

Our ref 14223 S96

gsa planning

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The General Manager
Warringah Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Attention: Mr Rick Hart

Dear Rick,

**RE: SECTION 96 MODIFICATION FOR DEVELOPMENT APPLICATION (DA 2007/0705)
DEE WHY KINDERGARTEN – NO. 2 CLARENCE AVENUE, DEE WHY
EXTENSION TO HOURS OF OPERATION**

On behalf of Lisa Mobbs, we hereby seek Council approval for a Section 96 modification of development consent (DA 2007/0705). The application proposes to extend the approved trading hours of Dee Why Kindergarten to include operating on Saturdays (between 7.00am and 6.30pm). The proposed hours are consistent with the hours approved for Monday to Friday.

The proposed development is the subject of a Section 96 modification and not a new development application. This is because the proposal is substantially the same as the approved development. The proposal is only for an extension of trading hours to permit trading on Saturday and does not include any building works, amendment to the approved operation during the week, or increase in child or staff numbers. The childcare centre operates in conjunction with the Dee Why RSL Club and this arrangement is to be continued.

A Traffic and Parking Report, prepared by Traffic Planning Associates, and an Acoustic Report, prepared Acoustic Logic, consider the likely impacts of the extended trading hours. These reports should be read in conjunction with this Statement of Environmental Effects. These reports outline that the extension of trading hours is not likely to adversely impact the acoustic privacy of nearby properties and is not likely to result in any adverse traffic or parking implications.

The submission contains: a brief site analysis; a brief background to the proposal; the conditions of development consent requested to be modified; a description of the proposed modifications; an environmental planning assessment; and, a conclusion.

1.0 SITE ANALYSIS

The site

The subject site is located on the western side of Clarence Avenue, between Dee Why Parade and Hawkesbury Avenue, and is known as No. 2 Clarence Street, Dee Why, being Lot 2 In DP113948. The site is irregular in shape, and has a total site area of approximately 1,118m². The site is currently occupied by a part one/part two storey child care centre with associated meeting rooms approved as part of development consent DA/2007/0705. The site is owned by the Dee Why RSL Club which adjoins the site to the north.



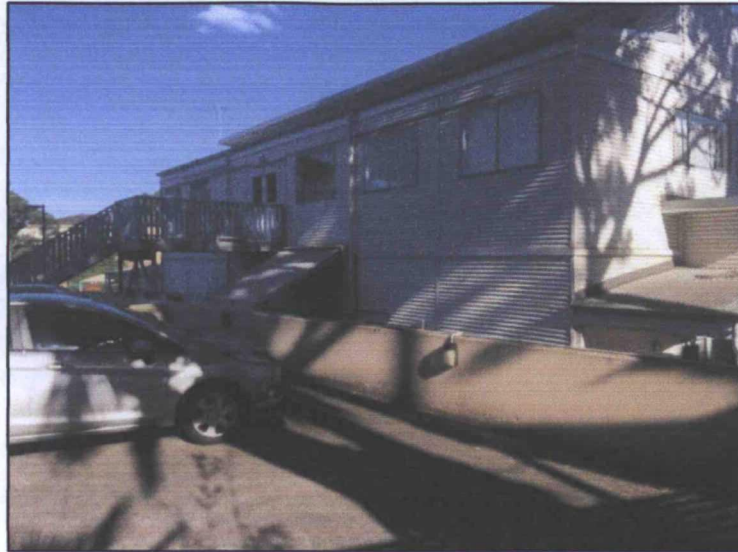


FIGURE 1: AERIAL LOCATION PLAN

The centre incorporates four indoor play areas, three outdoor play areas, two cot rooms, kitchens, staff rooms and offices. The centre has an approved capacity for 90 children. Car parking is provided within the RSL carpark, with the consent requiring spaces to be identified and specifically allocated for this purpose. Pedestrian access to the centre is available from Clarence Avenue and from the RSL car park.



Photograph 1: The subject site a viewed from Clarence Avenue, looking west



Photograph 2: The subject site viewed from the RSL car park, looking south

The surrounds

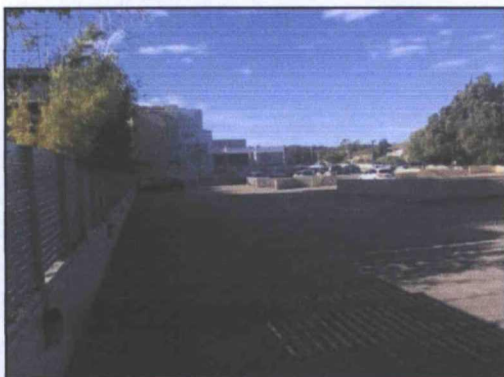
Development in the surrounding area is predominantly characterised by an eclectic array of commercial and residential uses of varying architectural styles and periods.

To the north of the subject site is the Dee Why RSL Club. Immediately adjacent to the site is the RSL car park which, as noted above, is used to provide parking for the centre in accordance with the conditions of consent. Further to the north, on the opposite side of Hawkesbury Avenue, is another residential flat development (see Photograph 3).

To the east of the subject site, on the opposite side of Clarence Avenue is another three storey residential flat with pitched roof. Further to the east are a number of other residential flat buildings with frontage to Dee Why Parade (see Photograph 4).

To the west of the subject site is Oceangrove Retirement Village. Further to the west, on the opposite side of Pittwater Road are a number of residential flat buildings, ranging in height from three to five storeys (see Photograph 5 on the following page).

To the south, on the corner of Clarence Avenue and Dee Why Parade is a three storey residential flat building. Further to the south, on the opposite side of Dee Why Parade is a commercial centre currently occupied by Coles and a variety of specialty shops (see Photograph 6 on the following page).



Photograph 3: The RSL car park to the north of the subject site.



Photograph 4: Development to the east of the subject site



Photograph 5: Development to the west of the subject site, looking west.



Photograph 6: The subject site and development to the south.

2.0 BACKGROUND

On 17 July 2008, Development Application (DA No. 2007/0705) was approved by Warringah Council for the demolition of the existing buildings and construction of a new two storey Child Care Centre and Meeting Rooms at 2 Clarence Avenue, Dee Why. Council granted development consent to the proposal subject to a number of conditions.

3.0 REQUESTED MODIFICATIONS TO DEVELOPMENT CONSENT

As indicated, this submission is for the modification of development consent DA 2007/0705 to amend the approved trading hours. Currently, the approved hours are 7:00am to 6:30pm Monday to Friday.

The application seeks consent allow the approved childcare centre to trade between 7:00am and 6:30pm on Saturdays. The approved hours of operation are not stipulated in the development consent, and we would seek such a condition to be added to the consent. There are a number of operational conditions requiring modification to facilitate Saturday trading. The existing conditions and proposed modifications are outlined below:

Existing Conditions

71. Use of Outside Play Areas (Childcare Centres)

The periodic use of the outside play areas shall be limited to between 9.00am to 11.00am and 3.00pm and 5.00pm Monday to Friday. The noise management plan is to reflect this as a maximum restriction.

25. Car Parking Allocation

Ten (10) car parking spaces at the southern end of the Ground Level car park shall be designated for parent/carer set-down and pick-up. A total of 29 spaces are to be available for the proposed building, in unison with the Dee Why RSL operations, during business hours Monday to Friday. One (1) of these car parking spaces must be an AS1428.2 compliant space, convenient to the pedestrian ramp. Details of signage and line marking are to be included on the Construction Certificate plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Proposed Conditions

New Condition – Hours of Operation

The hours of operation be limited to between 7:00am and 6:30pm Monday to Saturday

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4.0 RATIONALE OF MODIFICATIONS

As outlined, the childcare centre is currently approved to operate Monday to Friday 7:00am to 6:30pm Monday to Friday. While these hours cater for working parents during the week, there is a need to provide alternatives for parents required to work on weekends.

The proposed modifications seek to extend the approved trading hours to include Saturday trading, also between 7:00am and 6:30pm. The primary purpose of the extended trading hours is to cater for an identified demand for childcare in the locality and to provide greater flexibility to parents.

It is proposed to offer Saturday trading to cater for the local resident and working community that require childcare over the weekend. This may include shift workers or casual employees whose hours of employment fall outside a Monday to Friday working week.

Similarly, extending trading hours to Saturday will provide greater flexibility and freedom for parents whose extended families may not be close by. It is likely to also cater for single parents, which again may facilitate additional employment opportunities or freedom for these individuals.

The modifications to other conditions (C71 and 25) will facilitate the appropriate operation of the child care centre on Saturdays and ensure appropriate car parking is provided, ensure outdoor play areas are accessible to children on Saturday and provide an adequate operational framework to continue to maintain the visual and acoustic privacy of nearby properties.

5.0 ENVIRONMENTAL PLANNING ASSESSMENT

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 79C(1)(b) to (e) of the Environmental Planning and Assessment Act (1979).

5.1 Statutory and Policy Compliance

There is one (1) statutory and (1) non-statutory document that relate to the subject site. The statutory document is the Warringah Local Environmental Plan (LEP) 2011. The non-statutory document is the Warringah Development Control Plan (DCP) 2011. The relevant sections of the above statutory and non-statutory documents will now be outlined.

Warringah Local Environmental Plan (LEP) 2011

The subject site is zoned R3 Medium Density Residential under the Warringah Local Environmental Plan (LEP) 2012, which was gazetted on 9 December 2011.

The site is not listed as a heritage item and is not located within a heritage conservation area. The proposal is for Saturday trading only and does not seek any extension to the weekday hours. The modifications do not involve any building works that will alter the existing structure on the site. As the proposal relates to an existing centre and only involves an extension of trading hours, the majority of the LEP controls do not apply. The relevant clauses will now be discussed.

The proposal is permissible with development consent. As consent has already been granted for its current use and the proposal does not alter this, the modification by association is permissible with Council's consent. The relevant objectives of the R3 Medium Density Residential Zone are stated, inter alia:

- (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (d) To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- (e) To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces..

Objective (c) - The proposal will continue to constitute a child care centre, as approved, and provide a critical service to families in the Warringah LGA. In our opinion, the extension of trading hours to include the use of Dee Why kindergarten from 7:00am to 6:30pm on Saturday would further assist in meeting the day to day needs of residents and therefore is appropriate in this instance. The proposal is consistent with this objective.

Objectives (d) and (e) – The proposal maintains the approved landscaping and visual amenity of (DA 2007/0705). As the proposal does not involve alterations to the built form, there will be no adverse impact on public amenity and streetscape

Warringah Residential Development Control Plan (DCP) 2011

The Warringah Residential DCP 2011 was adopted by Council on 8 June, 2010, and came into effect on 9 December, 2011. This DCP applies to the subject site and the proposal. As outlined above, the proposal does not involve any alterations to the existing building or new building work. On this basis, the majority of the DCP controls do not apply. Part C of the DCP relates to Siting Factors and Part D relates to Design. These sections will now be considered.

Traffic, Access and Safety

It is proposed to retain the existing traffic, parking and access arrangements associated with the childcare centre. A supplementary traffic and parking report has been prepared in support of the application which determines there is not likely to be any significant impact as a result of extending the trading hours to include Saturday. This will be discussed further below.

Waste Management

The proposal seeks to continue the existing waste management procedures of the approved child care centre. The extended operating hours are not likely to result in substantially increased waste generation and the proposal is considered appropriate in this regard.

Noise

Section D3 of the DCP relates to noise and outlines that noise levels generally should not exceed 5dB(A). An acoustic report has been prepared in support of the application and separately submitted. It concludes the following, inter alia;

"It has been concluded that noise emissions from the project site during the Saturday operation of the childcare centre will not impact the acoustic amenity of the neighbouring residential receivers any more than on weekdays."

In our opinion, the child care centre is not likely to result in an unreasonable acoustic impact and is appropriate in this instance.

In summary, the proposal is permissible with Council's consent and is consistent with the zone's objectives under the LEP. As there is no building work, the majority of Council's controls do not apply. The relevant considerations have been addressed above and the proposal is considered appropriate in this instance.

5.2 Appearance of the Building and Landscape Considerations

As outlined, the proposed development does not incorporate any building work and only relates to the extension of trading hours for the existing child care centre. On this basis, there will be no alteration to the appearance of the building or landscaping at the subject site.

5.3 Relationship to Surrounding Development

The proposed modifications relate to an existing child care centre that has been operating from the subject site since 2009. As the proposal is not for a new centre, and relates to a land use that is an existing component of the streetscape, there are not likely to be any additional impacts on adjoining properties.

The mix of surrounding development is eclectic including residential flat buildings, the RSL club, and a commercial centre to the south. The proposed hours for Saturday trading are consistent with the existing hours Monday to Friday. In our opinion, operating a child care centre on Saturdays between 7 AM and 6:30 PM is appropriate in this locality and will further cater for the needs of local residents and employees.

As the proposal does not involve any new building work the potential for adverse impacts on adjoining and surrounding properties is negligible. Potential traffic and noise impacts have been assessed by separate experts and their supporting reports have been separately submitted.

5.4 The Suitability of the Site

As the modifications relate solely to the extension of trading hours, there will be no visual impacts as a result of the proposal. Given the existing child care centre has been operating on the subject site since 2009 it has demonstrated that it is a suitable land use and the locality. Council previously considered the suitability of the site in determining the development application and resolved to approve the development. The alterations to trading hours to include Saturdays will continue to be suitable for the subject site in our opinion.

It is understood that the majority of clients of the existing centre are residents of the area that is within an approximate 2km radius of the centre. The locality is characterised by a large number of residential flat developments and accordingly there is substantial demand. On the basis of the proximity of the majority of clients, it appears unlikely that a significant number would drive to the centre, lessening the potential parking impact. This is supported by centre management who have indicated that the majority of parents and children walk to the centre.

In any case, the proposed weekend trading hours are not likely to generate the same quantum of traffic impacts as weekday operation. It is also significant to note that the parking demands for the club, and on adjoining streets, on weekends will not be as substantial as in weekday peak periods.

As the childcare centre utilises the designated car parking within the RSL car park, traffic and parking impacts are likely to be negligible. The operating hours of the center also fall outside the peak operating of the RSL club, which are between 6:30pm and 11:00pm. In order to adequately consider the potential impacts, a Traffic and parking report has been prepared in support of this application which states the following, inter-alia:

With the proposed extension of hours the same quantum of parking spaces will be made available by the Club. However at this stage it is anticipated that the proposed Saturday operation will:

- attract somewhat less children than the weekday
- children will generally attend for shorter hours

The implications of the envisaged extended hours are:

- *the traffic movements in the area during the Child Care Centre setdown and pickup times will be less than the weekday morning and afternoon times*
- *the parking demands in the Club and on the adjacent streets will be no greater than during say the Friday afternoon/early evening period*

It is also apparent that the peak parking and traffic movements generated by the Club activities on Saturdays occurs after 6.30pm. It is my assessment that the proposal to extend the hours of operation of the Child Care Centre to include 7.00am to 6.30pm on Saturdays will not have any adverse traffic or parking consequences. I would suggest that the demand for carparking on Saturdays be monitored and that the parking provision by the Club be "tailored" to reflect the demand outcome.

In our opinion, as the centre will maintain the same quantum of dedicated car parking spaces on the weekend there is not likely to be any adverse impact on traffic or parking in the locality. The proposal is considered to be appropriate from a traffic and parking point of view.

5.5 The Public Interest

It is our opinion that the proposed development is in the public interest. It is generally accepted that there is currently a severe shortage of childcare places throughout Metropolitan Sydney and the extension of trading hours to include Saturdays on the subject site will, to some extent, assist in relieving this in the Dee Why locality.

As the proposal does not include any building work there are not likely to be any built environment impacts as a result of the proposal. This Statement of Environmental Effects and the separately submitted Traffic and Parking Report and Acoustic Report have assessed these aspects of the proposal. It has been determined that the development is generally appropriate for the subject site is not likely to result in any adverse impacts. In our opinion, the proposed development is likely to have a positive economic and social impact on the LGA and is in the public interest.

6.0 CONCLUSION

It is considered that the above-mentioned minor modification to DA/2007/0705 to extend the approved trading of the existing childcare centre is unlikely to have a significant impact on the amenity of nearby properties.

The proposal is appropriate from a Traffic and Noise point of view and, in our opinion, is in the public interest. The use is an existing childcare centre that is an accepted component of the street scape. The operation on Saturday will cater for identified demand in the locality, with minimal potential impact.

Accordingly, for the reasons stated above, we respectfully request that Council modify DA/2007/0705 to reflect the amended hours of operation. Please find enclosed the required Section 96 form and lodgement fee as well as the Traffic and Parking Report and Acoustic Assessment. If you have any queries regarding to this matter, please do not hesitate to contact our office on 9362 3364.

Yours faithfully,



George Karavanas
DIRECTOR