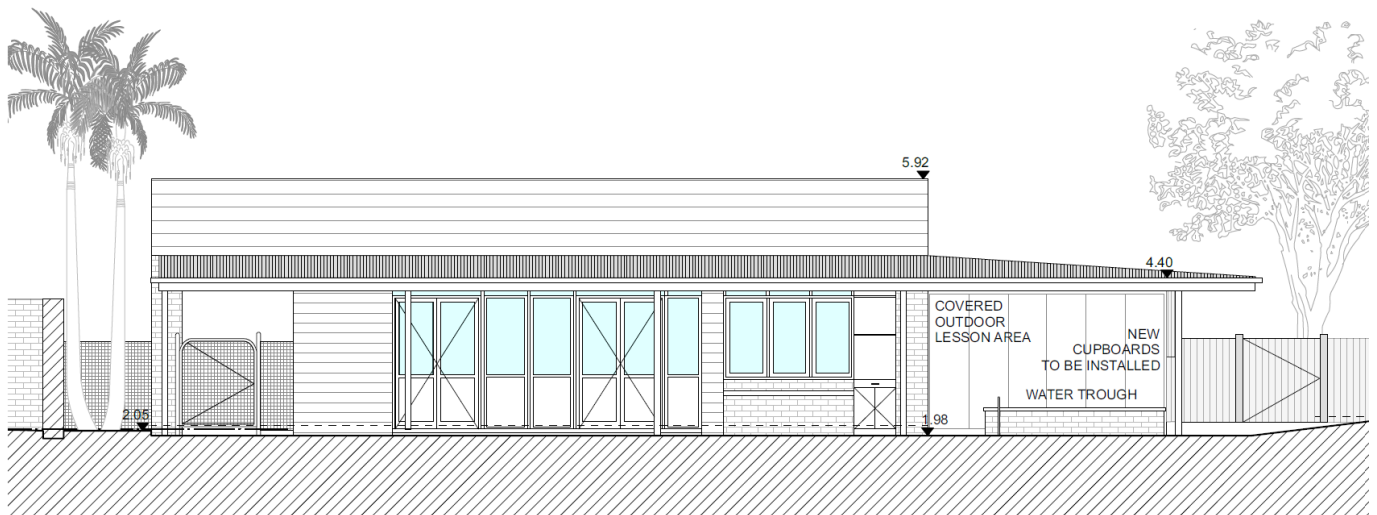
FOR A PROPOSED INCREASE IN CHILDREN ENROLMENT & STAFF NUMBERS TO AN EXISTING CHILD CARE CENTRE

LOCATED AT

35 JOHN STREET, AVALON BEACH

FOR

FRED AND KAY BIDWELL



Prepared
July 2024

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Kay & Fred Bidwell to seek consent for an increase in children enrolment and accompanying staff numbers at the existing Child Care Centre at **35 John Street, Avalon**. The subject site was previously known as No 15 John Street Avalon.

The existing approved child care centre within the site accommodates up to 20 children and 3 staff.

The proposal will seek to increase the number of children to be enrolled at the childcare centre to 29 children and the staff numbers to be increased from 3 staff to 4 staff.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *Children (Education and Care Services) Supplementary Provision Act 2011*
- *Children (Education and Care Services) Supplementary Provisions Regulation 2019*
- *Education and Care Services National Regulations*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *DPIE Child Care Planning Guideline*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 35 John Street, Avalon, being Lot 12 within Deposited Plan 530765 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site was previously known as No 15 John Street, Avalon and was renumbered by Council as No 35 John Street, Avalon.

The site is noted within the Class 3 and 5 Acid Sulfate Soils area. This will be discussed in further detail within this report.

The site is identified on Council's Flood mapping as Low and Medium Flooding. This issue will be discussed further in this submission.

There are no known hazards affecting this site.

3.0 Site Description

The site is located on the south western side of the John Street cul-de-sac, with driveway and pedestrian access gained from John Street via the existing driveway and pedestrian access.

The land has a general fall to the north-east, with stormwater dispersed within the site due to the absence of a kerb and guttering in the street.

The site is generally rectangular in shape and has a frontage width of 27.56m and northern western and south eastern side boundaries of 78.905m and 79.22m respectively. The rear boundary measures 27.56m. The total site area is 2179m².

The site is currently occupied with by a single storey brick dwelling with a metal roof, with portion of the building also comprising an existing single storey childcare centre, operating with an existing enrolment of 20 children.

Vehicular access to the site is provided via the existing access arrangements which provide for an existing single width driveway from John Street to an existing single open car space.

The details of the site are contained within the survey report prepared by DP Surveying Reference No 2847 dated 2 November 2022 which accompanies the DA submission.



Fig 1: Location of Subject Site
(Source: Six Maps)



Fig 2: Street view of the subject site, looking south



Fig 3: View of the subject building, looking south-west from John Street



Fig 4: Streetscape view of the on street parking and street conditions, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by regular shaped allotments within a natural setting, with a mix of low density residential developments within landscaped settings, the design of which reflects the sloping terrain and local views and retains a dominance of natural features and vegetation.

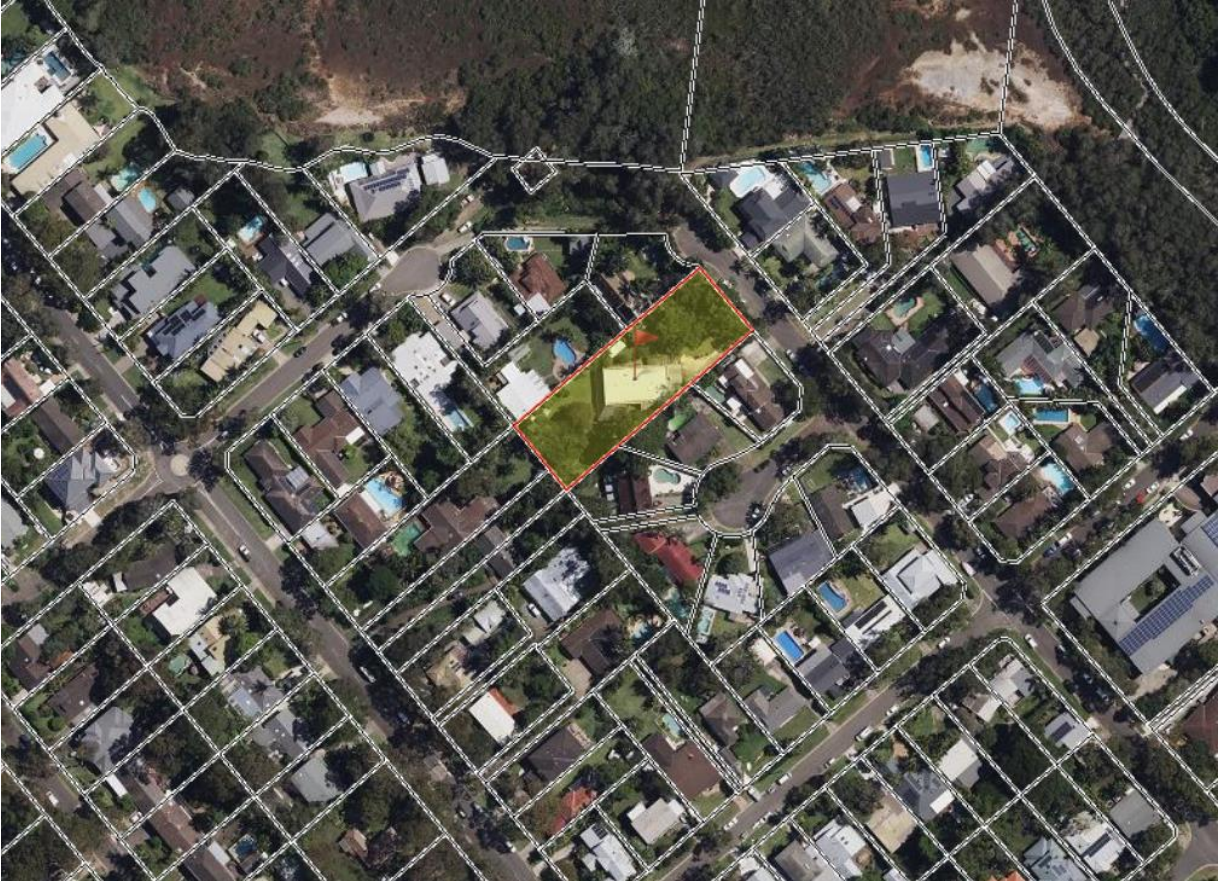


Fig 5: Aerial Photograph
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal is for a proposed increase in the approved children numbers within the centre from 20 children and 3 staff to 29 children and 4 staff.

Currently, the existing childcare centre operates in a portion of the existing building. The balance of the building will remain for use as a separate dwelling.

The proposed increase in the enrolment numbers in the childcare centre will not require any physical change to the land or the existing building.

Currently, the children enrolled at the childcare centre range in age between 3 to 6 years of age.

The existing child care centre was established under Development Consent 68/212 and was approved for the use of the premises as a kindergarten for a maximum of 16 children.

A subsequent Development Consent to increase the number of children from 16 to 20 children was issued on 3 August 1971.

The Child Care Centre has operated continuously since its original approval and provides places for 20 children. A summary of the approval history for the centre is provided with the application submission.

Child and Staff Numbers

The child care centre is seeking an increase in the number of children from 20 to 29 children, with the total staff numbers to be increased from 3 staff to 4 staff. The proposal will be operated in accordance with the provisions of the Education and Care Services National Regulations.

The existing approved hours of operation for the centre, being 8.00am – 5.00pm Monday to Friday will be unchanged.

Parking Area

The existing driveway will retain the existing single off street car space. Parking for parents and carers visiting the site is carried out within the on street parking area in the John Street cul-de-sac.

A Transport and Parking Impact Assessment has been prepared by Transport Strategies Alliance Project Ltd and dated April 2024.

The Assessment concludes:

The transport and parking assessment provided in this report confirms that:

- *The site is located in close proximity to high-frequency and accessible public transport services which link to the surrounding suburbs*
- *not present any unsatisfactory traffic capacity or safety-related implications*
- *the additional peak parking demand will be adequately accommodated within the existing informal verge parking.*

- *the limited on-site parking will be appropriate for the proposed development, consistent with the other small neighbourhood child care centre in Northern Beaches area.*
- *the existing vehicle access has been generally designed in accordance with AS2890.1, is adequate and safe for the proposed development.*
- *the off-street and informal on-street parking arrangement have been designed in accordance with AS2890.1.*
- *the existing servicing arrangement will be retained and remain suitable for the proposed development.*
- *The proposed development will generate an additional 18 and 12 vehicle trips per hours during the AM and PM peak hours, respectively.*

It is therefore concluded that the proposed development is supportable on traffic planning grounds.

The proposal is also supported by an Acoustic Report prepared by Norrebro Design, dated 30 June 2024 which considers the potential acoustic impacts resulting from the increase in child numbers. The acoustic report included acoustic logging on site as well as a detailed site survey and handheld analysis of the existing noise levels.

The conclusion to the report notes:

“Norrebro has been engaged to provide a Noise Assessment for the development application for a proposed increased enrolment at the childcare centre at 35 John Street, Avalon Beach, NSW. It is our opinion that the acoustic criteria stipulated for the project are met and the acoustic impact on the adjacent properties will be minimal, both in terms of children noise and traffic noise”.

Based on the acoustic assessment, Council can be satisfied that the increase in child numbers will not result in any significant or adverse effects to the neighbouring properties or the immediate area.

The development indices for the development are summarised as:

Site Area	2179m ²
Required Landscaped Area:	50% or 1089.5m ²
Proposed Landscaped Area:	78.01% or approx. 1700m ² (incl. 6% functional landscaped area concession – See DCP discussion)

6.0 Zoning and Development Controls

6.1 Children (Education and Care Services) Supplementary Provisions Act 2011 & Children (Education and Care Services) Supplementary Provisions Regulation 2018

This Act and the accompanying Regulations apply to the existing development and the proposed amendments to the child enrolment and staffing numbers.

The Act and Regulations confirm that the requirements of the Education and Care Services National Regulations and any state variations are to be considered and this assessment addresses these provisions.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

The proposal also seeks to increase the children enrolled at the centre, without any physical change to the land.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

Coastal Zone

The subject site is identified as being within the coastal zone and therefore Chapter 2 of SEPP (Resilience and Hazards) is applicable to the proposed development.

The stated Aim of the Chapter under Clause 2.1 is to:

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The matters for consideration under Chapter 2 of SEPP (Resilience and Hazards) are addressed as follows:

Division 3 Coastal environment area

2.1 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal seeking to increase the number of children enrolled at the childcare centre from 20 children to 29 children with an increase in staff numbers from 3 staff to 4 staff. The proposal will not require any physical change to the land or the existing building and therefore it is not considered that the proposed change to children and staff numbers will have any impact on the coastal environment area.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment

The proposal is separated from any foreshore and will not result in any physical change to the land. On this basis, the proposal will not have any direct impact to the surrounding waterways.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

As discussed, the proposal provides for an increase in children and staff numbers without any physical change to the land or to the existing building. On this basis, the proposal is not considered to increase the risk of coastal hazards for the subject property or adjoining land.

2.13 Development in coastal zone generally — coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

2.14 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment

Noted

6.3 State Environmental Planning Policy (Sustainable Buildings) 2021

It is considered that the provisions of the SEPP do not apply to the proposed non-residential use.

Chapter 3 of the SEPP and in particular Clause 3.1 notes:

3.1 Application of Chapter

- (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—*
 - (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or*
 - (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.*

As the proposal is not for a new building or proposing any physical change to the existing building with an estimated development cost of \$10 million or more, the provisions of the SEPP do not apply in this instance.

6.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 3 of the SEPP (Transport and Infrastructure) 2021 contains provisions applicable to centre based child care facilities.

Clause 3.23 – Centre based child care facility requires the consent authority to take into consideration the Child Care Planning Guideline. The Guideline is addressed in the tables over:

Clause 3.26 - Centre-based child care facility—non-discretionary development standards contains the non-discretionary development standards. These development standards are addressed as:

DEVELOPMENT STANDARD	COMMENT
<p>Location</p> <p>The development may be located at any distance from an existing or proposed early education and care facility.</p>	<p>Noted. The proposal is seeking to increase the children enrolment numbers within an existing facility, with an accompanying increase in the staff numbers from 3 staff to 4 staff.</p>
<p>Indoor or outdoor space</p>	<p>The development proposal provides in excess of 3.25m² indoor area and in excess of the required 7m² useable outdoor play space per child in accordance with regulation 107 of the Education and Care Services National Regulations Chris sent that.</p>
<p>Site area and site dimensions</p> <p>The development may be located on a site of any size and have any length of street frontage or any allotment depth.</p>	<p>Noted. The site is currently utilised as a child care centre. The proposed increase in children and staff numbers will not result in any physical change to the land.</p>
<p>Colour of building materials or shade structures</p> <p>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.</p>	<p>Noted. The proposal is within an existing building and will not require any physical change to the land. The existing external materials palette will remain unchanged.</p>

Clause 3.27 Centre-based child care—development control plans applies to the development application, and provides the following:

- (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).*

Comments: Subclauses (a) through (c) are noted. The application does not require a plan of management, a demand analysis or to be outside the proximity of any other child care centre. In relation to subclause (d), the provisions of the DCP controls in relation to building height, side and rear setbacks and car parking rates remain applicable.

The following table address the relevant design principles of Part 2 of the *Child Care Planning Guideline*:

DESIGN QUALITY PRINCIPLES	ASSESSMENT/COMMENT
Principle 1 - Context	<p>The proposal provides for an increase in the children enrolment within the existing child care centre from 20 children to 29 children, within the existing facility. The staff numbers will increase from 3 staff to 4 staff.</p> <p>The proposed increase in the enrolment will not result in any physical change to the land and the existing centre will continue to serve the requirements of the Avalon Beach community.</p> <p>The subject site is well located in near proximity to the local shops, residential area, public transport and local schools and facilities.</p>
Principle 2 - Built Form	<p>The proposal will not see any change to the existing built form and the building will continue to maintain its relationship with the surrounding development. The existing development retains the residential style and is compatible with bulk and scale of the surrounding development. The development will be well screened from the street by existing vegetation and fencing.</p> <p>In my view the built form is appropriate for its purpose and for its setting in this location.</p>

Principle 3 - Adaptive learning spaces	The development proposal has well designed indoor space, with a variety of learning areas that are accessible, and which allow for surveillance of the spaces. The existing outdoor space is retained. The spaces exceed minimum requirements.
Principle 4 - Sustainability	The building has been designed to maximise cross ventilation and natural light to all rooms. The favourable orientation will maximise solar access to indoor and outdoor play areas while providing shade at ground level.
Principle 5 - Landscape	The proposal will not see any change to the existing building and the current landscaped areas will be maintained this.
Principle 6 - Amenity	<p>The increased children enrolment and staff numbers will not result in any change to the form of the existing building, which continues to display a high degree of internal and external amenity for both staff and children. Adequate space is provided for indoor and outdoor learning with good surveillance.</p> <p>Amenity to neighbouring properties is also an important factor. In this regard, the development maintains ample setbacks to the habitable areas of the adjoining properties.</p>
Principle 7 - Safety	The centre has been designed with a well-defined entry and security access within the centre and between the play areas. The indoor and outdoor areas have been designed to allow for easy surveillance of children.

The following table contains an assessment of Part 3 and Part 4 of the *Child Care Planning Guideline*.

PART 3 – MATTERS FOR CONSIDERATION		
3.1 Site selection and location		
CONSIDERATION	PROPOSED	COMPLIANCE
<i>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</i>		
<p>C1 For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed 	The acoustic impacts of the proposal have been considered in relation to amenity impacts on the adjoining residential properties.	The proposed minor increase in the children and staff numbers is not anticipated to have any significant change to the acoustic impacts resulting from the development and the

<p>development on the residential properties.</p> <ul style="list-style-type: none"> the setbacks and siting of buildings within the residential context. traffic and parking impacts of the proposal on residential amenity. 	<p>The setbacks and siting of the building are typical of the existing surrounding development.</p> <p>The proposal provides ample setbacks to the boundaries of the site compatible with the surrounding residential development.</p> <p>The existing parking arrangements remain unchanged.</p>	<p>current low scale nature of the centre will be maintained.</p> <p>Complies – no change to the existing conditions</p> <p>Complies on merit and is discussed within the Traffic and Parking Impact Assessment.</p>
<p><i>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</i></p>		
<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 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 	<p>The proposed increase in children numbers is within an existing facility and therefore these provisions do not directly apply to the proposal, which is not seeking to establish a new facility.</p>	<p>N/A - this section is not applicable to the proposed amendments to the existing use.</p>

<p>development proposed having regard to:</p> <ul style="list-style-type: none">• length 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 premise, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the developer shall retain its historic character and conserve significant fabric, setting or layout of the item• there are suitable drop off and pick up areas, and off and on street parking• the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use• the site avoids direct access to roads with high traffic volumes, high		
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<p>operating speeds, or with have high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities</p> <ul style="list-style-type: none"> 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. 		
<p><i>Objective: To ensure that sites for child care facilities are appropriately located.</i></p>		
<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship near or within employment areas, town centres, business centres, shops with access to public transport including rail, buses, ferries in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The proposed use is within an existing facility and therefore this section is not directly applicable to this proposal.</p> <p>The existing centre will maintain its compatibility with the surrounding uses and the facilities and services in the area.</p> <p>The site is within close proximity to local shops and the local town centre.</p> <p>The site is well located in terms of public transport.</p> <p>The area is accessible by car transport. This is the nature of the area and does not preclude the need or provision for child care.</p>	<p>N/A - this section is not applicable to the proposal does not proposed any physical changes to the existing use.</p>

<p><i>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</i></p>		
<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:</p> <ul style="list-style-type: none"> ○ heavy or hazardous industry, waste transfer depots or landfill sites ○ Liquefied Petroleum Gas (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. ○ Extractive industries, intensive agriculture, agricultural spraying activities ● any other identified environment or hazard or risk relevant to the site and or existing buildings within the site 	<p>The site is within a local residential area. There are no unusual noise sources in the vicinity that would affect the centre.</p> <p>There are no observable environmental hazards.</p>	<p>Complies The site is considered to be fit for purpose.</p>
<p>3.2 Local Character, streetscape and the public domain interface</p>		
<p><i>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i></p>		
<p>C5 <i>The proposed development should:</i></p> <ul style="list-style-type: none"> ● <i>contribute to the local area by being designed in character with the locality</i> 	<p>The proposal to provide for an increase in the children enrolled at the centre from 20 children to 29 children and staff numbers from 3 staff to 4 staff will not involve any</p>	<p>Complies</p>

<p><i>and existing streetscape</i></p> <ul style="list-style-type: none"> • <i>build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place</i> • <i>reflect the predominant form of surrounding land uses, particularly in low density residential areas</i> • <i>recognise predominant streetscape qualities, such as building form, scale, materials and colours</i> • <i>include design and architectural treatments that respond to and integrate with the existing streetscape and local character</i> • <i>use landscaping to positively contribute to the streetscape and neighbouring amenity</i> • <i>integrate car parking into the building and site landscaping design in residential areas.</i> • <i>In R2 Low Density Residential Zone, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residents except where good design solutions can be achieved</i> 	<p>physical change to the existing facility. The existing child care centre remains compatible with the existing surrounding development and maintains a residential scale.</p>	
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<i>Objective: To ensure clear delineation between the child care facility and public spaces.</i>		
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • all 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>Child safe fencing will be maintained throughout the centre to separate children from no access areas.</p> <p>There will be no physical change to the existing building. Sufficient passive surveillance opportunities to and from the street.</p>	<p>Complies</p> <p>Complies</p>
<p>C7 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 proposal maintains a single entry point only.</p>	<p>Complies</p>
<p>C8 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 	<p>The site is when the within the vicinity of public reserves which enhance the location of the site within its low density landscaped setting.</p> <p>The existing building form will be unchanged.</p>	<p>Complies</p>

<p>space from adjoining public open space</p> <ul style="list-style-type: none"> minimal use of blank walls and high fences. 		
<p>C9 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>The existing fencing will be maintained. The landscaping will be retained. This is compatible with the character of the locality.</p>	<p>Complies</p>
<p>C10 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>No high, solid fencing is proposed along the street frontages.</p>	<p>Complies</p>
<p>3.3 Building orientation, envelope, building design and accessibility</p>		
<p><i>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></p>		
<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties 	<p>The proposal will not involve any physical change to the existing building and therefore will not result in any unreasonable loss of privacy for the subject site or the neighbouring property. Appropriate setbacks, landscaping and screening will ensure privacy to surrounding residents is maintained.</p>	<p>Complies</p>

<ul style="list-style-type: none"> ○ placing play equipment away from common boundaries with residential properties ○ locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>All outdoor play areas will remain at or near ground level.</p> <p>The proposal is supported by an acoustic report which confirms that the increase in child numbers will not have any significant impact on the adjacent properties or surrounding areas.</p>	
<p><i>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>		
<p>C12</p> <p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance 	<p>The building height is unchanged and remains compliant with the development standard for height.</p> <p>The height is compatible with the surrounding character and the development maintains a residential feel.</p> <p>Side and rear setbacks provide sufficient spatial separation and landscaping to adjoining properties to protect amenity.</p>	<p>The development satisfies all of the development standards.</p>

<ul style="list-style-type: none"> setbacks to the street should be consistent with the existing character. 	<p>The setbacks provide adequate access for building maintenance.</p> <p>The landscaped front setback will contribute to the local character.</p>	
<p><i>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i></p>		
<p>C13 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.</p>	<p>Ample setbacks to front and boundary maintained.</p>	<p>Yes</p>
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>As the proposal does not include any physical work, the existing side and rear boundary setbacks will be maintained.</p>	<p>Noted</p>
<p><i>Objective: To ensure that buildings are designed to create safe environments for all users.</i></p>		
<p>C15 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 	<p>Existing single pedestrian access point maintained.</p> <p>The access points are easily identifiable and provide direct access to the main entry foyer.</p> <p>Access to the main foyer is not gained through a play area.</p>	<p>Complies</p>

<ul style="list-style-type: none"> not accessed through an outdoor play area. in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The access point can be easily monitored by staff.</p>	
<p><i>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</i></p>		
<p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>Suitable access is maintained in accordance with the existing arrangements.</p> <p>Internal circulation is direct and convenient and has a continuous path of travel.</p> <p>A continuous path of travel is provided in accordance with AS1428.1.</p>	<p>Complies</p>

3.4 Landscaping		
<i>Objective: to provide landscape design that contributes to the streetscape and amenity</i>		
<p>C17 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high-quality landscaped area by:</p> <ul style="list-style-type: none"> • Reflecting and reinforcing the local context • incorporating features of the site, such as trees rocky outcrops and vegetation communities in the landscaping 	<p>The existing landscaping and yard areas within the site will be unchanged. The proposal does not seek any physical change to the land and will utilise the existing landscaped perimeter to the child care facility.</p>	<p>Complies</p>
<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	<p>The existing parking arrangements will be unchanged and are discussed within the Traffic and parking Impact Assessment .</p> <p>The existing landscaping within the site will be retained.</p>	<p>Complies</p>

3.5 Visual and Acoustic Privacy		
<i>Objective: To protect the privacy and security of children attending the facility.</i>		
C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not applicable	Not applicable
C20 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	The existing fencing and landscaping will ensure appropriate screening.	Complies
<i>Objective: To minimise impacts on privacy of adjoining properties.</i>		
C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	The child care centre remains well separated from the adjoining properties. No additional overlooking will occur to or from any play areas or rooms. The existing plantings will continue to assist in softening the development when viewed from the street and neighbouring dwellings.	Yes
<i>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i>		
C22 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:	The proposal does not constitute a new development or include alterations more than 50% of the floor area and therefore further acoustic considerations not is	Complies

<ul style="list-style-type: none"> provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>considered necessary in this instance.</p>	
<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> identify an appropriate noise level for a child care facility located in residential and other zones determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use. determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>As discussed, considering the minor increase in the children enrolment and the minimal impact on the use of the existing facility.</p> <p>The proposal is supported by an acoustic report which confirms that the increase in child numbers will not have any significant impact on the adjacent properties or surrounding areas.</p>	<p>Complies</p>
<p>3.6 Noise and Air Pollution</p>		
<p><i>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</i></p>		
<p>C24 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 	<p>The site is not affected by any unusual noise sources.</p> <p>The existing fencing and plantings will assist with sound attenuation.</p> <p>As discussed, the proposal is supported by an acoustic</p>	<p>Complies</p>

<p>source and where possible buffered by other uses</p> <ul style="list-style-type: none"> • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>report which confirms that the increase in child numbers will not have any significant impact on the adjacent properties or surrounding areas.</p>	
<p>C25 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. 	<p>As discussed, the proposal is supported by an acoustic report which confirms that the increase in child numbers will not have any significant impact on the adjacent properties or surrounding areas.</p>	<p>Complies</p>

<p><i>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></p>		
<p>C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The centre will not be exposed to any extraordinary environmental noise sources or air pollution. The site is deemed suitable for the intended purpose.</p>	<p>Complies</p>
<p>C27 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 proposal provides for alterations and additions to an existing childcare centre. As there are no changes to the location of the child care centre, it is not anticipated that there will be any air quality issues.</p>	<p>Complies</p>
<p>3.7 Hours of Operation</p>		
<p><i>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i></p>		
<p>C28 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.</p>	<p>The existing operating hours of between 8.00am and 5.00pm Monday to Friday will remain unchanged.</p>	<p>Complies</p>
<p>C29 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.</p>	<p>Not applicable. Not within a mixed use area.</p>	<p>Not applicable</p>

3.8 Traffic, parking and pedestrian circulation		
<i>Objective: To provide parking that satisfies the needs of users and demand generated by the centre and to minimise conflict between pedestrians and vehicles.</i>		
<p>C30 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 railway or Metro station within Greater Sydney:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <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 	<p>Existing car parking maintained. As discussed in the Traffic and Parking Assessment, the existing car parking arrangements are considered appropriate.</p>	<p>Complies</p>

<p>centres, schools, public open space, car parks)</p> <ul style="list-style-type: none"> there is sufficient on street parking available at appropriate times within proximity of the site. 		
<p>C31 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.</p>	<p>Not applicable. The site is not in one of the specified zones or a mixed-use development.</p>	<p>Not applicable</p>
<p>C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 	<p>A Traffic and Parking Impact Is that assessment has been prepared to address the proposed increase in children and staff numbers and accompanies the submission</p>	<p>Complies</p>
<p><i>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i></p>		
<p>C33 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 	<p>N/A – existing access point maintained</p>	<p>N/A</p>

<p>dangerous goods or hazardous materials.</p> <ul style="list-style-type: none"> • The alternate access must have regard to: • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 		
<p>C34 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>The site is within a cul-de-sac and as discussed in the Traffic and Parking Impact Assessment, the existing location is considered to be suitable for the intended increase in children and staff numbers.</p>	<p>Complies</p>
<p><i>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</i></p>		
<p>C35 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 	<p>No change to existing parking and vehicular access arrangements.</p>	<p>Complies</p>

<ul style="list-style-type: none"> • 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. 		
<p>C36 Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility’s operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site. • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not applicable.</p>	<p>Not applicable</p>
<p>C27 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 	<p>As discussed in the Traffic and Parking Impact Assessment, the existing car parking arrangements are considered to be appropriate for the proposed use.</p>	<p>Complies – on merit</p>

<ul style="list-style-type: none"> • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 		
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PART 4 APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

A. Internal physical environment

<p>4.1 Indoor space requirements Regulation 107 A minimum of 3.25m² of unencumbered indoor space per child is required.</p> <p>Storage - 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. • 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>Indoor space (unencumbered) of 3.25m² per child requires 94.25m² for the proposed 29 children. The proposed centre can accommodate up to 97.51m² of indoor space.</p> <p>The architectural plans indicate the suitable storage is provided.</p>	<p>Complies</p>
<p>4.2 Laundry and hygiene facilities Regulation 106 On-site or external laundry facilities must be provided.</p>	<p>Existing laundry facilities to be maintained.</p>	<p>Complies</p>
<p>4.3 Toilet and hygiene facilities Regulation 109 Child care facilities must comply with the requirements</p>	<p>Existing toilet and hygiene facilities to be maintained and comply with the NCC/BCA.</p>	<p>Complies</p>

<p>for sanitary facilities that are contained in the National Construction Code.</p>		
<p>4.4 Ventilation and natural light Regulation 110 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 National Construction Code.</p>	<p>The design of the building incorporates natural light and ventilation compliant with the NCC.</p> <p>Ceiling heights comply with the NCC/BCA.</p>	<p>Complies</p> <p>Complies</p>
<p>4.5 Administrative space Regulation 111 A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>The existing administrative space will be maintained</p>	<p>Complies</p>
<p>4.6 Nappy change facilities Regulation 112 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.</p>	<p>The centre caters for children aged 3 to 6 and any necessary nappy change requirements will be addressed in accordance with the existing arrangements.</p>	<p>Complies</p>
<p>4.7 Premised designed to facilitate supervision in Regulation 115 Rooms and facilities within the premises (including toilets,</p>	<p>Indoor and outdoor spaces have been designed to facilitate supervision and the</p>	<p>Complies</p>

nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times.	surveillance of this areas will continue in accordance with the existing arrangements.	
4.8 Emergency and evacuation procedures - Regulations 97 and 168 Procedures for emergency and evacuation are to be implemented.	The existing arrangements for Emergency and evacuation procedures will be maintained.	Complies
B. External physical environment		
4.3 Outdoor space requirements Regulation 108 Minimum of 7m ² of unencumbered outdoor space required.	The proposed increase in child numbers will necessitate an unencumbered outdoor space of 203m ² . The centre provides 721.24m ² (24.8m ² per child) of outdoor and transition space.	Complies
4.10 Natural environment Regulation 113 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.	The outdoor play areas will have a natural environment enhanced by cubby houses, shaded areas and a sand pit, trees, shrubs and a sensory garden play area.	Complies
4.11 Shade Regulation 114 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.	Due to the favourable orientation, the play areas will receive suitable solar access. Shading is provided.	Complies

<p>4.12 Fencing Regulation 104 Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p>	<p>All outdoor areas are bounded by fencing in accordance with this clause.</p>	<p>Complies</p>
<p>4.13 Soil assessment Regulation 25 A soil assessment should be undertaken as part of the development application process.</p>	<p>Given that the existing Child care Centre use within the site has been in operation for over 50 years, and the proposal does not involve any further site disturbance, no further assessment is considered necessary in this instance.</p>	<p>N/A</p>

6.5 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.

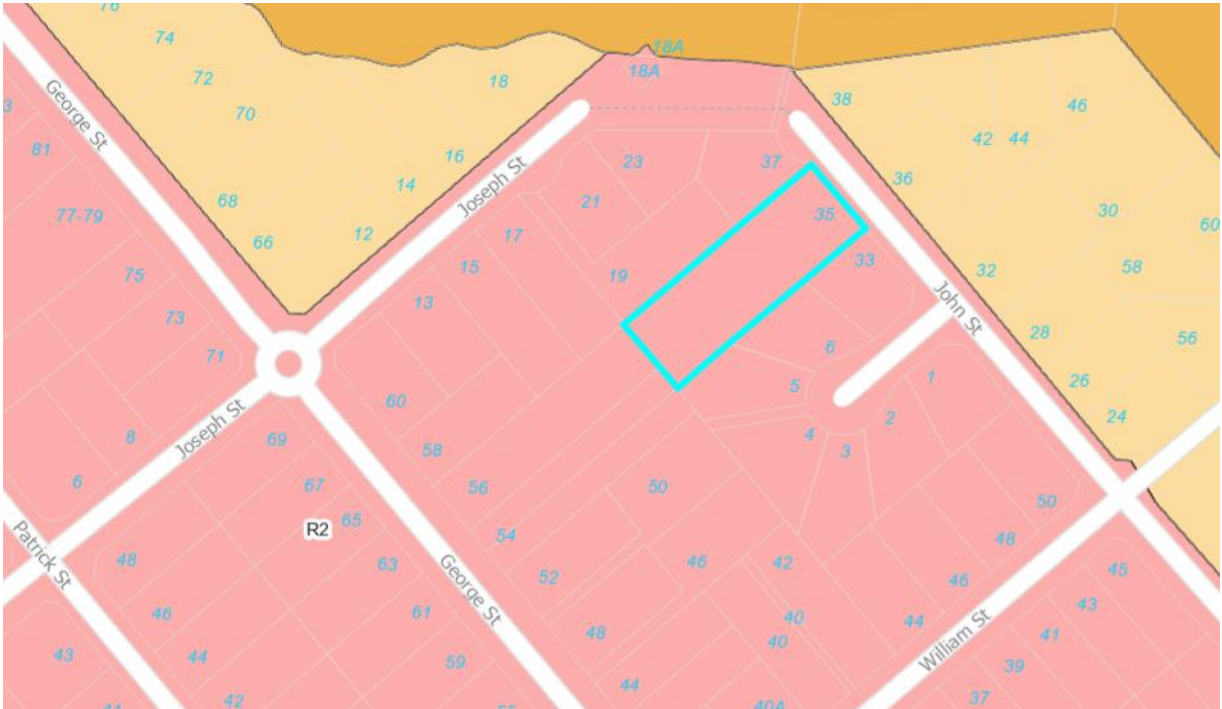


Fig 6: Extract of Pittwater Local Environmental Plan 2014

The subject property is zoned R2 Low Density Residential pursuant to Pittwater Local Environmental Plan 2014 (PLEP 2014) with centre-based child care centres separately defined and permissible with consent in the zone.

As discussed, the existing use was originally approved under DA 68/212, with subsequent approvals in 1971 to confirm the enrolment of 20 children.

The proposed increase in childcare numbers at the existing child care centre which meets the LE definition of a centre-based child care facility as it provides for long day care for children aged 3 to 6 is considered to be permissible with the consent of Council.

The development of and continued use of the land for the centre-based child care facility within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- *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 provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed increase in childcare numbers at the existing child care centre will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal satisfies these objectives through the provision of a child care centre that will provide child care facilities and services to meet the day to day needs of residents.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Avalon is 8.5m. The existing height of the building will be unchanged

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by acid sulfate soils (Class 3 and 5). No physical disturbance of the land is required to accommodate the increased children and staff numbers .

No further investigation is considered necessary in this regard.

Clause 7.2 – Earthworks

The proposal does not necessitate any earthworks. No further consideration of this clause is considered necessary in this instance.

Clause 7.3 – Flood Planning

The site is noted as being identified as Flood Prone Land - Flood Risk (Low, and Medium).

The proposal does not necessitate any physical change to the land and the existing child care facility which has been in operation for over 50 years will continue in accordance with the current arrangements. The proposed increase in children numbers from 20 children to 29 children and from staff numbers from 3 staff to 4 staff is not considered to result in any further hazard to the land or to the neighbouring property.

Further investigation into this issue is not considered necessary in this instance.

Clause 7.6 – Biodiversity protection

The land is noted within Council's Biodiversity mapped area.

- (1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

The development we not involve any physical change to the land and there will be no loss of existing vegetation.

Further consideration of this issue is not considered necessary in this instance.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.6 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.6.1 Shaping Development – Desired Character

The desired outcomes for the Avalon Beach Locality, in which this site falls, are as follows:

A4.1 Avalon Beach Locality

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Coonanga Road to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

It is considered that the proposal is consistent with the desired character of the locality by providing for a minor increase in the enrolment numbers of children in the childcare facility from 20 children to 29 children, with a corresponding increase in staff numbers from 3 staff to 4 staff.

The proposal does not require any physical change to the site and the building will continue maintain its low scale density and single storey height which contribute to its compatible relationship with the surrounding properties and the streetscape of John Street.

The proposal will not see the removal of any significant trees or vegetation and will seek to maintain the character of the Avalon Beach locality.

6.6.2 Section B General Controls

The relevant General Controls applicable to the proposed increase in the enrolment of children within the facility and an increase in staff numbers, which will not involve any physical work, are summarised as:

B3.7 – Estuarine Hazard - Low Density Residential

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is noted as being affected by Estuarine Hazard. The works will not see any physical change to the land and therefore the increase in the children enrolment numbers and accompanying staff numbers will not result in any detrimental impacts or increased hazard to the site or to the surrounding properties.

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is identified as Flood Prone Land, Flood Risk (Low and Medium).

The works will not see any physical change to the land and therefore the increase in the children enrolment numbers and accompanying staff numbers will not result detrimental impacts or increased flood hazard to the site or to the surrounding properties.

As a proposal will continue to operate in accordance with the existing arrangements, no further assessment is considered necessary in this instance.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. (En)

The proposal will not involve any physical disturbance to the site and there will be no further impact on any native flora and fauna.

B6.1 Access driveways and works on the Public Road Reserve – Low Density Residential

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Adverse visual impact of driveways is reduced. (En)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The proposal will not see any change to the existing access arrangements.

B6.2 Internal Driveway

The controls seek to achieve the outcomes:

- Safe and convenient access.*
- Reduce visual impact of driveways.*
- Pedestrian safety.*
- An effective road drainage system.*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will not see any change to the existing access arrangements.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

- An adequate number of parking and service spaces that meets the demands generated by the development.*
- Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*
- Safe and convenient parking.*

The proposal will not see any change to the existing access arrangements. A Traffic and Parking Impact Assessment has been prepared to accompany the development and recommends that the proposed increase in the child enrolment numbers and staff numbers will not have an unacceptable impact on the existing parking and traffic arrangements.

6.6.3 Section C Development Type Controls

The Development type Controls applicable to the proposed increase in the enrolment of children within the facility and an increase in staff numbers, which will not involve any physical work, are summarised as:

C5.1 Landscaping

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping that reflects the scale and form of development. (En)*
- Use of pier and beam footings to prevent interference with canopy trees. (En)*

The proposal does not require the removal of any significant trees or vegetation.

The proposal retains generous areas of soft landscaping on site which will retain the landscaped character of the locality.

C5.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (Ec, S)*
- Inform applicants of [Council's](#) requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements. (S)*
- Identify crime and safety priority areas in Pittwater LGA. (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA. (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The proposed works do not impact on the existing safety or security of the site. The entry to the building and the separate dwelling entry will continue to provide casual surveillance towards the street.

C5.4 View Sharing

The controls seek to achieve the outcomes:

- Achieve a reasonable sharing of views amongst dwellings. (S)*
- Views and vistas from roads and public places to water, headland, beach or bushland are to be protected, maintained and where possible, enhanced. (S)*
- Canopy trees take priority over views. (En, S)*

The subject and adjoining properties currently receive local views. The proposal does not involve any physical work and the existing single storey height and scale will be maintained, with no change to the existing outlook and views enjoyed by the surrounding properties.

C5.5 Accessibility

The controls seek to achieve the outcomes:

The community's accessibility needs are met within Pittwater through well designed adaptable development. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Equitable access in the public domain. (S)

The existing access arrangements to the site will remain unchanged.

C5.12 Child Care Centres

The controls seek to achieve the outcomes:

Childcare centres are suitably located. (S)

Safe, accessible, and educational childcare centres are facilitated. (S)

The proposal provides for an increase in the existing enrolment numbers for children within the current facility, from without any physical change to the land. The existing services and facilities within the childcare centre will be maintained and will continue to operate effectively in providing for a safe and excessive or childcare centre.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. The existing waste and recycling facilities for the site will be maintained.

6.6.4 Section D Design Criteria

The **D1 Avalon Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and As the proposed development does not involve any physical change the existing building, with the application seeking simply to increase the children enrolment within the facility from 20 children to 29 children, with an & Co increase in staff from 3 staff to 4 staff, the built form controls within this section are not relevant.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D1 Avalon Beach Locality** is provided below:

D1.1 Character as Viewed from a Public Place

The control seeks to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*
- To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*
- High quality buildings designed and built for the natural context and any natural hazards. (En, S)*
- Buildings do not dominate the streetscape and are at 'human scale'.*
- To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

The appearance of the existing building and its relationship to the neighbouring properties and surrounding streetscape will be unchanged.

D1.5 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality.*
- The development enhances the visual quality and identity of the streetscape. (S)*
- To provide attractive building facades which establish identity and contribute to the streetscape.*

To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

An informal beachside appearance of the Avalon Beach Village. (S, Ec)

The works do not involve any physical change to the existing building and the current external finishes and materials will be unchanged.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the applicable SEPP's as discussed in this submission, Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies and the DPIE Child Care Planning Guideline.

It is considered that the provisions of these environmental planning instruments and supporting guidelines have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for an increase in the number of children enrolled within the childcare centre and a corresponding increase in the number of staff, which will not involve any physical change to the land or the existing buildings, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Avalon Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for an increase in the number of children enrolled within the childcare centre and a corresponding increase in the number of staff, in a manner which will not involve any physical change to the land or the existing buildings,

It is considered that the proposed changes to the operation of the existing approved centre-based child care facility satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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