

## **AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS**

**CHILD CARE CENTRE**

11 Lewis Street, Balgowlah Heights

20 August 2021

Prepared by Chapman Planning



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## 1.0 INTRODUCTION and SUMMARY

This Statement of Environmental Effects has been prepared for *George Antoniou* as part of the supporting documentation for a development application for a child care centre at 11 Lewis Street, Balgowlah Heights.

The development proposal is for demolition of the existing dwelling and associated structures and construction of a purpose built child care centre designed to accommodate 57 children, including basement parking for 16 vehicles.

The subject site is zoned *R2 – Low Density Residential* under the Manly Local Environmental Plan 2013 and centre-based child care facilities are permitted with the consent of Council.

The subject site is located on the western side of Lewis Street, 80m south of the intersection of Lewis Street and Ernest Street, and 480m east of the foreshore and Sandy Bay. The site has an eastern front boundary to Lewis Street, Balgowlah Heights.

The subject site currently contains a two-three storey dwelling house with basement garage and swimming pool. The subject site has a fall of approximately 3m from the rear (western) boundary to the front (eastern) boundary. The site does not currently contain any significant trees or vegetation, with a range of shrubs and ground covers located in the front and southern (side) setback areas. A large street tree is located at the Lewis Street frontage, with this tree to be retained.

The immediate locality is predominantly defined by single, two and three storey dwelling houses. A public primary school, Balgowlah Heights Public School, adjoins the site to the south. The Balgowlah Heights neighbourhood centre is located approximately 500m north-west of the subject site. The site is located within the vicinity of a number of public parks, beaches and nature reserves, and there are public bus stops available within walking distance of the subject site, providing services to Warringah, Manly and the Sydney CBD.

In addition to this Statement of Environmental Effects the development application is accompanied by:

- *Survey Plan numbered 20148 dated 6/11/2020 prepared by Cibar Surveying;*
- *Architectural Plans numbered DA.000 – DA.901 prepared by Nordon Jago Architects;*
- *Landscape Plans numbered DA00 – DA03 Revision A and B dated 30 June 2021 prepared by Greenscape Design;*
- *Stormwater Plans reference E200246, drawings D1 – D12, prepared by NY Civil Engineering;*
- *Traffic Report, dated 19 August 2021 prepared by McLaren Traffic Engineering;*
- *Environmental Noise Assessment dated 17 August 2021 prepared by Day Design Acoustic Engineers;*

- *Geotechnical Assessment, reference AG20295, dated 7 December 2020 Prepared by Ascent Geotechnical;*
- *Arboriculture Impact Assessment, dated December 2020 prepared by 'Growing My Way' Tree Services;*
- *Access Report – Prepared by Building Anatomy;*
- *BCA Report – Prepared by Building Anatomy;*
- *Plan of Management prepared by Giggle and Learn Early Child care and Education Centre;*
- *Waste Management Plan – Prepared by Belvoir Developments Pty Ltd.*

In this statement, the proposal is assessed in accordance with the relevant planning controls, being:

- *Education and Care Services National Regulations;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
- *Manly Local Environmental Plan (LEP) 2013;*
- *Manly Development Control Plan (DCP); and*
- *S.4.15 Environmental Planning and Assessment Act 1979*

## 1.1 Amendments to the Design

This is an amended statement of environmental effects prepared in accordance with amendments made to the architectural plans for the Land and Environment Court Appeal - George Antoniou v Northern Beaches Council - LEC Proceedings No. 2021/52122. The following table provides a comprehensive list of key amendments to the architectural plans.

Plan Name	Description of changes from plans filed with the Court
Lower Ground	<ul style="list-style-type: none"> <li>(a) Swap Main entry stair and lift location</li> <li>(b) Provision of 6 x Bicycle spaces</li> <li>(c) Amend car stacker platform widths: <ul style="list-style-type: none"> <li>• Car spaces 5 and 6 to have 5200mm platform widths</li> <li>• Car spaces 7, 8, 9 and 10 to have 2400mm platform widths</li> </ul> </li> <li>(d) Change in grade to allow for clear ceiling heights for services</li> <li>(e) Relocate bins</li> <li>(f) Installation of fence between driveway and entry door to restrict pedestrian movements to the pedestrian path</li> <li>(g) Addition of a speed hump on the driveway approx. 2m west of the site boundary to ensure vehicles cross the Lewis St footpath at low speeds</li> <li>(h) Updated Section 1 location through lift, previously through sandpit</li> <li>(i) Removed wall and door adjacent to share zone</li> <li>(j) Notated access control to lift and intercom to entry door</li> </ul>

<b>Ground and Level 1</b>	<p><b><u>Ground Level</u></b></p> <ul style="list-style-type: none"> <li>(a) Notate fire exit only on northern egress path, nominate sign at base of stairs</li> <li>(b) Locate rainwater tank behind storage and cot room</li> <li>(c) Amend column location for consistency with level 1</li> <li>(d) Update entry foyer for consistency with main entry stair and lift swap</li> <li>(e) Relocated 3-5 room to ground floor</li> <li>(f) Removed staff room</li> <li>(g) All boundary fencing to remain the same height as the existing fences. No fence to be higher than 1800mm</li> <li>(h) Ground floor outdoor play areas split accordingly on a 7m<sup>2</sup> per child basis: <ul style="list-style-type: none"> <li>1. 120m<sup>2</sup> Front Play Area = 17 x 3-5 year olds</li> <li>2. 91m<sup>2</sup> Rear Play Area = 13 x 3-5 year olds</li> <li>3. Total 30 x 3-5 year olds</li> <li>4. 84m<sup>2</sup> Rear Play Area = 12 x 0-2 year olds</li> </ul> </li> <li>(i) Secondary fence and gate adjacent to office and opposite the lift to be 1200mm pool gate to restrict children from the entry foyer and their ability to move up and down stairs without supervision.</li> <li>(j) Updated Section 1 location through lift, previously through sandpit</li> <li>(k) Updated fence height maximum of 1390mm for certain fences</li> <li>(l) Added glass door and glass wall at top of stairs that access the car park.</li> </ul> <p><b><u>Level 1</u></b></p> <ul style="list-style-type: none"> <li>(m) Entry foyer, laundry and accessible WC setback 2900mm from northern boundary</li> <li>(n) Kitchen size reduced, 2836mm setback to southern boundary</li> <li>(o) 2-3 room – increase in setback to 2150mm from northern boundary</li> <li>(p) 3-5 room – relocated to ground floor</li> <li>(q) Deleted windows facing to the rear from 2-3 room</li> <li>(r) Introduced 2-3 outdoor play area and staff room upstairs</li> <li>(s) Larger rear setbacks along the 13 Lewis Street boundary of 21 metres</li> <li>(t) Deletion of level 1 plant to rear and replaced with a roof</li> <li>(u) Level 1 outdoor play area of 107m<sup>2</sup> at 7m<sup>2</sup> per child allows for 15 children</li> <li>(v) Updated Section 1 location through lift, previously through sandpit</li> <li>(w) Updated fence height maximum of 1390mm for certain fences</li> </ul>
<b>Roof Plan</b>	<ul style="list-style-type: none"> <li>(a) Deletion of flat roof element</li> <li>(b) Introduction of gable roof to top level with 8-degree pitch</li> <li>(c) Relocated mechanical plant to roof of staff room, screening included</li> <li>(d) Included skylights to 2-3 outdoor play area</li> <li>(e) Allocated location for solar panels</li> <li>(f) Lift concealed in roof area</li> </ul>
<b>Elevations</b>	<p><b><u>Northern Elevation</u></b></p> <ul style="list-style-type: none"> <li>(a) Ground floor windows from 0-2 room to be fixed – notated on floor plan DA 190</li> <li>(b) Only two other windows which contain glass blocks</li> </ul> <p><b><u>Southern Elevation</u></b></p> <ul style="list-style-type: none"> <li>(c) Updated to be consistent with new plans</li> <li>(d) Vertical battens replaced by glass to sand pit</li> </ul>

	<p><b><u>Eastern Elevation</u></b></p> <ul style="list-style-type: none"> <li>(a) Deletion of vertical battens and replaced with vertical bifold windows</li> <li>(b) Removal of curved stair and flat roof, replaced with square wall and glass panel inserts and pitched roof element</li> <li>(c) Removal of flat vergola over sand pit and replaced with pitched roof connecting to stairs</li> <li>(d) Deletion of battens over lift shaft and introduction of planter box above entry circa 1 metre deep.</li> </ul> <p><b><u>Western Elevation</u></b></p> <ul style="list-style-type: none"> <li>(e) Deletion of mechanical plant location at rear</li> </ul>
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## 2.0 SITE and CONTEXT

### 2.1 Locality Description

The subject site is located on the western side of Lewis Street, 80m south of the intersection of Lewis Street and Ernest Street, and 480m east of the foreshore and Sandy Bay.

Adjoining the subject site to the north is a two-three storey dwelling house with basement garage, known as 13 Lewis Street, Balgowlah Heights. A public primary school, Balgowlah Heights Public School, adjoins the subject site to the south. The subject site adjoins the rear yard of a residential dwelling known as 54 Beatrice Street, Balgowlah Heights at the western (rear) boundary. The site has an eastern (front) boundary to Lewis Street.

The immediate locality is predominantly defined by single, two – three storey dwelling houses. The Balgowlah Heights neighbourhood centre is located approximately 500m north-west of the subject site. The site is located within the vicinity of a number of public parks, beaches and nature reserves, and there are public bus stops available within walking distance of the subject site, providing services to Warringah, Manly and the Sydney CBD.

The subject site and surrounding locality are shown in the following aerial image and photographs.





*Source: SIX Maps Viewer*

**Photograph 1** shows the Lewis Street streetscape to the north.



*Source: Chapman Planning*



**Photograph 2** shows the Lewis Street streetscape to the south.



*Source: Chapman Planning*

**Photograph 3** shows the adjoining property to the north, being 13 Lewis Street, Balgowlah Heights.



*Source: Chapman Planning*



**Photograph 4** shows the adjoining property to the south, being Balgowlah Heights Public School.



*Source: Chapman Planning*

## 2.2 Site Description

The legal description of the subject site is Lot B in Deposited Plan 369977, known as 11 Lewis Street, Balgowlah Heights. The site is a rectangular shaped allotment with a uniform lot width of 15.09m and uniform site depth of 51.815m, resulting in a total site area of 781.8m<sup>2</sup>.

The subject site has a slope from the western (rear) boundary (RL85.82) to the eastern (front) boundary at Lewis Street (RL81.91).

The subject site currently contains a two - three storey dwelling house with basement garage and swimming pool. The site does not currently contain any significant trees or vegetation, with a range of shrubs and ground covers located in the front and southern (side) setback areas. A large street tree is located at the Lewis Street frontage, with this tree to be retained.

The subject site is shown in the following aerial image and photographs.





*Source: SIX Maps Viewer*

**Photograph 5** depicts the subject site 11 Lewis Street, Balgowlah Heights as viewed from Lewis Street.



*Source: Chapman Planning*

### 3.0 DEVELOPMENT PROPOSAL

The development proposal is for the demolition of the existing dwelling and associated structures and construction of a child care centre designed to accommodate 57 children, including basement parking for 16 vehicles.

Architectural Plans prepared by *Nordon Jago Architects* are submitted with the development application package.

An operational plan of management is provided at **annexure 1**, providing further detail regarding the operation of the centre.

The development proposal is described as follows.

#### **Child Care Centre**

- **Site Planning**

The child care centre has been oriented towards Lewis Street, and provides both pedestrian and vehicular entry from Lewis Street.

The centre has been designed across three levels, with internal play areas and associated facilities at ground and first floor, and an external play area at ground floor, partly beneath the cantilevered first floor level. The lower ground floor level contains the basement carpark. One external staircase provides access between the ground and first floor, with one internal staircase providing access between the lower ground and ground floor. An internal lift provides equitable access across all three levels of the centre.

. The northern boundary adjoining the neighbouring dwelling will predominately consist of screen planting and a pathway limited for emergency egress. The western boundary and rear Northern boundary will adjoin a outdoor play space approximately 175m<sup>2</sup> in size containing deep soil planting and sensory landscaping. It should be noted that the western neighbours building is located approximately 30 metres from the adjoining boundary of the subject site. The rear building alignment has been stepped to maintain a relationship with the rear building alignment of the dwelling to the north.

The basement parking area will accommodate a total of 16 car spaces with 12 of the spaces provided by 4 single car stackers and 1 x dual platform. Six (6) parent car spaces are provided, two located underneath the dual platform stacker. 10 staff spaces are provided within the remaining spaces of the car stackers.

It should be noted that no parent will be required to use or control a car stacker at any point. Their access and use will be strictly limited to staff. Details are provided in the plan of management.

The carpark is to be accessed via expanding the existing driveway crossover at the south-eastern corner of the subject site off Lewis Street. An internal lift and stair are provided in the basement carpark for access to the ground and floor level of the centre, with this lift and stair also being accessible for pedestrian entry off Lewis Street.

## ▪ **Ground Floor**

The ground floor of the child care centre includes a modulated built form incorporating a distinct eastern and western portion of outdoor play area. The built form contains entry foyer and office, accessible bathroom, two (2) internal playrooms being for 0 – 2-year-old children and 3 – 5-year-old children respectively. The eastern portion of outdoor play area is recessed internally into the built form, with openings to the eastern and southern facades. The western outdoor play area is at the rear of the built form, partially covered by the first-floor level. A fire stair providing egress from the fire floor level adjoins the southern edge of the built form.

The playroom for 0 – 2-year-old children has a net area of 40.79m<sup>2</sup> and will accommodate 12 x children. The play area has been designed with a craft sink, bottle prep area, storage space and lockers, (1) cot area, nappy change area and access to the central children's bathroom.

The playroom for 3 – 5-year-old children has a net area of 97.51m<sup>2</sup> and will accommodate 30 x children. The play area includes craft sinks, internal storage, and access to 2 x bathrooms.

The indoor play area for the 3 – 5-year-old children opens out to both the east and west outdoor play areas, sized 120.44m<sup>2</sup> (accommodating 17 x children) and 91m<sup>2</sup> (accommodating 13 x children) respectively. The 0 – 2-year-old indoor play area opens out to a designated western outdoor play area sized 84m<sup>2</sup>, which is separated from the play area for 3 – 5-year-olds.

The outdoor play area includes a sand pit and outdoor storage areas with the exact landscape detail specified upon landscape plan prepared by *Greenscape Design*.

The outdoor play areas will be used at different times of the day by children of different age groups, with the schedule of use detailed in the accompanying Plan of Management prepared by *Giggle and Learn Early Child care and Education Centre*.

## ▪ **First Floor**

The first floor of the proposed child care centre is partly cantilevered over the eastern play area at ground floor that is recessed into the built form. The internal areas at the first floor contains a laundry, kitchen, staff room, accessible bathroom and 1 x internal play area accommodating 15 x 2 – 3 year old children.



The play area is sized 49.76m<sup>2</sup> and includes craft sinks, internal storage, and direct access to childrens bathroom.

The first floor also contains an outdoor play area sized 107.54m<sup>2</sup> which is located at the southern edge of the built form, set back from the residential dwelling to the north. The outdoor play area includes external store, and fire egress stairs that are secured behind an access gate. The outdoor play area will be surrounded by a 1800mm high fence on its northern boundary and a 1390mm fence on western and southern boundaries.

### **Disabled Access**

The child care centre has been designed with an accessible path of travel from the car parking area and street frontage to all areas of the facility. The proposal includes a lift, 1 x accessible parking space and 2 x accessible bathrooms within the child care centre.

### **Car Parking**

The proposal includes 16 x allocated parking spaces, including 6 x visitor/parent car spaces (including an accessible car space) and 10 x staff car spaces accommodated in 6 x car stackers. 6 x bicycle spaces are also located within basement.

### **Deliveries**

Deliveries will be made 2 times per week by small utility vehicle/ Van outside of drop off and pick up times and will utilize car parking spaces.

### **Hours of Operation**

The hours of operation will be 7:00am to 7:00pm Monday to Friday.

Staff will be on premises earlier and later than operating hours for cleaning and after-hours administration.

### **Staff**

There will be 9 x core staff at the centre including staff allocated to the supervision of children.

There will be an additional 2 x staff to carry out administrative and cooking duties.

### **Landscape Works**

The development proposal includes the removal of all vegetation on the subject site, noting the site does not currently contain any significant trees or vegetation, containing only a small number of shrubs, grass and groundcovers in the front and southern side setback.

The development application is supported by a Landscape Plan prepared by *Greenscape Design*. The landscape plan details the planting of 3 native trees across

the site, garden areas a range of plantings/screening and tactical surfaces within the outdoor play areas.

The landscape plan details the planting of native trees across the site, garden areas and a range of plantings/screening and tactical surfaces within the outdoor play areas.

### **Garbage Storage and Collection**

There is a dedicated bin storage area at the rear of the basement carpark adjoining the southern basement wall.

A waste management plan is provided with the application with waste collected by external contractor or Council subject to conditions of consent.

### **Signage**

This development application does not include signage. Signage will be dealt with under a future application once a design is confirmed upon determination of this application.

## **4.0 PLANNING REGULATIONS AND CONTROLS**

### **4.1 Education and Care Services National Regulations**

The relevant provisions of the Education and Care Services National Regulations including the Children Supplementary Provisions Regulations 2012 are addressed under the following headings.

- **Part 3 – Facilities and Equipment Requirements**

The child care centre has been designed in accordance with **Part 3 Facilities and Equipment Requirements** of the regulations. The key provisions are summarised in the list below:

The proposed child care centre will include:

- Office administration area and staff room;
- Indoor space (unencumbered) of 3.25m<sup>2</sup> per child requiring 185.25m<sup>2</sup> for the proposed 57 children. The proposed centre has 188.05m<sup>2</sup> of indoor space;
- Outdoor space of 7m<sup>2</sup> per child requiring 399m<sup>2</sup> for the proposed 57 children. The proposed centre has 402.8m<sup>2</sup> of outdoor space;
- A laundry facility at site;
- Craft sinks and areas in the play rooms;
- A food preparation – kitchen area where children are prevented from accessing;
- Nominated children toilet facilities;
- Nappy changing areas;
- A sleeping area-cot room adjoining the ground floor Indoor Play area (0-2 years);
- Storage areas adjoining the playrooms; and
- Outdoor storage areas.

The development proposal has been designed to meet the above requirements with the numerical provisions (indoor and outdoor areas) addressed in the Development Control Table at Section 5 of this statement.

- Part 4 Staffing Requirements

**Part 4 Staffing** of the Regulations includes provisions for staffing requirements of the child care centre. These provisions are covered by the New Educator to Child Ratios 2016 as follows:

- 0 – 2 years of age (babies) 1:4: 3 staff required (12 babies)
- 2 – 3 years of age (toddlers) 1:5: 3 staff required (15 toddlers)
- 3 – 5 years of age (preschoolers) 1:10: 3 staff required (30 preschoolers)

The staffing numbers meet the regulations, and this is addressed in the Development Control Table at Section 5 of this statement.

- Part 5 Child Number Requirements

**Part 5 Child Number** is in accordance with the area provisions of the centre and associated staff ratios. The proposed child care centre seeks a maximum of 57 children and the maximum number of children will be specified in the service approval for the centre.

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

Part 3 of the SEPP (Educational Establishments and Child care Facilities) 2017 contains provisions applied to centre based child care facilities.

Clause 23 – Centre based child care facility requires the consent authority to take into consideration the Child Care Planning Guidelines. These guidelines are addressed in the tables below.

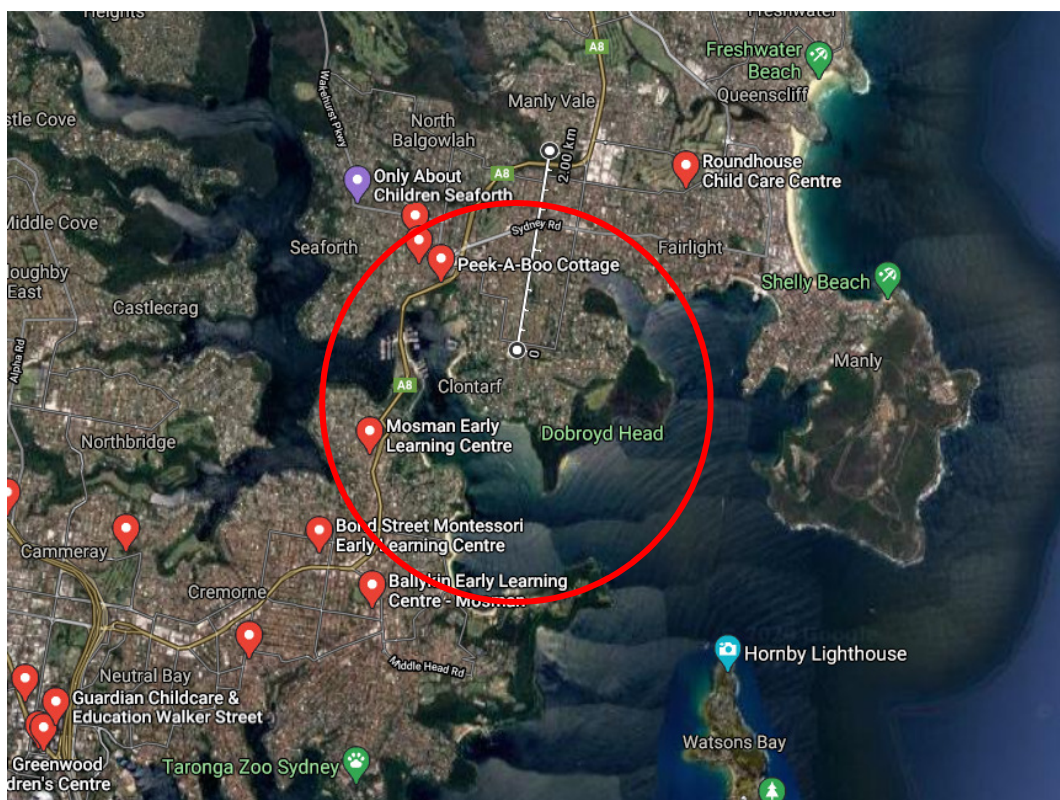
Clause 25 Centre-based child care facility—non-discretionary development standards contain non-discretionary development standards. These development standards are addressed below.

Development Standard	Comment
Location	<p>The development may be located at any distance from an existing or proposed early education and care facility.</p> <p>Notwithstanding, the nearest child care facility is located 1.4km (driving distance) from the subject site, located on Burton Street, Balgowlah Heights.</p>

	A location plan indicating child care centres within a 2km radius of the site is shown below. Figure 1
Indoor or outdoor space	The development proposal provides in excess of 3.25m <sup>2</sup> indoor play area and 7m <sup>2</sup> useable outdoor play space per child in accordance with regulation 107 of the Education and Care Services National Regulations and Supplementary Regulations 2012.
Site area and site dimensions	<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>Notwithstanding the subject site includes a frontage of 15.09m to Lewis Street, site depth of 51.815m and an area of 781.8m<sup>2</sup>.</p> <p>The subject site includes adequate area to include carparking, internal and external areas and staff facilities to meet the demand of the proposed child care centre with 57 children.</p>
Colour of building materials or shade structures	<p>The development proposal has been designed to be consistent with the bulk and scale of neighbouring structures and buildings found within the vicinity.</p> <p>The development is proposed to be constructed in a high-quality range of materials and finishes including a mix of cladding, off form concrete, painted render and colourbond roof flashing.</p>

Figure 1 shows the location of the subject site and proximity to established child care centres.





**Source:** Google Maps

Clause 26 Centre-based child care—development control plans apply to the development application. Clause 26 notes that a provision of a development control plan that specifies a control in relation to the matters expressed in the clause does not apply. Clause 26(d) of the SEPP provides the following:

- (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).

The following table address the relevant design principles.

Design Quality Principles	Assessment/Comment
Context	<p>The subject site is located within a low-density residential area.</p> <p>The immediate locality is predominantly defined by two and three storey dwelling houses. The southern boundary of the site adjoins a public primary school, being Balgowlah Heights Public School. The Balgowlah Heights neighbourhood centre is located 500m north-west of the subject site, and there are a number of public bus stops available within walking</p>

	<p>distance of the site, providing services to Warringah, Manly and the Sydney CBD.</p> <p>The child care centre will provide a facility to service the day to day needs of residents within adjacent residential properties.</p>
<b>Built Form</b>	<p>The development proposal has been designed applying the planning controls for dwelling houses and child care centres contained in the Manly DCP as a guide to ensure the built form of the child care centre is consistent with the prevailing built form in the low-density residential area. The development will present as a child care centre with a contemporary architectural form, with distinct links to the adjoining residential development with regard to setbacks, roof pitch, fenestration elements on the front elevation and window proportions.</p> <p>The development is proposed to be constructed in a high-quality range of materials and finishes including a mix of wall cladding, off form concrete, painted render and colourbond roof flashing.</p> <p>The development proposal has been designed with the main entry off Lewis Street. The entrance to the basement carpark area will not be visually dominant and will be offset by landscaping at the north-eastern portion of the front setback area.</p>
<b>Adaptive learning spaces</b>	<p>The development proposal has well designed indoor and outdoor space, with a variety of multi-function learning areas that are accessible and designed to maximise surveillance of the play areas.</p>
<b>Sustainability</b>	<p>The building has been designed to maximise cross ventilation and natural light to all rooms. Each internal play area is cross ventilated and includes windows to the north and west capturing sunlight at different times of the day.</p> <p>A Section J report will be prepared prior to the issue of a Construction Certificate specifying minimum energy requirements.</p>
<b>Landscape</b>	<p>The development application is supported by a Landscape Plan prepared by <i>Greenscape Design</i>. The landscape plan details the planting of 3 native trees across the site, garden areas and a range of plantings/screening and tactical surfaces within the outdoor play areas.</p>
<b>Amenity</b>	<p>The proposed child centre provides adequate indoor and outdoor space with suitable facilities for the centre, and facilities in each play area. As addressed the centre is designed with good natural ventilation, natural light and a balance of sunlight and shade in the outdoor areas.</p>

	The child care centre has been designed with pedestrian and vehicular access from Lewis Street.
<b>Safety</b>	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 good surveillance across the facility.

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

<b>Child care Planning Guidelines</b>	<b>Proposed</b>	<b>Considerations</b>	<b>Compliance</b>
<b>Part 3 – Matters for Consideration</b>			
Site selection and location	The proposal is supported by an acoustic report addressing acoustic privacy.  The development proposal has been designed in accordance with the existing site conditions	Acoustic and Visual Impacts  Suitability of the site and scale of development	Yes  Yes
Local Character, streetscape and public domain interface	Centre designed with a consistent built form to buildings in the vicinity of the site.	Child care facility is compatible with the local character and surrounding streetscape	Yes
Building orientation, envelope and design	Building complies with Manly LEP and DCP controls and design guides	Building height, setbacks, roof design, facades, materials and finishes	Yes
Landscaped Area	Landscape Plan submitted with development application.	Provide a landscape design that contributes to the streetscape and amenity	Yes
Visual and Acoustic privacy	The proposal is supported by an acoustic report addressing acoustic privacy.  Visual privacy is addressed by landscape	To protect privacy and security of children attending the facility  Minimise the impact of child care facilities on the acoustic privacy of neighbouring	Yes

	works and design of centre	residential developments	
Noise and Pollution	Development application supported by an acoustic report and is located within a low-density residential area.	To ensure that outdoor noise levels on the facility are minimised to acceptable levels. 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	Yes
Hours of operation	Children: 7am – 7pm	7am – 7pm	Yes
Traffic, Parking and pedestrian circulation	Traffic report submitted with the development application.  16 on-site parking spaces – meets RMS.	Parking Rates – RMS <i>1 space for every 4 children = 14.25 (15) spaces</i>	Yes
<b>Part 4 – Applying the National Regulations to Development Proposals</b>			
Indoor Space	188.05m <sup>2</sup>	3.25m <sup>2</sup> unencumbered indoor space per child. 57 children = 185.25m <sup>2</sup>	Yes
Laundry	On site Laundry	On site laundry provided or external laundry service.	Yes
Toilets and Nappy Change Facilities	Design meets BCA requirements	Designed to meet BCA.	Yes
Ventilation and Natural Light	Natural light provided to playrooms via windows.  Natural ventilation provided to all indoor playrooms.	Natural light and ventilation provided to indoor activity rooms.	Yes
Administrative Space	Admin office and staff room provided.	Adequate administrative space provided.	Yes
Nappy Change facilities	Nappy change facilities provided adjoining 0–2-year-old play room and 2-3 year old play room.	Provide nappy change facilities for 0 – 2 years.	Yes
Supervision	Modulated building design with clearly defined play areas and internal windows for	Design to facilitate supervision	Yes



	surveillance between indoor and outdoor play areas.		
Outdoor Space	402.8m <sup>2</sup> outdoor play area	7m <sup>2</sup> unencumbered outdoor space per child. 57 children = 399m <sup>2</sup>	Yes
Natural Environment	Refer to landscape plan.	Design to enable children to explore nature	Yes
Shade	The rear setback and level one outdoor space will receive daylight throughout the day and afternoon.	Solar access to minimum 30% outdoor play area. 60% outdoor play area covered	Yes
Soil Assessment	Site has been historically residential. N/A	A statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.	N/A

#### **4.3 State Environmental Planning Policy No.55 – Remediation of Land**

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated and if contaminated be satisfied that the land is suitable for the purpose. The subject site has been historically used for residential purpose and there is no evidence of potentially contaminating activities occurring on site.

#### **4.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

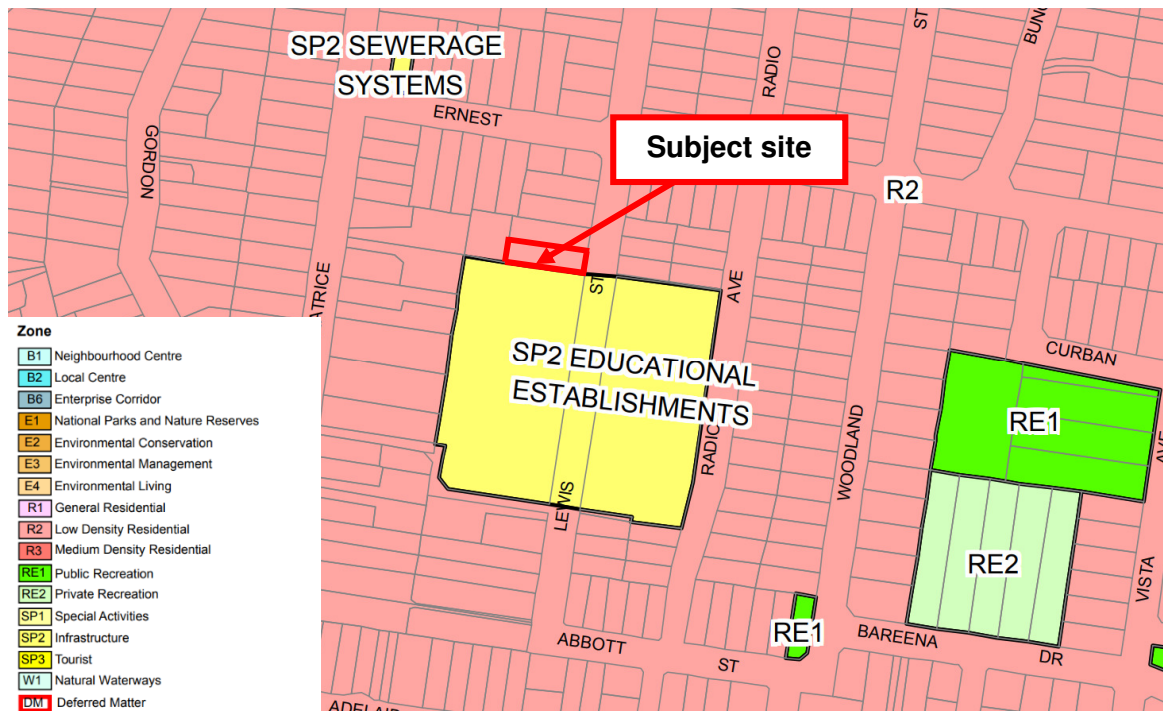
Landscape works are included in the development proposal, noting that the subject site does not currently contain any significant trees or vegetation. A street tree is located at the Lewis Street frontage and is to be retained. The proposed landscape

works are detailed in the landscape plan, prepared by *Greenscape Design* submitted as part of the development application.

#### 4.5 Manly Local Environmental Plan 2013

The subject site is zoned *R2 – Low Density Residential* under the Manly Local Environmental Plan 2013 and centre-based child care facilities are permitted with the consent of Council.

The zoning of the subject site and surrounding locality is shown on the following map.



Source: Manly LEP 2013

A *centre-based child care facility* is defined within the LEP as follows:

**“Centre-based child care facility means:**

(a) A building or place used for the education and care of children that provides any one or more of the following:

- i. long day care,
- ii. occasional child care,
- iii. out-of-school-hours care (including vacation care),
- iv. preschool care, or

(b) An approved family day care venue (within the meaning of the Children Education and Care Services) National Law (NSW))

but does not include:

(c) A building or place used for home-based child care or school-based child care, or

- (d) *an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or*
- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility."*

The proposed development meets the above definition of a **centre-based child care facility** being used for the long day child care and does not provide overnight accommodation.

The objectives of the R2 – Low Density residential zone are:

- *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.*

The proposed **centre-based child care facility** meets the relevant objectives of the low-density residential zone through providing a facility to service the day to day needs of residents within adjacent residential properties.

The development application is supported by acoustic, traffic and parking impact assessment reports confirming the centre based child care facility will not adversely affect the amenity of the neighbourhood.

**Part 4 Principal development standards** of Manly LEP 2013 contains the principal development standards and these standards are addressed in the development control table at Section 5.0 of this Statement. The remaining provisions of the Manly LEP 2013 are addressed below.

**Clause 5.10 Heritage conservation** does not apply to the proposal noting the subject site is not listed as a heritage item and is not within a heritage conservation area or in proximity to a heritage item.

**Clause 6.1 Acid Sulfate Soils** contains requirements relating to land affected by acid sulfate soils. It is noted that the subject site is identified as containing Class 5 Acid Sulfate Soils, and that the site is located within 500m of land containing Class 3 Acid Sulfate Soils. The site excavation does not impact on the water table and nor would the extent of excavation disturb acid sulfates.

The proposal is supported by Geotechnical Report prepared by *Ascent Geotechnical* which addresses the ground conditions.

**Clause 6.2 Earthworks** applies to the development application, noting excavation works are proposed to accommodate the basement carpark. Accordingly, the development application is supported by a geotechnical report, prepared by *Ascent Geotechnical*.

**Clause 6.3 Flood Planning** does not apply to the development proposal, noting the subject site is not identified as being at or below the flood planning level.

**Clause 6.4 Stormwater Management** applies to the development proposal, with the development application being supported by a stormwater management plan prepared by *NY Civil Engineering* that details stormwater disposal from the site.

**Clause 6.5 Terrestrial Biodiversity** does not apply to the proposal noting the subject site is not identified as 'biodiversity' on the Terrestrial Biodiversity Map.

**Clause 6.6 Riparian Land and Watercourses** does not apply to the proposal noting the subject site is not identified as 'watercourse' pursuant to the Watercourse Map.

**Clause 6.7 Wetlands** does not apply to the proposal noting the subject site is not identified as 'wetlands' pursuant to the Wetlands Map.

**Clause 6.8 Landslide Risk** does not apply to the proposal noting the subject site is not identified as 'landslide risk' pursuant to the Landslide Risk Map.

**Clause 6.9 Foreshore Scenic Protection Area** does not apply to the proposal noting the subject site is not identified as 'foreshore scenic protection area' on the Foreshore Scenic Protection Area Map.

**Clause 6.12 Essential Services** applies to the development proposal. The site has historically been used for residential purposes and has access to water, electricity, sewage, and suitable vehicular access. The development proposal is supported by a stormwater and drainage plan prepared by *NY Civil Engineering* that outlines stormwater disposal from the site.

#### **4.6 Manly Development Control Plan 2013**

The following section of this statement contains an assessment of the relevant provisions of Manly Development Control Plan noting the numerical provisions are addressed within the development control table at Section 5.0 of this Statement and the amenity provisions such as visual and acoustic privacy and solar access are addressed in Section 6.0 – Environmental Assessment of this statement.



## **Part 3 – General Principles of Development**

### **3.1.1 Streetscape (Residential Areas)**

#### *3.1.1.1 Complementary Design and Visual Improvement*

The proposed child care centre has been designed to reflect and complement the predominant streetscape quality of existing residential development in the Balgowlah Heights locality. The proposal has been designed in accordance with the design guidelines contained in this section of the DCP based on the assessment in the following table.

<b>Design Guideline</b>	<b>Assessment</b>
<b>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:</b>	
i) <i>Complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;</i>	<p>The residential portion of the Lewis Street streetscape is characterised by contemporary 2-3 storey dwelling houses finished in neutral colour painted render with basement/ semi basement garages and landscaped setbacks.</p> <p>The proposed child care centre is of a contemporary 2-storey with basement carpark form and is to be finished in a range of materials and finishes a mix of cladding, off form concrete, painted render and colourbond roof flashing. The pitched roof form presents a residential style that reflects the form of residential properties in the locality.</p>
ii) <i>ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;</i>	<p>The proposal has been designed in accordance with the residential built form controls to present a bulk and scale that is consistent with surrounding development. The development application is supported by a landscape plan prepared by <i>Greenscape Design</i> demonstrating a variety of landscape works ensuring the scenic amenity of the Lewis Street streetscape is maintained and enhanced when the proposal is viewed from neighbouring properties and the public domain.</p>
iii) <i>maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this</i>	<p>The proposed child care centre complies with the maximum building height standard prescribed to the subject site in the Manly LEP 2013 and is also of a built form and scale that is reflective of neighbouring and nearby development with regards to height, number of storey's and building alignment. The proposal generally complies with the relevant numerical controls contained in the Manly DCP 2013.</p>

<p><i>plan concerning wall and roof height and the number of storeys;</i></p>	
<p>iv) <i>avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;</i></p>	<p>The proposal does not include elevated structures that will dominate adjoining sites, with the rear and first floor setbacks stepped to relate to the rear setback of the dwelling to the north of the site.</p> <p>The play area on the first-floor level is integrated into the building design and does not impact the presentation of the building to the street.</p> <p>The outdoor play areas have been situated on the site towards the Balgowlah Heights Public School and include fencing on boundaries to mitigate overlooking. The northern boundary of the outdoor play area includes a 1.8m fence to ensure it is not visible from adjoining residential dwelling.</p> <p>The internal play areas at the first-floor level include high-level glass block windows on side elevations mitigating overlooking of the residential dwelling to the north of the site.</p>
<p>v) <i>address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;</i></p>	<p>Not applicable to the subject site or development proposal.</p>
<p>vi) <i>visually improve existing streetscapes through innovative design solutions; and</i></p>	<p>The development proposal in finished with a variety of materials and finishes including a mix of a mix of cladding, off form concrete, painted render and colourbond roof flashing.</p>
<p>vii) <i>incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and</i></p>	<p>The proposal is to be finished using a variety of high-quality materials and finishes which are consistent with and complimentary to neighbouring and nearby development, including wall cladding, off form concrete, painted render and colourbond roof flashing.</p>

<p><i>finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design.</i></p>	
<p><b>b) In lower density areas including LEP Zones R2, E3 &amp; E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore. See also paragraph 3.4 Landscaping and paragraph 4.1.5 Open Space and Landscaping</b></p>	<p>The proposed child care centre has been designed in accordance with the requirements of the child care planning guideline, maximising an open plan design to ensure the proposal complies with the relevant landscaping and open space controls contained in the Manly DCP 2013. In addition to landscape works within the outdoor play areas, screen planting is proposed within side setbacks and landscaping is proposed with the front setback to ensure that, within time, the proposal is viewed within a landscaped setting consistent with the intent of the planning controls.</p>

### 3.1.1.3 Roofs and Dormer Windows

The development proposal has been designed with a pitched roof form reflecting the residential built form on the western side of Lewis Street, to the north of the site. The proposal features a pitches roof form, with the upper level set back from the front façade, reducing the building bulk when viewed from the public domain, and providing a consistent front building alignment to adjoining residential dwellings.

### 3.1.1.4 Garages, Carports and Hardstand Areas

The proposal includes a lower ground/ basement car parking area, accessed via the existing driveway crossover at the south eastern corner of the subject site off Lewis Street. The driveway and ramp entrance to the proposed car parking area will be softened with landscaping within the front setback area, and the provision of carparking within a basement will ensure the site is not dominated by hard stand spaces. The car parking area is integrated into the proposed built form and is compatible with to location of carparking within surrounding properties along Lewis Street, with semi-basement-style car parking and garages being common in the immediate locality as demonstrated in the following photographs.

**Photograph 6** depicts the dwelling house and basement garage at 13 Lewis Street, Balgowlah Heights.



**Photograph 7** depicts the dwelling house and basement garage at 21 Lewis Street, Balgowlah Heights.



**Photograph 8** depicts the dwelling house and basement garage at 23 Lewis Street, Balgowlah Heights.



#### 3.1.1.5 Garbage Areas

The proposal includes a waste storage area within the basement parking area. The proposal will be supported by a waste management plan that details the movement of waste during the ongoing operation of the child care centre development.

### 3.3.1 Landscaping Design

The proposal is supported by a landscape plan prepared by *Greenscape Design* which details the proposed landscape works and plantings. The proposed works have been described at Section 3 – Development Proposal of this Statement and are consistent with the objectives and controls contained in this section of the Manly DCP, ensuring that, within time, the proposal will be viewed in a high quality landscaped setting consistent with that of the Lewis Street low density residential streetscape and landscape character.

### 3.3.2 Preservation of Trees or Bushland Vegetation

The subject site does not currently contain any significant trees or bushland vegetation, with existing landscaping comprising lawn, shrubs and ground covers. The proposal is supported by a comprehensive landscape plan, prepared by *Greenscape Design* which details the plan for removal and replacement of any existing vegetation, ensuring the proposal will result in an improved landscape design and outcome at the

subject site. It is noted that the street tree at the eastern (front) boundary is to be retained.

### **3.4.1 Sunlight Access and Overshadowing**

The proposal is accompanied by shadow diagrams prepared by *Nordon Jago Architects*, noting solar access and overshadowing is addressed at Section 6 – Environmental Assessment of this Statement.

### **3.4.3 Maintenance of Views**

The proposal will not result in view loss to surrounding development, noting there are no significant view corridors in the vicinity of the site, with these issues addressed at Section 6 – Environmental Assessment of this Statement.

## **3.5 Sustainability – (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)**

The proposal has been designed with consideration given to the principles of ecologically sustainable design to ensure that the proposed child care centre is sustainable throughout construction and operation. The following table presents an assessment of the proposal in accordance with sections 3.5.1 to 3.5.8 of this section of the DCP.

<b>Section</b>	<b>Comment/Assessment</b>
<b>3.5.1 Solar Access</b>	<p>The proposed child care centre will not overshadow adjoining residential development noting the centre adjoins a school to the south. The centre will achieve adequate levels of passive solar energy efficiency, with the proposed outdoor play area also being adequately shaded the design of the centre with cantilevered first floor level.</p> <p>It is noted that solar access and overshadowing impacts are also addressed at Section 6 – Environmental Assessment of this Statement.</p>
<b>3.5.2 Energy Sources and Systems</b>	<p>Energy saving measures such as solar panels, glazing and insulation requirements will be detailed at the Construction Certificate stage.</p>
<b>3.5.3 Ventilation</b>	<p>The child care centre has been designed to maximise natural ventilation, with the proposed outdoor play area located to allow for cross ventilation and windows and doors positioned to channel prevailing breezes between opposing sides of the building.</p>
<b>3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)</b>	<p>All electrical appliances and lighting technologies throughout the centre will be energy efficient and will meet the applicable provisions of Section J of the Building Code of Australia.</p>



<b>3.5.5 Landscaping</b>	Consideration of opportunities to maximise energy efficiency and mitigate extreme seasonal weather events has been incorporated into the design of landscaping across the subject site, with the planting of trees intended to control wind and improve comfort levels in the outdoor play area.
<b>3.5.6 Energy Efficiency/Conservation Requirements for Non-Residential Developments</b>	The proposed child care centre has been designed in accordance with the energy efficiency/conservation requirements and design principles contained within Section 3.5 – Sustainability of the DCP.
<b>3.5.7 Building Construction and Design</b>	The proposed child care centre has been designed and will be constructed using environmentally sound building materials and with consideration of opportunities for reduction of waste, re-use and recycling of materials. In addition, building materials which will maximise thermal comfort and energy efficiency will be selected, with consideration given to glazing and insulation.

### **3.6 Accessibility**

The proposal has been designed to maximise accessibility and equity of access to and from the child care centre for people with disabilities and complies with the relevant sections of The Disability (Access to Premises – Buildings) Standards 2010, The Building Code of Australia and Australian Standards, and The Disability Discrimination Act 1992. The child care centre has been designed with a lift for access to all levels, and with accessible parking and continuous paths of travel.

### **3.7 Stormwater Management**

The development application is supported by a stormwater management plan prepared by *NY Civil Engineering* that details stormwater disposal, collection and recycling at the subject site.

### **3.8 Waste Management**

The development application is supported by a waste management plan that indicates efficient management of waste during the construction and operation phase of the child care centre. Waste will be collected by external contractor or Council subject to conditions of consent All waste is taken to the bin area at least twice daily.

### **3.10 Safety and Security**

The proposal has been designed in accordance with the *Crime Prevention through Environmental Design (CPTED)* principals and the controls contained in this section of the DCP in order to maximise the safety and security of children attending the child care centre. The proposal meets the CPTED principles based on the following assessment:

- The proposed carpark has been designed to ensure clear sightlines at pedestrian and vehicular crossings, with pedestrian and vehicular entry to the child care centre being separated.
- The child care centre has a singular pedestrian access point which clearly presents to Lewis Street and will be access controlled. The lobby area is accessed directly from basement parking and pedestrian entry to site and all persons entering through lobby will be required to pass through reception area.
- The basement parking area will clearly identify the spaces for parent drop off/pick up and the nomination of these spaces can be addressed by condition of consent.
- The basement parking area, entry to the centre and common areas within the centre will include adequate lighting.
- The front façade and landscape works minimize any opportunities for concealment.
- The landscape works and front fence will clearly demarcate the front boundary. Side boundary fencing will demarcate the remaining boundaries of the site.
- The proposed kitchen and ground floor lobby is oriented to the street to maximise opportunities for passive surveillance of the public domain.
- The play areas, including the outdoor play area, will be adequately screened to ensure safety and security of the children attending the child care centre.

#### **Part 4.1 Residential Development Controls**

The proposal has been designed in accordance with the relevant residential development controls and guidelines contained in this Part of the DCP, noting these controls do not technically apply to the child care centre development and land use, and that the relevant numerical controls are addressed at Section 5 – Development Control Table of this Statement.

##### **4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)**

The proposal includes the provision of a lower ground floor level car park with a total of 16 x parking spaces (including 1 x accessible space) for use by child care centre staff and for parent drop off and pick up. The entrance to the carpark is designed to maximise safety and accessibility, allowing vehicle les to enter and leave the site in a forward direction, and will not be visually dominant when viewed from the public domain and streetscape.

The development application is supported by a traffic report prepared by McLaren Traffic Engineering.

###### ***4.1.6.6 Tandem, Stacked and Mechanical Parking Areas***

The basement parking area will accommodate a total of 16 car spaces with 12 of the spaces provided by 4 single car stackers and 1 with a dual platform. Six (6) parent car spaces are provided, two located underneath the dual platform stacker. 10 staff spaces are provided within the remaining spaces of the car stackers.

It should be noted that no parent will need to use or control a car stacker at any point. Their access and use will be strictly limited to staff. Details are provided in the plan of management.

#### 4.1.8 Development on Sloping Sites

The subject site is located within a G4 – geotechnical area in accordance with Council DCP mapping.

The proposal includes excavation for a basement and accordingly is supported by a Geotech report prepared by Ascent Geotechnical.

The report concludes the following:

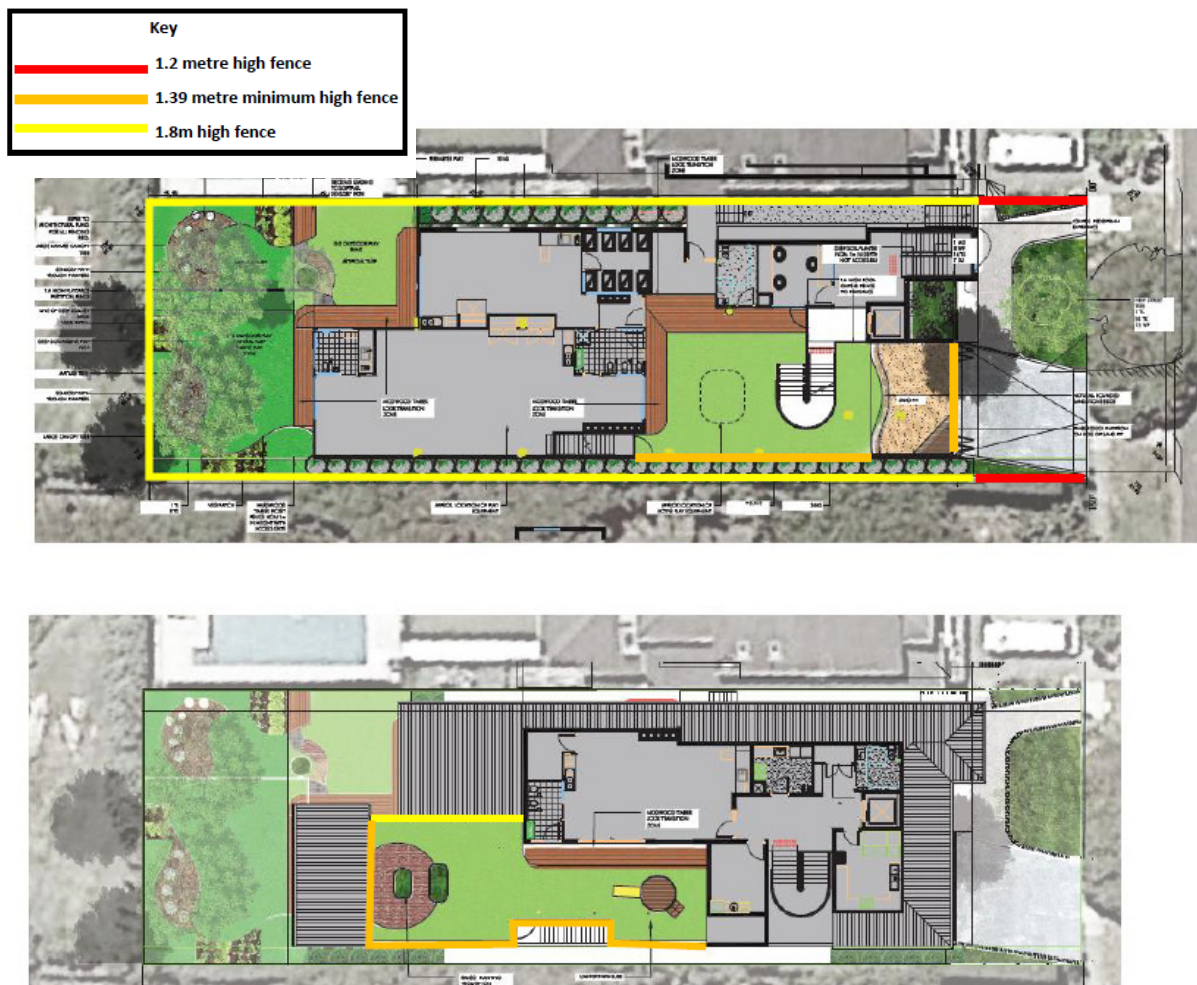
*The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development provided the recommendations presented in Table 3 are adhered to.*

#### 4.1.10 Fencing

Fencing is to be constructed to appropriate heights recommended by the acoustic report prepared by *Day Design Acoustic Engineers*.

The fence heights will be constructed in accordance with the fence heights nominated on the landscape plan prepared by *Greenscape Landscape Architects* as shown in extract below noting the proposal maintains 1.8m fencing to side boundaries.

**Orange fences are to be a maximum of 1.4m in height.**



## **Part 4.4 Other Development (All LEP Zones)**

### **4.4.6 Child Care Centres**

#### *4.4.6.1 General Location Considerations*

The proposed location for the child care centre is an appropriate and compatible land use within the locality in given consideration of the following:

- The locality is a low-density residential area, ensuring that the safety and amenity of children attending the centre is maximised;
- The subject site adjoins an established primary school to the south, being Balgowlah Heights Public School, provides adequate levels of on-site parking and will not generate an unreasonable amount of additional traffic in the local area;
- The subject site adjoins a single residential dwelling to the north and there is adequate setback/separation to the dwelling house adjoining the rear boundary at 54 Beatrice Street, Balgowlah Heights, minimising potential negative amenity impacts on the neighbourhood with regards to noise and privacy loss;
- The subject site is located approximately 100m of public bus stops that provide access to Manly, Balgowlah and Warringah. The bus services provide an alternative form of transport lowering the demand for on-site parking and reducing traffic congestion;
- The subject site has a fall from the rear (western) to the front (eastern) boundary, and includes basement carparking, minimizing the visual impact of parking on the streetscape;
- In order to maximise privacy and reduce potential amenity impacts to the neighbouring dwelling house to the north, the child care centre has been oriented to the west and south, allowing for a balance of solar access and privacy outcomes; and
- Lewis Street is not an arterial road, nor does it contain any busy intersections, with the subject site being located in a low-traffic residential area.

#### *4.4.6.2 Car Parking and Access*

The proposal includes the provision of a lower ground floor level (semi-basement) car park with a total of 16 x parking spaces (including 1 x accessible space) for use by child care centre staff and for parent drop off and pick up. The parking is adequate for the proposed development and land use and will work to ensure minimal additional pressure is placed on on-street parking at Lewis Street.

The entrance to the carpark is designed to maximise safety and accessibility, allowing vehicles to enter and leave the site in a forward direction, and by separating pedestrian and vehicular entry to the centre, and will not be visually dominant when viewed from the public domain and streetscape.

#### *4.4.6.3 Built Form and Building Appearance*

The proposed child care centre generally complies with the relevant numerical controls and design guidelines for residential development as contained in the DCP, ensuring

compatibility with the scale and design of existing buildings and development along the Lewis Street streetscape and in the wider low density residential locality. The proposed child care centre has been designed with a pitched roof form reflecting for the of residential dwellings in the immediate locality and will complement and enhance the established streetscape character of the area.

The design features a pitched roof with the building proportions and setbacks consistent with the established built form in the vicinity of the site. The façade treatment and window proportions are residential in nature, successfully incorporating the purpose-built child care centre within the residential setting.

#### 4.4.6.4 Indoor and Outdoor Play Areas

The proposed child care centre meets the requirements of this section of the DCP in accordance with the following assessment.

<b>Indoor Spaces</b>	
a) <i>Appropriate indoor space should be provided within the child care centre.</i>	The proposed centre has been designed in accordance with the provisions of the child care planning guideline. The centre includes 3 x distinct indoor play spaces to accommodate children of different ages, and also includes ample indoor space for bathrooms, kitchens, staff and laundry facilities.
b) <i>Layout of the building, especially the playroom areas, should be designed to allow easy supervision of children.</i>	<p>The proposed playrooms have been designed as large, open rooms to ensure ease of supervision, with the indoor playrooms offering direct supervision of the adjoining outdoor play areas.</p> <p>The application is supported by a plan of management detailing the staffing arrangements to support the supervision of children across the centre.</p>
c) <i>Building layout should be designed to minimise the need to access function areas via children's play rooms as this reduces the overall size, safety and functionality of the play space.</i>	All functional areas, including the kitchen, laundry, staff room and office have separate access points and are not directly accessible from the children's playrooms to ensure functionality and safety of the centre.
d) <i>The layout must be appropriately designed to minimise the noise impact to adjoining properties. Noise generating areas such as playgrounds or playrooms should be oriented away from neighbouring bedrooms.</i>	The proposed indoor play areas are sufficiently setback to ensure minimal unreasonable amenity impacts are generated to the neighbouring dwelling to the north, noting the site adjoins a primary school to the south and a residential lot to the rear with an approximate 30 metre setback to the dwelling.



e) <i>Double glazing and/or appropriate location of windows should be used where necessary to reduce noise impact from the centre.</i>	The development application is supported by an acoustic report prepared by <i>Day Design Acoustic Engineers</i> . The recommendations in that report will form relevant conditions of consent.
f) <i>Direct overlooking of adjoining internal living areas, bedrooms and private open spaces should be minimise through appropriate building layout and suitably located pathways, windows and doors.</i>	<p>The child care centre has been designed to orientate to the west and to the south to avoid overlooking impacts of the adjoining residential property to the north.</p> <p>The first-floor level windows on side elevations have been designed with glass bricks to mitigate opportunity for overlooking.</p>
<b>Outdoor Spaces</b>	
g) <i>Appropriate outdoor play area should be provided within the child care centre.</i>	The proposed child care centre includes three distinct outdoor play areas corresponding with the 3 internal play areas. The play areas at ground floor level are located within the rear setback and incorporated into the built form on the southern setback. The play area at first floor level is located on the southern side of the built form and integrated into the building design. The size of the outdoor play area meets the requirement of the Child care Planning Guideline.
h) <i>Outdoor play areas should have a north or north east orientation to allow maximum solar access.</i>	<p>The proposed outdoor play areas have been oriented towards the adjoining public school to the south and the adjoining vacant lot to the west to ensure minimal noise and privacy impacts to the adjoining dwelling to the north.</p> <p>The location of the outdoor play area within the western rear setback and at the first-floor level ensure that the outdoor play area achieves solar access requirements of the Child care Planning Guideline.</p>
i) <i>Outdoor play area should not be occupied by any motor vehicles or used for any other purposes during operating hours.</i>	The centre is a purpose built child care centre. The outdoor play area is to be used solely for outdoor play and has no other proposed use or purpose during or outside of operating hours.
j) <i>The layout of the outdoor play area should be designed to allow</i>	The outdoor play area has been designed as three distinct areas

<i>constant supervision and access to children.</i>	corresponding to the separate age groups. The respective outdoor play areas include direct access to the indoor playroom at ground floor, allowing for constant supervision of and access to children.
<i>k) Outdoor play areas should be located away from neighbouring properties to minimise noise impact to adjoining properties.</i>	The proposed outdoor play areas have been located towards the southern and western boundary of the site which adjoin a primary school and a neighbouring yard respectively, so as to ensure minimal noise impacts are generated to the neighbouring dwelling house to the north.
<i>l) Appropriate hedging should be planted along the fence lines to create a playground buffer between adjoining properties.</i>	The proposal is supported by a landscape plan prepared by <i>Greenscape Design</i> which details boundary and setback plantings.
<i>m) Appropriate fencing should be provided to segregate outdoor play area and other activities of the child care centre.</i>	The outdoor area is separated from the indoor play areas and functional rooms by walls, doors to ensure there are distinct areas of activity within the centre.

#### 4.4.6.5 Landscaping Including Pools

The development application is supported by a landscape plan prepared by *Greenscape Design*, which details the proposed landscape works and plantings. These works have been designed in accordance with the residential landscape controls with regards to numerical controls, requirements for native species, and the use of landscaping to mitigate extreme weather events and seasonal variances. It is noted that the existing swimming pool in the rear yard of the existing dwelling house is to be demolished as part of the proposal, and therefore that no swimming pool will be incorporated into the child care centre.

## 5.0 DEVELOPMENT CONTROL TABLE

The following table provides the relevant planning controls contained in Manly LEP 2013, Manly DCP and the Education and Care Services National Regulations, noting a number of controls within the Manly DCP are not applicable to the proposal.

	Proposed	Control	Compliance
<b>Manly LEP 2013</b>			
<b>Height of Buildings</b>	8.4m	8.5m	Yes
<b>Floor Space Ratio</b>	324.90m <sup>2</sup>	0.45:1 & 351.81m <sup>2</sup>	Yes
<b>Manly DCP 2013</b>			
<b>Part 1 – General Principles of Development</b>			
<b>Accessible Car Parking</b>	1 space	1 space	Yes
<b>Part 4.1 – Residential Development Controls</b>			
<b>Maximum Wall Height</b>	North 5.6m – 7m  South 6.5m – 7.5m	7.3m  The building length is 36m and the level difference of the development is 4.7m. This equates to a ratio of 1:76. In accordance with Figure 28 of the DCP the wall height control is 7.3m	Yes  Note 1
<b>Number of Storeys</b>	2- 3 storeys including basement	Max. 2 storeys	Note 2
<b>Roof Height</b>	1m  N/A	Max. 2.5m above actual wall height  Parapet max. 0.6m above actual wall height	Yes  N/A
<b>Roof Pitch</b>	<35 °	Max. 35°	Yes
<b>Setbacks</b>			
<i>Front</i>	Aligned with adjoining dwelling – 13 Lewis Street.	Relate to neighbouring – prevailing building line.	Yes
<i>Side Ground</i>	South 0.914m North 1.4m – 2.115m South 0.914m – 2.8m	(1/3 of wall height)	Note 3
<i>Side First</i>			

<i>Rear</i>	North 2.1m – 2.9m  Ground 9 – 14m First 12 – 21m	8m	Yes
<b>Total Open Space – Area OS3</b>	436.9m <sup>2</sup>	429.99m <sup>2</sup> <i>55% of site area</i>	Yes
<b>Landscaped Area</b>	157m <sup>2</sup>	150m <sup>2</sup> <i>35% of total open space area</i>	Yes
<i>Dimensions</i>	>1m	1m soil depth	Yes
	>0.5m	Min. 0.5m horizontal dimension	Yes
<i>Along Driveway</i>	Landscape adjoining driveway.	0.5m wide landscape buffer at side boundary for length of driveway	Yes
<b>Number of Native Trees Required</b>	3	Min. 3 trees	Yes
<b>Fencing</b> <i>Front</i>	No front fence proposed	Max. 1m high or 1.5m high where 30% of fence open/transparent	Yes
<b>Part 4.4.6 Child Care Centres</b>			
<b>Car Parking Rates</b>	16 x spaces including 10 x staff spaces and 6 x pick up/drop off spaces	1 space/employee and provision of drop off/pick up	Yes, - see McLaren Traffic Report
<b>Bicycle Parking</b>	6 x spaces	6x spaces <i>1 space/3 car space</i>	Yes – see McLaren Traffic Report
<b>Child Care Centre Guide 2016</b>			
<b>2. Maximum capacity of child care centres</b>	57 children	40 Children	SEPP – Education Establishments and Child Care Facilities prevails
<b>Education and Care Services National Regulations</b>			
<b>Indoor Space</b>	188.05m <sup>2</sup>	3.25m <sup>2</sup> per child: 57 kids = 185.25m <sup>2</sup>	Yes
<b>Outdoor Space</b>	402.8m <sup>2</sup> outdoor play area	7m <sup>2</sup> per child: 57 kids = 399m <sup>2</sup>	Yes

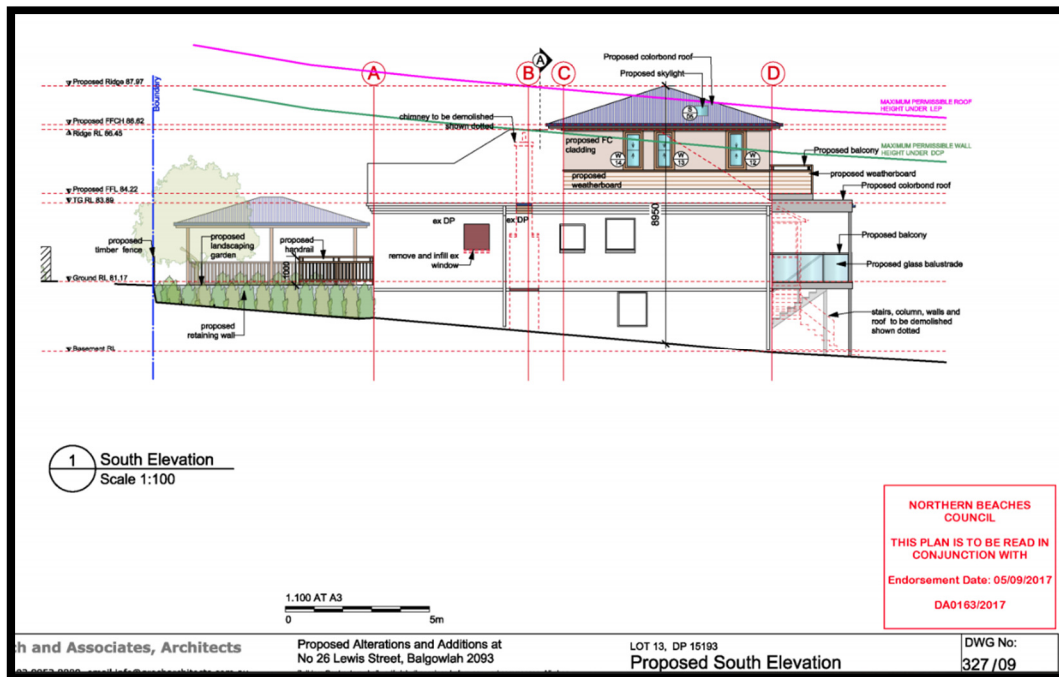
<b>Staff to Child Ratio</b> <b>*Refer to 2016 Educator to Child Ratios</b>	3 Staff	0-2 years – 1:4 staff = 3 staff	Yes
	3 Staff	2-3 years - 1:5 staff = 3 staff	Yes
	3 Staff	3-6 years - 1:10 staff = 3 staff	Yes
	2 support staff Total Staff = 11	Total Staff = 9	
<b>Laundry Facilities</b>	Laundry provided	Laundry to be provided	Yes
<b>Craft Preparation Facility</b>	Craft sinks provided in play rooms	Craft area	Yes
<b>Food Preparation Facilities</b>	Kitchen provided	Food preparation area	Yes
	Bottle preparation provided	Bottle preparation area (0 – 2 yr old)	Yes
<b>Toilet facilities/Hand Washing</b>	Toilet facilities provided	Toilet, hand washing and bathing facilities	Yes
<b>Nappy Change Facilities</b>	Nappy change area provided	Nappy change area	Yes
<b>Sleeping Facilities</b>	Cot room provided	Cot room required	Yes
<b>Storage Facilities</b>	Indoor and outdoor storage areas provided	Indoor and outdoor storage areas	Yes

#### **Note 1**

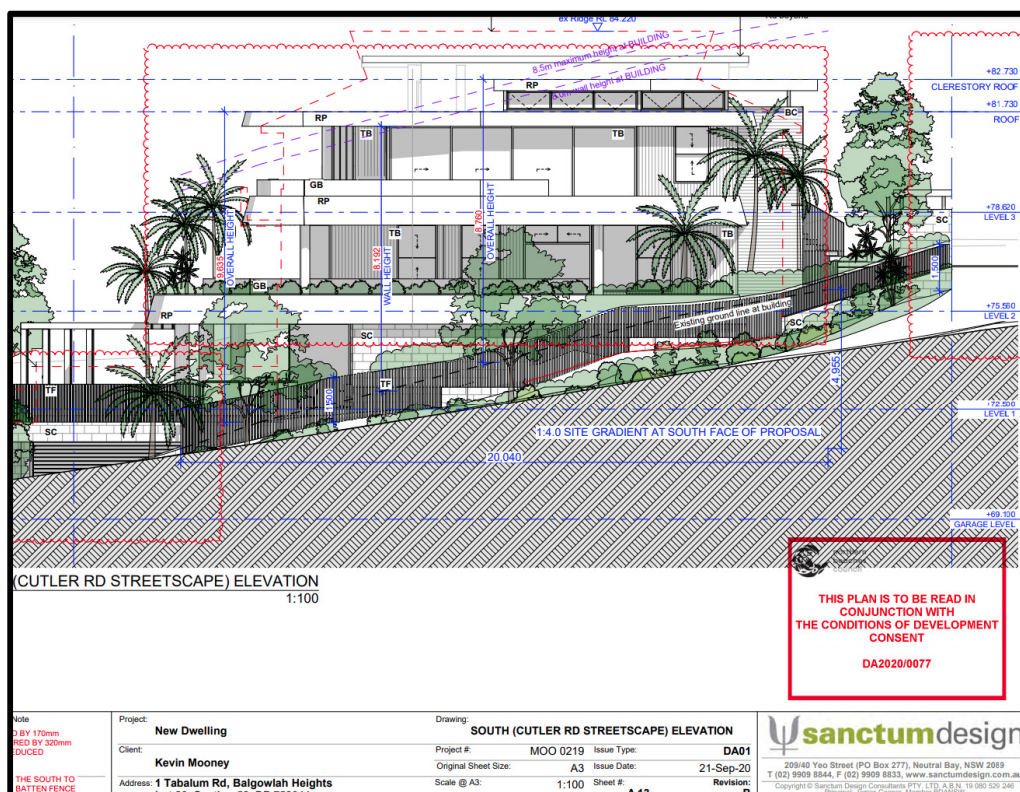
The proposal results in a minor variation to the wall height control at the south-east portion the elevation. The variation is minor (200mm) and confined to the portion of building – south east elevation adjoining the school. The variation is a result of the topography at this portion of the site. The remaining part of the south elevation and the north elevation comply with the wall height control.

Sloping sites generally present difficulties in achieving height limit compliance and wall height compliance. Departures from numerical controls can be considered on the individual merit of each proposal particularly constraints cause by sloping topography. The proposal complies with the height limit with minor non-compliances to numeric DCP controls cause by the sloping nature of the site. Below are two such examples recently where the Council granted approval despite non-compliance with numerical controls including the neighbouring property 26 Lewis Street, Balgowlah Heights.





DA Approval – 26 Lewis Street, Balgowlah Heights – Breach of Height Limit and Wall height – DA163/2017



DA Approval – 1 Tabalum Road, Balgowlah Heights – Breach of Height and Wall Height – DA2020/0077

## Note 2

The proposal is a 2 – 3 storey building form that is consistent with the height (number of storeys) of the adjoining properties at 13 and 17 Lewis Street. It is noted that the upper level is recessed (setback) from the front elevation presenting a 2 storey building to Lewis Street – public domain and the 3 storey part of the building, is central to the built form is a result of the

site topography (ground floor level >1m out of ground) and the variation is consistent with the planning controls at Part 4.1.2.2(c) of the Manly DCP.

### **Note 3**

The development proposal presents a minor variation to the side setback at the southern elevation providing a setback of 0.9m at ground and a portion of the first floor level. The southern boundary of the subject site adjoins the Balgowlah Heights Public School and the proposal will not result in unreasonable visual building bulk and scale, solar impacts or visual privacy to a residential land use. The building setbacks are consistent with the objectives at Part 4.1.4 of the Manly DCP.

## **6.0 ENVIRONMENTAL ASSESSMENT**

### **6.1 Planning Instruments**

The planning instruments applying to the subject site and this development proposal are addressed in detail in the previous sections of this statement.

In summary, the Manly LEP 2013 applies to the subject site and the child care centre is permissible with Council consent. The development proposal meets the objectives of the low-density residential zone, and the development proposal has been designed in accordance with the site circumstances to present a built form that is compatible with the character of the area.

The proposed child care centre has been designed to meet the provisions of Education and Care Services National Regulations, Children Supplementary Provisions Regulations 2012, SEPP (Educational Establishments and Child Care Facilities) 2017 and the objectives and relevant controls contained in the Manly DCP 2013.

It is noted that the subject site has suitable site area to accommodate the required indoor and outdoor space, on-site parking for staff and drop off and pick up, and the design of the centre is consistent with the built form controls for residential development and child care centres expressed within the Manly DCP.

### **6.2 Solar Access**

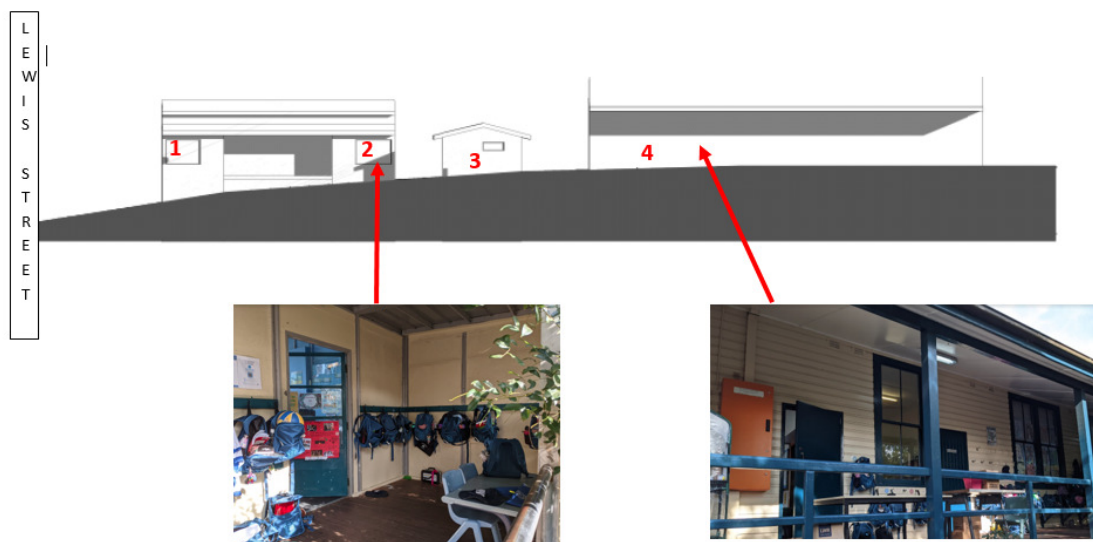
The development proposal has been designed to ensure the indoor and outdoor areas receive adequate solar access suitable for a child care centre development noting the solar access provisions of the Child care Planning Guideline.

The design of the centre utilises the built form and trees to regulate solar access at different times of the day. The outdoor areas have been designed to meet Part 4.11 – Shade of the Child Care Planning Guideline requiring at least 30% of the ground area to have year-round solar access and 60% of the outdoor space is covered.

The development proposal does not result in unacceptable overshadowing of adjoining residential properties, noting the proposal has been designed with a two-

storey form consistent with existing development at the subject site and the subject site adjoins the Balgowlah Heights Public School to the south.

The development application is supported by elevational shadow diagrams prepared by Nordon Jago outlining the overshadowing impact to the northern façade of the classroom within the Balgowlah Heights Public School. The elevational shadow diagrams confirm the child care centre will result in unreasonable overshadowing to the school. The classrooms will retain a minimum 2 hours of sunlight during the mid-winter solstice. The below outlines the result of daylight received based on the proposed new built form as outlined on plans DA.036 and DA.037.



- Window 1 will receive daylight from 9am – 1pm
- Window 2 will receive daylight from 11am – 3pm (even though it is a window to an open porch where school bags are stored)
- Location 3 is a toilet block and so no analysis is necessary.
- Location 4 receives daylight from 10am-3pm

Given the above, the development does not create any unacceptable overshadowing impacts to adjoining development within the R2 – Low density residential zone. The adjoining properties to the north will retain adequate solar access, and the shadows cast to the school are acceptable given the classrooms will maintain adequate solar access.

### 6.3 Visual and Acoustic Privacy

The development application is supported by a Noise Assessment Report prepared by *Day Design Acoustic Engineers* provides recommendations upon mitigation measures for acoustic privacy, ensuring that the proposal will not present unreasonable acoustic impacts to surrounding neighbours.

With regard to visual privacy impacts, the proposed child care centre has been designed with glazed windows to the northern side elevation to prevent overlooking of

the adjoining residential property. The landscape plan details a range of mature trees and screen planting located within the side setback areas.

#### **6.4 Traffic, Access and Parking**

The development application is supported by a Traffic and Parking Impact Assessment prepared by *Mclaren Traffic Engineering* that has examined the impacts of the child care centre on the surrounding road networks.

The assessment provides the following with regard to the anticipated traffic generation for the proposal.

*“The traffic generation of the proposed development has been estimated to be some **46** vehicle trips in the AM peak period (23 IN , 23 OUT) and **40** vehicle trips in the PM peak period (20 IN, 20 OUT). The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 8.0, indicating that there will be no detrimental impact to the performance of the intersections surrounding the site as a result of the generated traffic.”*

As addressed, the development proposal provides 16 x on site car spaces allocated to child care centre meeting the requirements contained in RMS guide to traffic generating development.

#### **6.5 Suitability of the Subject Site**

The proposed child care centre is a suitable land use at the site noting the child care centre has been designed to respond to the site constraints and environmental conditions of the site, noting that the site adjoins a primary school to the south, being Balgowlah Heights Public School.

The child care centre has been assessed and is supported by acoustic, traffic and contamination reports confirming the proposed use can be accommodated on the site and will not present unreasonable impacts upon the adjoining residential property to the north.

#### **7.0 CONCLUSION**

In conclusion it is considered that the proposed development is acceptable under the considerations of S.4.15 of the E.P& A. Act 1979. The following conclusions are made in relation to the development proposal:

- *The subject site is zoned R2 – Low Density Residential under Manly LEP 2013 and centre-based child care facilities are a permissible land use with Council consent;*
- *The proposed child care centre meets the relevant objectives of the R2 – Low density residential zone, providing a service to meet the needs of residents in the area;*

- *The proposed child care centre meets the height of buildings and floor space ratio development standards contained in clause 4.3 and 4.4 of the Manly LEP 2013;*
- *The proposed child care centre has been designed in accordance with relevant design quality principles provisions child care planning guidelines pursuant to clause 25 of the SEPP (Educational Establishments and Child care Facilities) 2017;*
- *The proposed child care centre meets the relevant matters for consideration and national regulations at part 3 and 4 of the guidelines pursuant to clause 26 of the SEPP (Educational Establishments and Child care Facilities) 2017;*
- *The proposed child care centre has been designed in accordance with the objectives and the intent of the built form controls contained in Part 3 – General Principles of Development Part 4.1 Residential Development Controls and Part 4.4.6 Child Care Centre of the Manly DCP;*
- *The proposed child care centre will not result in unreasonable amenity impacts with regard to overshadowing, acoustic impacts and visual privacy to the adjoining residential properties or the adjoining Balgowlah Heights Public School;*
- *The proposed child care centre has 16 parking spaces meeting parking demand for the child care centre; and*
- *The proposed child care centre is a suitable land use and design on the subject site noting the southern boundary adjoins Balgowlah Heights Public School, the proposal has been designed to be a compatible built form in the immediate locality and provides adequate on-site car parking to meet demand.*

For reasons outlined in this Statement of Environmental Effects the proposed child care centre at 11 Lewis Street, Balgowlah Heights should be granted development consent.

Chapman Planning Pty Ltd  
MPIA