



DEVELOPMENT ASSESSMENT REPORT

Planner:	Phil Lane
Address / Property Description:	Lot 1039 DP 752038 Por 1039/ Oxford Falls Road, Oxford Falls
Proposed Development:	Alterations and Additions and increase in child care numbers for an existing childcare centre.
Development Application No:	DA2018/0865
Application Lodged:	25/05/2018
Plans Reference:	DA-0, DA-1, DA-2, DA-3, DA-4 (Dated 20 December 2017)
Amended Plans:	Nil
Applicant:	Adam Denver Loel
Owner:	R Loel
Locality:	B2 Oxford Falls Valley
Category:	Category 3 "Childcare Centre"
Variations to Controls (CI.20/CI.18(3)):	Nil (Housing Density maintained - 1 dwelling)
Referred to DDP:	Not Applicable
Referred to Independent Hearing Panel:	Yes – Category 3 Development
Land and Environment Court Action:	No
SUMMARY	
Submissions:	One (1) submission
Submission Issues:	Additional numbers of staff (attendees on site to 128 (108 children and 20 staff) currently 75 (60 children and 15 staff), Waste Water Management (including odours and noise), Noise, Fire Report (outstanding) and Traffic

Furthermore, the application has been advertised within the Manly Daily on 27 April 2019 and a notice was placed upon the site.

Executive Summary

The Development Application (DA) is made pursuant to WLEP 2000, which permits development for the purposes of a *childcare centre* on land within the B2 Oxford Falls Valley Locality, known as *Category 3* development.

The existing childcare centre (application DA2006/0339 - construction of a childcare centre, associated outdoor play areas, car park and gardeners shed) was approved by Warringah Council on 27 November 2007, following an independent public hearing.

This application seeks to increase the number of children from 60 places to 108 places and the conversion of the existing cottage into a childcare centre for 0 – 2 years with associated decking and softplay area. The existing garden shed will be converted into an art workroom and a new outdoor playground will be provided. Five (5) additional parking spaces will be provided which will increase available parking from 24 to 29 spaces on site.

The development is “Integrated Development” and requires separate approval pursuant to 100B of the *Rural Fires Act 1997*.

The assessment of the proposal has determined that the increase from 60 children to 108 children (80% increase) is excessive and not consistent with the Desired Future Character statement for the B2 Locality.

Council has considered whether the proposal would be *low impact and low intensity* in regards to the use and the location of the site. This assessment concludes that the proposal should be limited to 90 places.

The Applicant was advised that an increase to 90 places was supportable, and this number was agreed to.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposal will satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

This report is presented to the panel to undertake an Independent Public Hearing and provide their findings and recommendations to Council for the determination.

SITE DESCRIPTION

The subject site is identified as Lot 1039 in DP 752038 and is known as Lot 1039 Oxford Falls Road, Oxford Falls. The subject site is located on the south-western side of Oxford Falls Road, west of the intersection of Spicer Road and Oxford Falls Road.

The site is triangular in shape, has an area of 2.089ha and has a frontage of approximately 255m to Oxford Falls Road. Access to the site is via two (2) separate driveways from Oxford Falls Road.

The site slopes from west to east with a fall of approximately 27m between the western boundary and eastern tip of the allotment.

The western portion of the site is steeply sloping and contains dense vegetation cover. The eastern portion of the site is mostly cleared, and contains a childcare centre building, stone cottage house, ancillary buildings and carpark.

The surrounding environment is of a non-urban/semi-rural character and generally comprises low intensity uses, with a majority of sites being undeveloped bushland and single dwelling houses on large allotments. Exceptions to this are the Christian City Church facility, Oxford Falls Grammar School and the Oxford Falls Industrial area.

The adjoining allotment to the south of the subject site contains a single dwelling and nursery.

SITE HISTORY

Development Application (DA2006/0339) was considered by the Independent Hearing & Assessment Panel hearing (IHAP) on the 10 November 2007 and approved by Council on the 27 November 2007 for the construction of a childcare centre, associated outdoor play areas, car park and gardeners shed.

During construction the applicant failed to comply with various conditions of consent. An Order dated 9/4/2009 was placed on the Applicant to rectify those issues identified by Council's Compliance Team.

Prelodgement Meeting (PLM2017/0009) was held with Council, the applicant and project manager on the 23 February 2017 for the alterations and additions to an existing childcare centre and an increase in the number of children from 60 to 128.

The applicant was advised as follows:

*"Council does not support the substantial increase in the number of children from 60 to 128 given the concerns regarding inconsistency with the Desired Future Character Statement, particularly **"low intensity and low impact"** requirements. Further, it is noted that Council's Traffic Engineer is not supportive of the proposed increase, given the location of site within the proximity of Wakehurst Parkway and Oxford Falls Road (west) and the additional traffic using that intersection, which is already an accident black-spot.*

Council may consider a marginal increase in the numbers over the existing approved number of 60 children, however, the issues of Desired Future Character and Traffic still need to be thoroughly investigated and addressed prior to lodging any future applications to Council."

BACKGROUND FOR APPLICATION

The development application was originally lodged as an “Existing Category 3 Development” under Clause 16 of WLEP 2000.

However, an increase in the children numbers by 80% cannot be considered to be of a “minor nature” and changes the scale, size and degree of the building and land-use.

The Applicant was advised to amend the application, including the Statement of Environment Effects. Subsequently, the development application was then re-advertised and the re-notification of the application was undertaken. The application (as amended) is being assessed under Clause 15 of the WLEP 2000.

Council has approved two other childcare centres in the B2 Oxford Fall Locality under the WLEP 2000 with a maximum of 90 places, these being 198 Forest Way, Belrose and 214 Forest Way, Belrose.

It is noted that there are a number of similarities between this current application and the two above-mentioned examples, namely the number of child places (90 places), the hours of operations, compliant carparking, and the fact both sites are bushfire prone land with wastewater being treated onsite.

PROPOSED DEVELOPMENT

The proposal seeks development consent for alterations and additions, and an additional 48 childcare places within the existing childcare centre.

The proposal as lodged development involves:

- Alterations and additions to the existing building known as the ‘stone cottage’ for use by 0-2 year old child places;
- Alterations to the existing ‘storage shed’ building and use as an education space for arts and crafts;
- Use for 48 additional child places;
- 5 additional car parking spaces;
- Creation of ‘outdoor playground 3’

AMENDMENTS TO THE SUBJECT APPLICATION

- a) 4 July 2018 – A Bushfire Risk Assessment by Bushfire Consultancy Australia dated 28 March 2018 was submitted.
- b) 9 October 2018 – A Wastewater Management Report by Strategic Engineering & Engineering Consulting dated 8 October 2018 including Onsite Wastewater Management System by Simmat and Associates Pty Ltd dated November 2011 and (Copy of Council letter) Approval to Operate On-Site Sewage Management System dated 18 September 2018 (Approval Number WW00759) was

submitted to Council.

- c) 12 December 2018 - Wastewater Management Report by Strategic Engineering & Engineering Consulting dated 12 December 2018 including Onsite Wastewater Management for Existing Pre-School prepared by Strategic Engineering & Engineering Consulting dated 7 May 2018 was submitted to Council.
- d) 9 April 2019 – An amended Statement of Environmental Effects by BBF Town Planners dated April 2019 addressing Clause 12 and Clause 15 of the Warringah Local Environmental Plan 2000 (WLEP 2000), to demonstrate consistency with the Desired Future Character (DFC) for the B2 Oxford Falls Locality, as well as addressing Schedule 15 and Clause 15 of WLEP 2000 was submitted to Council.
- e) 21 June 2019 – An agreement between the applicant and Council to the reduction of the proposed number of children from 108 to 90 places (demonstrating consistency with the approvals at 198 Forest Way, Belrose and 214 Forest Way, Belrose) was undertaken.

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979);
- b) Environmental Planning and Assessment Regulations 2000;
- c) Rural Fires Act 1997 (RFA 1997);
- d) State Environmental Planning Policy No 55 – Remediation of Land
- e) Warringah Local Environment Plan 2000;
- f) Warringah Development Control Plan;
- g) Section 94A Development Contributions Plan; and
- h) State Environmental Planning Policy (Infrastructure) 2007

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (Amendment adopted 27 June 2017).

As a result, the application was notified to nine (9) adjoining land owners and occupiers for a period of 14 calendar days commencing on 6 June 2018 and being finalised on 23 June 2018. The DA was re-notified on 23 April 2019 and finalised on the 11 May 2019.

The application was advertised within the Manly Daily on 27 April 2019 and a notice was placed upon the site.

As a result of the public exhibition process, Council received one (1) individual submission from:

Submission Received	Address
Barry and Glynnis Condon	No. 1 Spicer Road, Oxford Falls

The matters raised within the submissions are addressed as follows:

- ***Increase in the Number of Childcare***

Comment: The concerns relating to increased numbers of children and staff within the childcare centre (108 children and 20 staff) are concurred with. In order to address the concerns in relation to the Desired Future Character Statement, in particular the requirement to be “low intensity and low impact”, it is recommended that a condition to limit the number of children to 90 be imposed.

Given the above, it is considered that issue has been addressed and does not warrant any further reduction in the number nor refusal of the application.

- ***Increased Traffic***

Comment: Concerns were raised relating to the potential increase in traffic along Oxford Falls Road (West) associated with an increase in children and staff numbers.

The application was referred to Council's Traffic Engineer who raised no objections to the proposal subject to conditions.

A condition will be imposed for an decrease in the number of children by 30 places from 60 children to 90 children. Therefore, the number of vehicle movements per hour will be considerable lower than anticipated.

Additionally, the parking rate of 1 space per 4 children is satisfied by the existing of 24 spaces on site. The proposal also increases the proposed parking onsite to 29 spaces, which is a surplus of 6 car parking spaces.

Given the above, this issue does not warrant refusal of the application on traffic safety grounds.

- **Increased Noise**

Comment: Concerns were raised in regards to the methodology and timing of the Noise Impact Assessment submitted with the application. The noise monitoring was undertaken from the 25th to the 29th of December 2017. There is concern that this time period is when the existing centre was either closed or operating at a low patronage/usage (given the time of year).

However, the timing is explained within the Noise Impact Assessment Report as follows: -

“This Noise Impact Assessment will assess the potential noise generated from the site (including the 108 children) and evaluate its impact at the surrounding residential receivers. This assessment will consist of measuring the background noise of the site whilst the centre is not operating to establish the noise criteria. Acoustic modelling will be undertaken to predict the noise emissions from the site (children, mechanical ventilation system and traffic noise from the parking lot). The predicted and measured noise emissions from the site will determine whether noise control is required.”

It was noted that the nearest noise receivers to the childcare centre were the adjoining properties at 1 Spicer Road, Lot 1041 Oxford Falls Road and Lot 1040 Oxford Falls Road.

As concluded within the report, it is predicted that the noise levels will be below the Association of Australian Acoustic Consultants – Guideline for Child Care Centre Acoustic of 53 dB (A) by 11 dB (A) with a noise prediction of 42 dB (A) at 1 Spicer Road. See figure 1 below.

5.2 Outdoor Play Area (AAAC’s Guideline for Child Care Centre Acoustic Assessment)

Table 5.2 – Predicted noise levels of the Child Care Centre at nearby receivers over a 15-minute period.

Address	Noise Source	Assessment Period	AAAC Criteria	Noise Prediction dB(A) <small>L_{Aeq}, 15 minute</small>	Complies
1 Spicer Rd R1	• 40 x 0-2s (Soft Playground + Deck)	Daytime (7:00 – 18:00)	53	42	✓
1041 Oxford Falls Rd R2	• 20 x 3-5s (Outdoor Playground 1)			39	✓
1040 Oxford Falls Rd R3	• 20 x 2-3s (Outdoor Playground 2)			45	✓
	• 28 [(10 x 2-3s) + (18 x 3-5s)] (Outdoor Playground 3)				

Figure 1 – Predicted Noise Level based on 108 Children

Given the recommendation within the assessment report for a limit of 90 children, the noise emissions will therefore be lower than predicted in the above table and continue to remain compliant with the criteria.

Under Section of the 6.3 Noise Management Report, the following recommendations were made by the acoustic consultant:

“Programs should be made publicly available to parents and neighbours.

- *Contact phone number for the centre’s director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the centre.*
- *Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children. This includes:*
 - *No door slamming*
 - *Do not raise voices at the front of the centre*
 - *Vehicles should not be idling on site*
- *Crying children should be taken inside the centre and comforted.*
- *Doors and windows of the indoor playroom may need to remain closed during high noise level activities.*
- *Carers should be educated to control the level of their voice while outside.*
- *Amplified music may need to be avoided to meet the noise criteria.”*

Accordingly, the amended proposal for a cap of 90 children is considered to be satisfactory with regard to preserving the local acoustic amenity and does not warrant refusal of the application.

- ***Sewerage disposal (Waste Water Management)***

Comment: Issues were raised in regards to insufficient detail within the report for the onsite waste water management provided by Strategic Environmental and Engineering Consulting dated May 2018.

It was agreed with that the information supplied with the development application was insufficient for Councils Environmental Health Officer to determine if the existing system was capable of satisfying the additional numbers of children and staff.

On 9 October 2018, a revised reports including an Onsite Wastewater Management System by Simmat and Associates Pty Ltd dated November 2011 and an Approval to Operate On-Site Sewage Management System dated 18 September 2018 was submitted to Council.

However, the revised reports were insufficient for a complete assessment by Councils Environmental Health Officer to be undertaken.

On 12 December 2018, a further revised report was submitted to Council.

Based on the revised report dated 12 December, 2018, the Environmental Health Officer was satisfied, subject to condition(s), that the waste water system is adequate to accommodate an increase in the children's numbers to 90.

In addition, concerns were raised about the noise and smell from the septic system.

It is acknowledged that Council has never received an official compliant in relation to the noise or smell of the onsite waste management system.

A condition will be imposed for additional sound proofing to be installed to address any potential acoustic impacts.

In regards to the potential odour, the site is located within a valley and majority of properties in this location are reliant on onsite wastewater management. At times there may be associated by products (emissions) which are unavoidable (based on temperature(s), climatic conditions and prevailing winds).

Given the above, it is considered that the sewerage management for the proposed development has been adequately addressed and this matter is not considered to warrant refusal of the application subject to condition(s).

- ***Bushfire Report***

Comment: A bushfire report did not accompany the application when lodged with Council.

Council contacted the applicant and the Bushfire Risk Assessment by Bushfire Consultancy Australia, dated 28 March 2018 was lodged with Council on the 4 July 2018.

The report and associated plans were referred to the NSW Rural Fire Service for assessment. The Rural Fire Service issued their General Terms of Approval on 10 August 2018.

Therefore, this matter has been adequately addressed and does warrant refusal of the application.

MEDIATION

Has mediation been requested by the objectors?	No
Has the applicant agreed to mediation?	N/A
Has mediation been conducted?	No

LAND AND ENVIRONMENT COURT ACTION

Nil

REFERRALS

External Referrals

New South Wales Rural Fire Services (NSW RFS)

General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', have been issued subject to conditions included in the letter dated 10 August 2018 which will be included within the recommended conditions for approval.

Internal Referrals

Development Engineers

Recommended for approval, subject to conditions.

Environmental Health (Industrial Use and Unsewered Lands)

Recommended for approval, subject to conditions.

Traffic

Recommended for approval, subject to conditions.

Building Certification

No objections subject to conditions to ensure compliance with the Building Code of Australia.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent.</p> <p>Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information in relation to a Bushfire Report, Waste Water Management Report(s) and amended Statement of Environmental Effects and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is currently operating as a childcare centre. The application seeks to increase the

Section 4.15 'Matters for Consideration'	Comments
	<p>number of child places from 60 to 108, with alterations and additions to the cottage to accommodate 0-2 years childcare, a garden shed conversion to art workroom, an outdoor playground and the addition of 5 car parking spaces.</p> <p>Given the recommendation to reduce the childcare places from 108 to 90 children (as agreed by the Applicant), it is considered that the site is suitable for the proposed development.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 4.15 (1) (e) – the public interest	<p>No matters have arisen that would justify the refusal of the application in the public interest.</p> <p>In this regard, the reduction to from 108 places to 90 places renders the proposal being a suitable size, scale and intensity such that the application satisfactorily addressed the resident and Council concerns in relation to the Desired Future Character, traffic, noise and waste.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS:

Warringah Local Environmental Plan 2011 (“Deferred Matter”)

The subject site falls within the land area of ‘deferred matter’ subject to future zoning considerations by the *NSW Department of Planning*. Previous advice from the Department remains consistent and Council has not been informed of any zoning change that has become recently “imminent” for the future incorporation of the subject land into Warringah LEP 2011.

Therefore, for the purposes of assessment, no further consideration of the provisions of WLEP 2011 is required.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI’s)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. The use of the site as Childcare Centre was approved under DA2006/0339 and all contamination issues were dealt with at that time.

State Environmental Planning Policy - Infrastructure

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool. The development application is not required to be referred to the electricity supply authority.

In this regard, the subject application is considered to satisfy the provisions of Clause 45 of SEPP Infrastructure.

SEPP Educational Establishments and Child Care Facilities 2017

Clause 23 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 stipulates that:

“Before determining a development application for development for the purposes of a centre-based child-care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.”

As previously outlined, this Development Application seeks to increase numbers of children places from 60 to 90 spaces (as conditioned), converting the existing cottage to childcare building for 0 – 2 years, converting the existing garden shed to art workshop, outdoor playground 3 and 5 additional parking spaces to increase total parking spaces to 29 spaces for the Oxford Falls Early Learning Centre.

As per the provisions of Clause 23, the provisions of the SEPP and the *Child Care Planning Guideline* are applicable to the application.

DESIGN QUALITY PRINCIPLES

Principle 1: Context

Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed childcare facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

Well-designed childcare facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.

Comment:

The proposed modified development will not impact the relationship within the context of the locality.

Principle 2: Built Form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.

Comment:

The proposal is to convert an existing single storey building into a childcare building and art workshop, five (5) additional open car parking spaces and outdoor playground area. The alterations and additions are relatively minor and consistent with the existing and desired future character of the surrounding area.

Principle 3: Adaptive Learning Spaces

Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.

Comment:

The proposed works to the buildings design and the internal fit-out will ensure high quality learning spaces that achieve a high level of amenity for children and staff.

The proposed works will provide a mix of inclusive learning spaces to cater for all students and different modes of learning.

Principle 4: Sustainability

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for

ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.

Comment:

The proposed development achieves a suitable level of sustainability and internal amenity.

Principle 5: Landscape

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Comment:

There will be a new soft play area adjacent to the new childcare building (0 – 2 years) and the new Outdoor Playground Area 3 adjacent to the art workshop ensuring adequate outdoor spaces for learning and amenity on the site in addition to the existing outdoor areas (Outdoor Playground 1 and Outdoor Playground 2).

Principle 6: Amenity

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.

Comment:

The proposed development achieves a high level of amenity in both the internal and external spaces.

Principle 7: Safety

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

Comment:

The proposed development is designed to achieve safety and security on the site.

The following table is an assessment against the criteria of the 'Child Care Planning Guideline' as required by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

Objectives	Criteria/Guidelines	Comments
3.1 Site selection and location		
C1 To ensure that appropriate zone considerations are assessed when selecting a site	For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none">• the acoustic and privacy impacts of the proposed development on the residential properties• the setbacks and siting of buildings within the residential context• traffic and parking impacts of the proposal on residential amenity.	Complies The approved Childcare Centre is situated in a non-urban locality, however, there are dwelling-houses nearby, which are a permissible use within the B2 Locality. The proposal will alter the approved number of children from 60 to 90 (via condition). It is considered that imposed conditions will ensure reasonable levels of acoustic amenity can be maintained for adjoining and surrounding

		<p>residential properties.</p> <p>The siting of the existing buildings and proposed alterations to the existing cottage (childcare building 0 – 2 years) and garden shed (art workshop) maintain reasonable spatial separation to adjoining/surrounding properties.</p> <p>A traffic and parking report was submitted with the application to support the increase in children numbers and additional parking spaces. Councils Traffic Engineers raised no objections to the proposal.</p>
<p>C2 To ensure that the site selected for a proposed child care facility is suitable for the use</p>	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether 	<p>Complies</p> <p>It is noted that the site has had an approved childcare centre operating for 4 years. The suitability of the site was addressed during the original development application</p>

		assessment.
		In relation to the intensification of the use, a bushfire report was lodged
	hazardous materials remediation is needed	
	<ul style="list-style-type: none"> the characteristics of the site are suitable 	<p>with the application and NSW Rural Fire Service has reviewed the submitted Bushfire Report and granted General Terms of Approval. These General Terms of Approval will be included within the conditions of consent.</p>
	for the scale and type of development proposed having regard to:	
	<ul style="list-style-type: none"> size of street frontage, lot configuration, dimensions and overall size number of shared boundaries with 	
		<p>Additionally, the existing wastewater system is capable of handling the increased number of children and staff.</p>
		<p>The traffic and noise impacts are satisfactory.</p>
	residential properties	
	<ul style="list-style-type: none"> the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use there are suitable drop off and pick up areas, and off and on street parking the type of adjoining road (for example 	

	classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	
<i>C3 To ensure that sites for child care facilities are appropriately located</i>	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>Complies</p> <p>The siting of the development was found to be adequate in the original application . The current proposal will not alter the siting of the existing development.</p>
<p><i>C4 To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazard</i></p>	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites 	<p>Complies</p> <p>The current proposal will not alter the siting of the existing development.</p> <p>Councils Environmental Health Officer has assessed the application in regards to any potential odour, noise and wastewater issues and is satisfied that these matters have been adequately addressed.</p>

	<ul style="list-style-type: none"> - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses 	
3.2 Local character, streetscape and the public domain		
<i>C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape</i>	<p>The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. 	<p>Complies</p> <p>The proposal will not significantly modify the existing development viewed from the street. The proposal will retain the sites compatibility with local character and surrounding streetscape.</p>
<i>C6, C7, C8 To ensure clear delineation between the child care facility and public spaces</i>	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing. 	<p>Complies</p> <p>The proposal will provide a clear interface between the public and private realms.</p>
	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Complies</p> <p>The proposal provides separate access for the main building (existing childcare centre), new childcare building (0 – 2 years) and art workshop. In addition the entry to</p>

		the facility will be clearly legible.
	Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 	Not applicable.
C9, C10 To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.	Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Complies The existing front fences/walls are setback and of a permeable design.
	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary	Not applicable.
3.3 Building orientation, envelope and design		
C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade	Orient a development on a site and design the building layout to: <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties 	Complies The proposed new childcare building (0 – 2 years) and art workroom will minimize potential noise and amenity impacts due to their location on the site.

	<ul style="list-style-type: none"> - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	The new Outdoor Playground No. 3 will be protected from wind and other climatic conditions.
<i>C12 To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised</i>	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. 	<p>Complies</p> <p>The proposal will not alter the scale/form of the existing development on the site as works are converting an existing building to a childcare centre building (0 – 2 years) and art workshop.</p>
<i>C13, C14 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</i>	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	<p>Complies</p> <p>The new childcare facility (0 – 2 years) will be positioned 22m from Oxford Falls Road (west).</p>

	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Not applicable
<i>C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character</i>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	<p>Complies</p> <p>The proposal will demonstrate compliance with the existing built form, demonstrate articulation and be of a scale that is consistent within the local area.</p> <p>The development on the site suitably relates to the context of the site and the character of the area.</p>
<i>C16 To ensure that buildings are designed to create safe environments for all users</i>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Complies</p> <p>The facility allows for ease of access directly from Oxford Falls Road (west). The entry is clearly visible from the street frontage, and is simply monitored through natural or existing camera surveillance.</p>
<i>C17 To ensure that child care facilities are designed to be accessible by all potential users</i>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and 	<p>Complies</p> <p>The centre provides accessible access from the Oxford Falls Road (west) to the built form and to the carpark areas.</p>

	<p>within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</p> <ul style="list-style-type: none"> • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	
3.4 Landscaping		
C18, C19 To provide landscape design that contributes to the streetscape and amenity	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Complies</p> <p>The proposal will increase areas of landscaping, with the addition of Outdoor Playground No. 3.</p>
	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	<p>Complies</p> <p>The proposed additional 5 parking spaces will be incorporated and surrounded by existing landscaping.</p>
3.5 Visual and acoustic privacy		
C20, C21 To protect the privacy and security of children	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not applicable.

<i>attending the facility</i>	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>Complies</p> <p>The indoor rooms are not visible from the street.</p>
<i>C22 To minimise impacts on privacy of adjoining properties</i>	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>Complies</p> <p>The proposal will not result in direct overlooking.</p>
<i>C23, C24 To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments</i>	<p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>Not applicable</p>
	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>Complies</p> <p>The proposal is accompanied and supported by an Acoustic Assessment Report by EMS Acoustic Consultants in response to this requirement.</p> <p>The recommendations within the Acoustic Assessment Report in particular (Recommendation) Part 6.1 Noise Controls, Part 6.2</p>

		Construction Recommendations and Part 6.3 Noise Management will be incorporated within the recommended conditions of the consent.
3.6 Noise and air pollution		
<p>C25 To ensure outside noise levels on the facility are minimised to acceptable levels</p> <p>C26 Acoustic report for appropriate levels for sleeping areas and other non play areas/ impacts.</p>	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources 	<p>Complies</p> <p>The proposed childcare centre (0 – 2 years) and art workshop demonstrate adequate physical separation to existing buildings on the site and to adjoining/surrounding dwellings.</p> <p>Additionally, the recommendations within the Acoustic Assessment Report by EMS Acoustic Consultants will minimise noise transmissions/sources.</p>

	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 	<p>Complies</p> <p>The proposal is accompanied and supported by an Acoustic Assessment Report by EMS Acoustic Consultants in response to this requirement.</p> <p>The recommendations within the acoustic assessment report in particular (Recommendation) Part 6.1 Noise Controls, Part 6.2 Construction Recommendations and Part 6.3 Noise Management will be incorporated within the recommended conditions.</p>
<p><i>C27 To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development</i></p> <p><i>C28 Air Quality Assessment</i></p>	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>Not applicable, no change to siting.</p>
	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p>	<p>Not applicable.</p>

	<p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	
3.7 Hours of operation		
<i>C29, C30 To minimise the impact of the child care facility on the amenity of neighbouring residential developments</i>	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	Not applicable, no change to hours of operation
	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Not applicable
3.8 Traffic, parking and pedestrian circulation		
<i>C31, C32, C33 To provide parking that satisfies the needs of users and demand generated by the centre</i>	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p>	<p>Complies</p> <p>The existing operation provides 24 parking spaces on-site. The proposal provides for an additional 5 parking spaces, increasing the parking on site to 29 parking spaces.</p>

	<p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>Councils Traffic Engineer has reviewed the Traffic Report submitted with the application and is satisfied that the proposal will result in safe traffic conditions.</p>
	<p>In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>Not applicable</p>

	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	<p>Complies</p> <p>The Traffic and Parking Report demonstrated that the proposal will not result in unreasonable amenity or traffic safety impacts in the locality.</p> <p>Councils Traffic Engineer has reviewed the Traffic Report submitted with the application and is satisfied that the proposal will result in safe traffic conditions.</p>
<p>C34, C35 To provide vehicle access from the street in a safe environment that does not disrupt traffic flows</p>	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 	Not applicable.
	<p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	Not applicable.

<p>C36, C37, C38 To provide a safe and connected environment for pedestrians both on and around the site</p>	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. 	<p>Complies</p> <p>The pedestrian access is of a suitable design to ensure a safe pedestrian environment.</p>
	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not applicable.</p>

	<p>Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 	<p>Complies</p> <p>The parking is suitable to service the facility including disabled parking spaces near the entrance of the childcare centre.</p>
--	---	--

APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

Regulation	Design Guidance	Comments
4.1 Indoor space requirements		
<p>Regulation 107 Education and Care Services National Regulation</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> • passageway or thoroughfare (including door swings) used for circulation • toilet and hygiene facilities • nappy changing area or area for preparing bottles • area permanently set 	<p><i>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</i></p> <p>Verandahs as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.</p> <p>Storage Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space. <p>Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.</p> <p>Storage of items such as prams, bikes and</p>	<p>Complies</p> <p>This clause requires 3.25sqm of unencumbered indoor space for each child.</p> <p>The proposal will be conditioned to 90 children and will therefore require 292.5sqm of unencumbered indoor space (in total).</p> <p>The applicant supplied the following: -</p> <p><u>Child-care area calculations</u></p> <p><u>Unencumbered Areas</u> (i) Playrooms existing 379.2sqm</p> <p>(ii) Outside covered areas 177.9sqm</p>

<p>aside for the use or storage of cots</p> <ul style="list-style-type: none"> • area permanently set aside for storage • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p>	<p>scooters should be located adjacent to the building entrance.</p> <p>Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.</p>	<p>(iii) Playroom 77.8sqm</p> <p>(iv) Art Workroom 86.2sqm</p> <p>Total Unencumbered 721.1sqm</p> <p>A site inspection was completed. It has been concluded that the covered areas cannot be included in the calculation. Therefore, the unencumbered areas is actually 543.2sqm, which is compliant with this requirement.</p> <p>Storage 27sqm of external storage and 18sqm of internal storage is required.</p> <p>The existing childcare centre has sufficient area for internal storage demonstrating compliance.</p> <p>External storage is addressed via the shed located</p>
---	---	--

<p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs.</p> <p>Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>		<p>on site (north of the proposed art workshop) which demonstrates compliance.</p>
--	--	--

4.2 Laundry and hygiene facilities		
<p>Regulation 106 Education and Care Services National Regulation</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that</p> <p>does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p><i>The proposed development includes laundry facilities or access to laundry facilities.</i></p> <p>Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.</p> <p>On site laundry On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning <p>• an on site laundry cannot be calculated as usable unencumbered play space for children.</p> <p>External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p>Complies The proposal includes laundry facilities that of an adequate size to service the facility.</p>
4.3 Toilet and hygiene facilities		
<p>Regulation 109 Education and Care Services National Regulation</p>	<p><i>The proposed development includes adequate, developmentally and ageappropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</i></p>	<p>Complies The proposal provides suitable toilet facilities to each of the playrooms within the childcare centre.</p>

<p>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	
4.4 Ventilation and natural light		
<p>Regulation 110 Education and Care Services National Regulation</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p>	<p><i>The proposed development includes indoor spaces to be used by children that:</i></p> <ul style="list-style-type: none"> • <i>will be well ventilated; and</i> • <i>will have adequate natural light; and</i> • <i>can be maintained at a temperature that ensures the safety and well-being of children.</i> <p>Ventilation</p> <p>Good ventilation can be achieved through a mixture of natural cross ventilation and air</p>	<p>Complies</p> <p>The proposal demonstrates that access to natural light and ventilation within the facility is achieved.</p>

<p>Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.</p> <p>To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p>Natural light</p> <p>Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations • using skylights as appropriate • ceiling heights. <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.</p>	
--	---	--

4.5 Administrative space		
<p>Regulation 110 Education and Care Services National Regulation</p> <p>A service must provide adequate area or areas</p> <p>for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p><i>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</i></p> <p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot. Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>	<p>Complies</p> <p>The existing childcare facility includes a dedicated office and meeting room in close proximity to the entrance.</p>

4.6 Nappy change facilities		
<p>Regulation 112 Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p>	<p><i>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</i></p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area • a space to store steps • positioning to enable supervision of the activity and play areas. 	<p>Complies</p> <p>The proposed childcare centre additions for the 0 - 2 years age group will include adequate nappy change facilities and appropriate hand cleansing facilities (i.e. a double sink within the nappy change room).</p>
4.7 Premises designed to facilitate supervision		
<p>Regulation 115 Education and Care Services National Regulations</p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p>	<p><i>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</i></p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> • solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision • locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties • avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children • avoiding multi-level rooms which 	<p>Complies</p> <p>The facilities within the childcare centre are of a suitable design to ensure supervision of children at all times while maintaining the dignity and rights of the child.</p>

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.	compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities	
4.8 Emergency and evacuation procedures		
<p>Regulations 97 and 168 Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. 	<p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. <p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> • the mobility of children and how this is to be accommodated during an evacuation • the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings • how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios. 	<p>Complies</p> <p>The proposal will not alter the emergency or evacuation procedures at the centre.</p>

4.9 Outdoor space requirements		
<p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being</p>	<p><i>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</i></p> <p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play.</p> <p>When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p>Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements <p>Simulated outdoor environments Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.</p> <p>A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.</p> <p>Simulated outdoor space must be provided</p>	<p>Complies</p> <p>This clause requires 7sqm of unencumbered outdoor space for each child.</p> <p>The proposal will be conditioned to 90 children and therefore require 630sqm of unencumbered outdoor space (in total).</p> <p>The applicant supplied the following: -</p> <p>Child-care area calculations</p> <p><u>Outdoor playgrounds</u></p> <p>Playground 1 – Existing 309sqm</p> <p>Playground 2 – existing 291sqm</p> <p>Playground 3 – proposed 630sqm</p> <p>Playground 4 – cottage deck 57sqm</p> <p>Playground 5 - cottage soft play 38sqm</p> <p>Total Playgrounds 1325sqm</p>

<p>educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>in addition to indoor space and cannot be counted twice when calculating areas.</p> <p>Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:</p> <ul style="list-style-type: none"> • more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility • skylights to give a sense of the external climate • a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment • sand pits and water play areas • furniture made of logs and stepping logs • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks vegetable gardens and gardening tubs. 	<p>The proposal demonstrates compliance.</p>
---	--	--

4.10 Natural Environment		
<p>Regulation 113 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	<p><i>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</i></p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</p> <p>Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • assist supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 	<p>Complies</p> <p>The existing Outdoor Playground 1 and Outdoor Playground 2 plus the proposed Outdoor Playground 3, new childcare centre facility for 0 - 2 years deck and soft play area will ensure compliance.</p>

4.11 Shade		
<p>Regulation 114 Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p><i>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</i></p> <p>Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.</p> <p>Solar access Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall well-being. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p> <ul style="list-style-type: none"> • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. <p>Natural shade Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be</p>	<p>Complies A covered pergola over the soft play area for the new childcare centre (0 - 2 years), including the existing covered external play areas adjacent to outdoor playground 1 and outdoor playground 2.</p> <p>Solar access will be available to each building and associated outdoor playground areas.</p> <p>Natural shade is available via trees within each outdoor playground areas.</p>

retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.

Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath. Planting for shade and solar access is enhanced by:

- placing appropriately scaled trees near the eastern and western elevations
- providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.

Built shade structures

Built structures providing effective shade include:

- permanent structures (pergolas, sails and verandahs)
- demountable shade (marquees and tents)
- adjustable systems (awnings)
- shade sails.

Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing.

Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.

4.12 Fencing		
<p>Regulation 104 Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code</p>	<ul style="list-style-type: none"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure. <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>Complies</p> <p>Suitable fencing will be required and conditioned around the new deck and soft play area and the outdoor playground areas.</p>

4.13 Soil Assessment

Regulation 25

Education and Care Services National Regulations

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

With every service application one of the following is required:

- a soil assessment for the site of the proposed education and care service premises if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken
- 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

To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.

Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:

- the application is to alter or extend the premises
- the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre)
- the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed
- a soil assessment has not been undertaken at the children's service.

Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.

An assessment of soil for a children's service approval application may require three levels of investigation:

- Stage 1 - Preliminary investigation (with or without soil sampling)
- Stage 2 - Detailed site investigation
- Stage 3 - Site specific human health risk assessment.

Complies

A report was lodged with the application from SESL Australia and stated the following:-

"This sample collected by SESL from Lot 1039, Oxford Falls Rd, Oxford Falls was analysed to determine the contamination status of the imported fill material for the proposed child care centre development. Samples were collected from surface soil within the proposed development area.

The results were compared against the National Environment Protection Amendment Measure (NEPM 2013) Heath Investigation Levels for Residential A (HIL- A), which is the most appropriate criteria for standard residential with garden/accessible soils including children's day care centres, pre-schools and primary schools.

All results were within the adopted thresholds. Therefore SESL concludes that based on this limited assessment, the surface soil does not indicate potential contamination.

		<p><i>Please note that this report is an interpretation of the results for this sample collected and does not represent a complete site investigation. In the event that potentially contaminated material is encountered during site works, a Contamination Site Investigation as per Schedule B2 of NEPM 2013 must be undertaken to comprehensively assessed the site."</i></p>
--	--	---

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character

The subject site is located within the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

"The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new houses conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon."

The proposal involves an enlargement and intensification of existing approved "Child Care Centre" as defined under the WLEP 2000. Under the B2 Oxford Falls Valley Locality "Child Care Centres" are a Category 3 land use.

Clause 12(3)(b) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the desired future character statement (DFC) under the relevant locality statement.

Accordingly, an assessment of consistency of the proposed development against the locality's DFC is provided hereunder:

Requirement: “The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.”

Comment: The existing childcare centre was assessed as being consistent with the present character of the Oxford Falls Valley Locality under the original Development Application. The current proposal maintains that consistency.

Requirement: “Future development will be limited to new houses conforming with the housing density standards set out below and low intensity, low impact uses.”

Comment: The childcare centre is approved use is approved use, having been assessed as a “low intensity, low impact use” with a maximum of 60 children. The current application to increase the centre capacity to 90 children will maintain the low intensity, low impact nature of the use, having regard to the following:

- a) The total of maximum of 90 children is consistent with other childcare centre approvals in the non-urban localities.
- b) The increase in noise associated with the higher number of children has been assessed as satisfactory.
- c) The increase in traffic movements associated with the higher number of children, to and from the site and the impact on nearby intersections has been assessed as satisfactory.
- d) The enlargement of the centre utilities and modifications to the existing building(s) on site, maintain an acceptable level of built form.
- e) The increase in the car parking spaces and associated minor loss of landscaped area to accommodate these additional spaces, will continue to maintain compliance with the landscaped area control and the landscaped character of the site.
- f) The visual impact of the proposal will be negligible due to the adaptive re-use of the existing built form and the minor loss of landscaping.

The proposal is therefore consistent with the requirement of the DFC.

Requirement: “There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.”

Comment: The proposal involves a change of use of an existing building and an increase in children numbers. Therefore, this requirement is not relevant.

Requirement: *“The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services.”*

Comment: The change of use of the existing structures (cottage and garden shed conversion), new Outdoor Playground 3 and 5 new carparking spaces will not disturb any significant vegetation or landforms. The site of the new playground is presently characterised by a weedy vegetation. The proposal is therefore consistent with the requirement of the Desired Future Character.

Requirement: *“Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.”*

Comment: External façade, roof colours, materials and finishes have been conditioned to be of muted bushland tones to ensure that the external colours complement with the colours of the natural landscape. The proposal will be conditioned to ensure consistency with this requirement.

Requirement: *“Development in the locality will not create siltation or pollution of Narrabeen Lagoon.”*

Comment: Conditions have been applied to ensure that development in the locality will not create siltation or pollution of Narrabeen Lagoon.

As detailed above, the proposed development is considered to be consistent the desired future character for the B2 Oxford Falls Valley Locality.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Standard	Required	Proposed	Compliance
Housing Density	1 Dwelling per 20ha	1 dwelling existing – unchanged	Unchanged
Building Height	7.2m (ceiling)	Cottage (3m) Art Room (3.1m)	Unchanged Unchanged
	.5m (overall building height)	Cottage (5.2m) Art Room (5.4m)	Unchanged Unchanged
Front Building Setback (Primary – Oxford Falls Road)	20m	4.7m (5 new open carparking spaces)	No (see discussion)

Built Form Standard	Required	Proposed	Compliance
		22m (new deck addition to Cottage)	Complies
Front Building Setback (secondary)	10m	79.2m (new art workshop) – existing	Complies
Side Setback	10m	25.1m (art workshop)	Complies
Landscaped Open Space	30%	86%	Complies

The proposed development does not satisfy the Locality's Front Setback (primary) Built Form Control. Accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with of the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly, the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

Front Building Setback

Requirement: "Development is to maintain a minimum front building setback. The minimum front building setback is 20 metres.

Front Setback	Oxford Falls Road - 20m	4.7m – 16.3m	NO*
---------------	-------------------------	--------------	-----

Area of inconsistency with control:

The five (5) proposed new open carparking spaces are non-compliant, being located 4.7m setback from the front northern boundary.

Merit Consideration of Non-compliance:

Consideration of the proposal against the relevant merit considerations is detailed below:

- *Maintain the visual continuity and pattern of buildings, front gardens and landscape elements*

Comment: The proposed additional parking spaces will be located behind the existing 3m – 4m high heavily screen vegetation fronting Oxford Falls Road. The vegetation will act as a screening device to ensure the development is not visually dominant.

- *Minimise the impact of development on the streetscape*

Comment: The at-grade carparking spaces will not impact on the streetscape due to the existing tree screening which is to be retained as part of this proposal.

- *Create a sense of openness*

Comment: As stated above, the additional open style parking spaces are at ground level, open and located behind a large and dense screening vegetation. It is considered that these spaces maintain a sense of openness.

- *The provision for corner allotments relates to street corners.*

Comment: The site is a corner site by virtue of it having a frontage to Oxford Falls Road (west) and unnamed Crown Road running along the western edge of the property. The corner provision is not relevant to this variation.

Therefore, it is considered that the proposal will satisfy this merit consideration.

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). In addition, the proposal is considered to be consistent with the underlying objectives of the Front Setback Built Form Control.

It is for these reasons, that the variation to the Front Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

General Principles of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principal	Applies	Comments	Complies
CL38 Glare & reflection	Yes	The Development does not result in overspill or glare from artificial illumination, or sun reflection, and does not unreasonably diminish the amenity of the locality. Suitable condition(s) will ensure the development is satisfactory in addressing the General Principle.	Yes, subject to condition(s)
CL42 Construction Sites	Yes	Appropriate standard conditions would adequately address the construction requirements associated with the use proposed on the site.	Yes, subject to condition(s)
CL43 Noise	Yes	<p>The location of the proposal on the allotment in relation to nearby residential premises is considered to provide adequate physical separation to ensure a reasonable acoustic environment. The existing hours of operation of the child care centre (6am to 6pm) are also considered to be reasonable in providing adequate acoustic amenity to surrounding residents.</p> <p>As a result of the above, the development is not considered to result in unreasonable levels of noise emission, which would unreasonably diminish the amenity of the area and will not result in noise intrusion, which would be unreasonable to surrounding residents.</p> <p>Conditions will be imposed limiting student numbers to a maximum of 90 children a reduction from the proposed 108 children. In addition the recommendations of the Noise Impact Assessment by Environmental Monitoring Services dated 22 February 2018 will be included with the recommended conditions.</p> <p>As such, subject to conditions the proposed development is considered to satisfy the provisions of the General Principle.</p>	Yes, subject to condition(s)
CL44 Pollutants	Yes	Conditions have been recommended to be imposed on any consent to ensure goods and services provided did not result in emissions of atmospheric, liquid or other pollutants, which	Yes, subject to condition(s)

General Principal	Applies	Comments	Complies
		would unreasonably diminish the amenity of adjacent properties, the locality or waterways and is therefore acceptable with regard to Clause 44.	
CL47 Flood Affected Land	No	Not Applicable	N/A
CL48 Potentially Contaminated Land	Yes	SEPP 55 and Clause 48 provide that the consent authority cannot grant development consent to an application unless it has considered whether the land is contaminated. The suitability of the site for a childcare centre use was assessed and determined as part of the original DA2006/0339. No further assessment is deemed necessary for the current proposal.	Yes
CL49 Remediation of Contaminated Land	Yes	See above comments	Yes
CL50 Safety & Security	Yes	The safety and security matters associated with childcare centre were assessed as part of DA2006/0339. No further assessment is deemed necessary.	Yes
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces	No	Not Applicable	N/A
CL53 Signs	Yes	No signage is proposed as part of this application.	N/A
CL54 Provision and Location of Utility Services	Yes	The General Principle provides that utility services must be provided to the site. In this regard, it is noted that the site is connected to water, gas, telecommunications and electricity. With regard to the provision of adequate sewerage disposal, the General Principle provides that habitable buildings must be connected to Sydney Water Corporation's sewerage system if within a locality where the density is one dwelling per 1,050m ² or greater with alternate arrangement permitted for other allotments subject to environmental conditions. The subject site provides a density of 1 dwelling for 2.089ha of land area which allows the development to provide an alternate sewerage disposal system. This will be required as the site is located in an area that is not connected to sewer, and there are no immediate or medium range plans for connection to the Sydney Water Corporation's sewerage system.	Yes

General Principal	Applies	Comments	Complies
		<p>The applicant submitted a Wastewater Management Strategy by SEEC Consultants which states that the increase from 60 to 90 children is suitable subject site in relation to the disposal of wastewater generated from the proposed use. Council's Environmental Health and Protection Officer has reviewed the proposal and is satisfied that there is suitable available land area for disposal of the estimated wastewater volumes generated by the proposed development. In addition, a condition has been recommended requiring that a Section 68 application to install the system be lodged with Council for assessment prior to the issue of a Construction Certificate.</p> <p>As such, sewerage disposal from the enlarged and intensified development is considered to be adequately addressed and is satisfactory with regard to the provisions of this General Principle.</p>	
CL56 Retaining Unique Environmental Features on Site	Yes	The proposed works will be undertaken to areas which have previously developed and therefore will not affect any unique environmental features on the property.	Yes
CL57 Development on Sloping Land	Yes	The proposal will be located predominantly over fill that has been provided and is relatively flat. Accordingly, the proposed works are considered satisfactory in terms of satisfying the intent of the general principle.	Yes
CL58 Protection of Existing Flora	Yes	<p>The General Principle provides "Development is to be sited and designed to minimise the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species."</p> <p>No tree removal is proposed as part of this development.</p>	Yes
CL59 Koala Habitat Protection	Yes	The site is larger than 1 hectare, however as stated previously the proposal does not removal any trees and therefore it is considered the development satisfactory in this regard.	Yes
CL60 Watercourses & Aquatic Habitats	Yes	The property is not affected by a watercourse or aquatic habitats.	Yes
CL61 Views	Yes	There are no views across this site, which would be impacted by the proposed development. Accordingly no unreasonable view loss or view obstruction will occur. The proposal is satisfactory in this regard.	Yes

General Principal	Applies	Comments	Complies
CL62 Access to sunlight	Yes	The development does not unreasonably reduce sunlight to surrounding properties. It is considered that reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle.	Yes
CL63 Landscaped Open Space	Yes	The landscaped open space provision for the site complies with the numerical requirements contained within Warringah LEP 2000. In addition, the proposal retains the existing established gardens and trees on site. Accordingly, the proposal is considered satisfactory in terms of landscaped open space.	Yes
CL65 Privacy	Yes	The Development does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining dwellings due to the separation between buildings and the current site settings. The proposed alterations and additions will not significantly or unreasonably affect the privacy of neighbouring or surrounding properties.	Yes
CL66 Building bulk	Yes	The proposal involves the adaptive re-use of the existing buildings and the upgrading of those buildings, which will improve the built form quality.	Yes
CL67 Roofs	Yes	The proposal involves re-roofing the cottage and shed for the adaptive re-use, which will improve the roof forms onsite.	Yes
CL69 Accessibility – Public and Semi-Public Buildings	Yes	All access points to buildings and circulation paths are consistent with providing access to less mobile persons. A condition could be contained within any consent to ensure compliance with AS 1428.	Yes, subject to condition
CL70 Site facilities	Yes	The site contains adequate space for general waste and recycling storage and is therefore considered acceptable in this regard.	Yes
CL71 Parking facilities (visual impact)	Yes	The additional five (5) carparking spaces are sited behind existing screen planting which ensures the carpark will not dominate the street frontage or other public spaces and is satisfactory in addressing the General Principle.	Yes
CL72 Traffic access & safety	Yes	Councils Traffic Engineer raised no objections to the proposal subject to conditions that could be contained within any consent.	Yes
CL73 On-site Loading and Unloading	Yes	The proposed development does not alter the existing loading and unloading arrangements of vehicles. Additionally, access to and from the site is maintained in a forward direction	Yes

General Principal	Applies	Comments	Complies
		ensuring compliance with this clause.	
CL74 Provision of Car parking	Yes	<p>Clause 74 stipulates that adequate off-street car parking is to be provided to serve a development and that the application must be assessed against the provisions of Schedule 17.</p> <p>The provisions of Schedule 17 provides car parking requirements for 'Child Care Centres' as follows:</p> <ul style="list-style-type: none"> 1 space for every 4 children <p>The proposed development (conditioned to 90 children) proposes the provision of 29 car parking spaces, which will exceed this requirement by 6 spaces thus ensuring the proposal satisfies the numerical requirements for off street car parking.</p> <p>Accordingly, the level of car parking spaces exceeds Council's requirements and is therefore considered to be consistent with regard to the provisions of Schedule 17 and Clause 74 of WLEP 2000.</p>	Yes
CL75 Design of Car parking Areas	Yes	Council's Traffic Engineer raised no objections to the proposal subject to conditions that could be contained within any consent.	Yes
CL76 Management of Stormwater	Yes	Council's Development Engineer has reviewed the application in this regard and indicated that there are no objections to the proposal subject to conditions.	Yes, subject to condition.
CL77 Landfill	Yes	The proposed development is located on fill which was the subject of previous compliance issues. The fill has been tested for contamination (ref. SEPP 55 and Clause 48 WLEP 2000 assessment) as part of the assessment of the original DA2006/0339. No further assessment is deemed necessary.	Yes
CL78 Erosion & Sedimentation	Yes	Erosion and sediment control measures are to be put in place during construction. The proposal is considered satisfactory with regard to erosion and sediment control principles under this clause.	Yes, subject to condition.
CL79 Heritage Control	No	The subject site is not defined as (or located) within the vicinity of any items of heritage significance or heritage conservation area, accordingly no further assessment with regard to heritage matters is required for this application.	Not Applicable

General Principal	Applies	Comments	Complies
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	No	The subject site is not located within the vicinity of any known or potential Aboriginal sites.	Not Applicable
CL81 Notice to Heritage Council	No	The existing buildings are not defined as items of heritage significance. Accordingly no consultation is required with the Heritage Council.	Not Applicable
CL82 Development in the Vicinity of Heritage Items	Yes	The subject site is not located within the vicinity of any items of heritage significance. Accordingly, no further assessment is required with regard to the provisions of Clause 82.	Yes
CL83 Development of Known or Potential Archaeological Sites	No	The subject site is not located within the vicinity of any known or potential archaeological sites	Not Applicable

SCHEDULES

Schedule 6 – Preservation of Bushland

Bushland In Urban Areas	Not applicable as the provisions as called upon within Clause 17(5) and Clause 36(3) only related to the preservation of bushland on public open space and regional open space.
-------------------------	---

Schedule 8 - Site analysis

1.1 Site Analysis	The details contained within the Statement of Environmental Effects, the survey and the architectural plans provide sufficient information to satisfy the requirements for a site analysis.
-------------------	---

Schedule 15 - Statement of Environmental Effects

Clause 15(1) of Warringah Local Environmental Plan 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

The applicant has submitted a Statement of Environmental Effects, prepared by BBF Town Planners dated April 2019, which address Schedule 15 of WLEP 2000. The following is provided having regard to these provisions, noting that the SEE is based on the original proposal for 108 children and when the applicant was based on “existing Category 3 development” basis. However, the change to address Clause 15 of the WLEP 2000, does not impact on the applicants arguments and justifications made in

the SEE.

Consideration	Proposed
(1) Summary of the Statement of Environmental Effects (SEE)	<p><i>With regard to Point 1 of Schedule 15 the applicant has provided the following:</i></p> <p><i>“The application seeks development consent for alterations and additions, and an additional 48 child care places, within the existing child care centre on the property at 1039 Oxford Falls Road West, Oxford Falls.</i></p> <p><i>The site is triangular in shape, of moderately sloping topography and has a significant area of approximately 20,890sqm.</i></p> <p><i>The childcare centre is an existing Category 3 land use. The proposal will result in minimal physical changes to the established development, is responsive to its context and compatible with the established local and desired future character.</i></p> <p><i>In summary, the proposal involves:</i></p> <ul style="list-style-type: none"> ▪alterations and additions to the existing building known as the ‘stone cottage’ for use for use by 0-2 year old child places; ▪alterations to the existing ‘storage shed’ building and use as an education space for arts and crafts; ▪use for 48 additional child places; ▪5 additional car parking spaces; ▪outdoor playground 3. <p><i>There are minimal external changes to the established building, landscaped areas, and car parking areas on the site. No change to signage is proposed. The proposed addition child places can be accommodated within the existing buildings on the site.</i></p> <p><i>The property has the physical and environmental capacity to accommodate the 48 additional child places, and this is demonstrated within this Statement of Environmental Effects and the accompanying expert assessment reports.”</i></p> <p><u>Comment:</u></p> <p>As previously discussed within this assessment report, Council could not support the proposal for 108 children as proposed by the applicant. It is considered that maximum of 90 children is appropriate and consistent with nearby childcare centres. These being 198 Forestway, Belrose (court approved) and childcare centre at 214 Forest Way, Belrose. Both facilities have a capacity of a maximum of 90 children within the</p>

Consideration	Proposed
	<p>Deferred Lands (WLEP 2000), with similar site and operation characteristics, being site area, child places (conditioned for this site), hours of operation, compliant car parking and on site waste water.</p> <p>The reduction in ,maximum child numbers is also supported by the recommendations of Councils Internal Referrals bodies (Environmental Health, Traffic and Development Engineers).</p> <p>Based on the above it is considered subject to conditioning the maximum number of children to 90 spaces, the proposal can be supported.</p>
(2) Consistency of the proposal with the desired future character statement and general principles of development control established by the plan.	<p>With regard to Point 2 of Schedule 15 the applicant has provided the following:</p> <p><i>“As detailed in Section 5 of this Statement of Environmental Effects, the proposed increase in 48 child care places can be accommodated in a manner that does not, to any significant extent, change the physical scale, size or degree of the child care centre development that is established upon the property.</i></p> <p><i>Minimal changes to the physical development on the site are needed. The proposed additional 48 child places can be accommodated within the existing buildings and development footprint. In terms of external changes, the proposal only requires a minor augmentation to accommodate 5 additional car parking spaces and ‘outdoor playground 3’. As such, the present visual character of development within the Oxford Falls Valley locality will remain virtually unchanged by the proposal. As confirmed by each and every expert study and Council referral responses, the proposed additional child places are able to be accommodated within the environmental assessment thresholds relating to car parking, traffic generation, noise, waste water, bush fire safety, and building form.</i></p> <p><i>We have considered the proposal’s consistency with the desired future character of the B2 Oxford Falls Valley locality. It is assessed that the proposal satisfies the test of being low intensity and low impact because minimal physical changes are proposed, all technical experts endorse the capacity of the site to accommodate the additional child places, the site and the road network can safely accommodate the increase.</i></p> <p><i>The proposed intensification of the approved Category 3 land use presents no significant or unmanageable conflicts or amenity impacts. Accordingly, it is considered that the proposal succeeds in achieving consistency with the desired future character statement of the B2 for the Oxford Falls Valley locality and satisfies clause 12(3)(b) of the LEP.</i></p> <p><i>Section 5 of this Statement of Environmental Effects demonstrates the proposed development is consistent with all</i></p>

Consideration	Proposed
	<p><i>relevant general principles of development control.</i></p> <p><i>There are minimal external changes proposed to the established buildings, landscaped areas, access and car parking areas on the site."</i></p> <p><u>Comment:</u></p> <p>It is considered that a suitable number of children for the childcare facility is 90 places.</p> <p>This maximum number is supported by the recommendations of Councils Internal Referrals bodies (Environmental Health, Traffic and Development Engineers).</p> <p>Based on the above, it is considered subject to conditioning the maximum number of children to 90 spaces can be supported.</p>
(3) Objectives of the proposed development.	<p>With regard to Point 3 of Schedule 15 the applicant has provided the following:</p> <p><i>"The objective of the proposal is to serve the early education and care needs of families be they of local residents or local employees.</i></p> <p><i>The site is somewhat unique due to its setting, established buildings / facilities, and range of indoor and outdoor spaces.</i></p> <p><i>Increased utilisation of such an established facility, in this location, is ideal for its approved and established purpose and will offer social benefits to the community."</i></p> <p><u>Comment:</u></p> <p>The site is currently approved to operate as a childcare centre and serves the local community and local workers.</p> <p>The centre is located within a unique location in the Oxford Falls Valley and it is considered that an increase of children numbers will be overall benefit to the community.</p>
(4) An analysis of feasible alternatives. (including (a) Consequences of not carrying out the development and (b) Justification for the development)	<p>With regard to Point 4 of Schedule 15 the applicant has provided the following:</p> <p><i>"a) Consequences of not carrying out the development</i></p> <p><i>If the application is not approved, the following consequences are identified:</i></p> <p><i>Potential environmental benefits would not be realised. Identified environmental benefits include the increased utilisation of a property that has latent spare capacity to accommodate additional child places, rather than the</i></p>

Consideration	Proposed
	<p><i>alternative, which may be to build a new centre, with the range of establishment costs and impacts, to accommodate demand.</i></p> <p><i>Potential social benefits would not be realised. A potential shortfall in meeting demand for child care places. Child care places are in high demand on the Northern Beaches. The proposed development will increase the number of child care places within the Northern Beaches and provide an important social benefit that is consistent with both State and Local planning policy. The site is appropriately located to serve local families, businesses and key workers noting the location of the site in relation to Frenches Forest, the new Northern Beaches Hospital and local schools.</i></p> <p><i>Potential local employment benefits would not be realised. Increased local employment benefits during the construction phase of the works and increased employment during the operational phase of the centre;”</i></p> <p><i>(b) Justification for the development</i></p> <p><i>The existing child care centre was approved in December 2007. It commenced operation in 2015. It has grown to fill its 60 child places that are permitted by the development consent.</i></p> <p><i>There has been continued growth in demand for additional child places. Anecdotally it is noted that since the centre began operation:</i></p> <ul style="list-style-type: none"> <i>• There are a number of schools within the local catchment that have continued to grow (for example Oxford Falls Grammar School, John Collet School, Covenant Christian School, Kamaroi School). The centre often acts as a starting point for the education of students before they progress onto these schools.</i> <i>• The new Northern Beaches Hospital at Frenchs Forest opened in 2018, generating additional employment within the local area.</i> <i>• Natural population growth.</i> <p><i>The justification for the development, as proposed, is to obtain consent to utilise the current physical capacity of the property for additional child places within the land use that has been approved upon the site. In this regard, key justifications for the development are:</i></p> <ul style="list-style-type: none"> <i>• The proposed additional child places are complimentary to the approved use of the land and are considered to constitute a “low impact and low</i>

Consideration	Proposed
	<p><i>intensity” by virtue of the nature of its acceptable range of impacts;</i></p> <ul style="list-style-type: none"> <i>• The proposed additional 48 child places will be principally accommodated within the existing buildings and will utilise the property’s existing physical capacity. As such, the present visual character of development within the Oxford Falls locality will remain unchanged;</i> <i>• The proposed additional 48 child places will not, in any significant way, change the existing physical appearance of the property.</i> <i>• Adequate parking spaces can be accommodated on the site, and the proposal will not give rise to any unacceptable traffic or parking impacts;</i> <i>• The proposal seeks to serve the needs of early education and care needs of its clients and the local residential and employment communities.</i> <i>• The proposed use will not give rise to any noise or amenity impacts. The proposed 48 additional child places will be within or below the acoustic thresholds applicable to the site and within the approved operating hours.”</i> <p><u>Comment:</u> There is a significant demand for child care on the Northern Beaches and given the location of the this centre within Oxford Falls Valley, it allows families the flexibility of utilising the Centre on the way to and after work.</p> <p>The centre is location less than 500m from the Wakehurst Parkway (to the east) on Oxford Falls Road (West), which also connects with up with Morgan Road and then connects up to Forest Way (to the west).</p> <p>As the centre runs at full capacity, there is sufficient demand that another provider/site could be provided in this locality.</p> <p>Given this use is Category 3 Development (less desirable) and the centre has been already operating for a number of years with no reported complaints or concerns, it is considered that benefits of the increased numbers is reasonable (subject to conditioning the numbers to 90 children).</p>
(5) Development and context analysis.	<p>With regard to Point 5 of Schedule 15 the applicant has provided the following:</p> <p><i>a) description</i></p>

Consideration	Proposed
	<p>The description of the proposed uses is documented in Part 3 of the Statement of Environmental Effects accompanying the DA.</p> <p><i>b) general description of the affected environment</i></p> <p>The subject site and site analysis is described in Part 2 of the Statement of Environmental Effects submitted with the DA.</p> <p><i>c) description of the likely impacts having regard to:</i></p> <p><i>(i) the nature and extent of the development;</i> <i>(ii) nature and extent to any building or work;</i> <i>(iii) the way in which the building relates to the works;</i> <i>(iv) rehabilitation measures.</i></p> <p>The existing development extent is shown on the accompanying architectural plans. The proposed additional 48 child places are proposed to be accommodated within the existing development extent.</p> <p>The application proposes modifications to the existing buildings and areas as documented on the architectural plans and as profiled in Section 3 of the Statement of Environmental Effects.</p> <p>The impacts of the proposed use on the surrounding area, particularly in terms of traffic and parking have been addressed in Parts 4 to 8 of the Statement of Environmental Effects.</p> <p>Due to the minimal impacts likely to result, no rehabilitation measures are needed in association with the proposal.</p> <p><i>d) measures to mitigate adverse effects on the environment</i></p> <p>There are no significant adverse environmental effects arising from the proposed additional 48 child places. Environmental mitigation measures are of a nature that can reasonably be conditioned within an approval to achieve statutory compliance with codes and standards. The key aspects are noted in response to clause 7 below from the range of expert reports and referral responses.</p> <p><u>Comment:</u></p> <p>This consideration has been adequately addressed via the information supplied with the application including architectural plans, reports and within the Statement of Environmental (SEE).</p>
(6) Biophysical, economic and social considerations and the principles of	With regard to Point 6 of Schedule 15 the applicant has provided the following:

Consideration	Proposed
ecologically sustainable development.	<p><i>“As demonstrated in the accompanying expert reports in the subject areas of: Traffic and car parking; Building Code of Australia; Bushfire; Access; Acoustic; Waste Water and land contamination, the proposed additional child places will not result in any significant or unmanageable impacts on the biophysical environment.</i></p> <p><i>The proposal seeks to serve the needs of early education and care needs of its clients and the local residential and employment communities.</i></p> <p><i>The site is somewhat unique due to its setting, established buildings / facilities, and range of indoor and outdoor spaces. Such a facility, in this location, is ideal for its intended purpose and will offer various social and education benefits to the community.”</i></p> <p><u>Comment:</u></p> <p>This consideration has been adequately addressed via the information supplied with the application including the expert reports and within the Statement of Environmental (SEE) ensuring minimal impacts on the biophysical environment.</p> <p>As stated previously, the proposal will serve local residents and local employees providing a service of early education and child care for their children.</p> <p>The location is unique being located within the Oxford Falls Valley and is surrounded by large allotments where buildings enjoy good spatial separation from one another ensuring a ideal location while offering education benefits to young children.</p>
(7) Measures to mitigate any adverse effects of the development on the environment	<p>With regard to Point 7 of Schedule 15 the applicant has provided the following:</p> <p><i>“There are no significant adverse effects arising from the proposed additional 48 child places. Measures to mitigate adverse effects of the development are of a nature that can be reasonably be conditioned to achieve statutory compliance with codes and standards. The following key aspects are noted from the range of expert reports and referral responses:</i></p> <p><i>Acoustic</i></p> <p><i>Outdoor play areas - limit the number of children playing at any-one-time outdoors to 80 children.</i></p> <p><i>Compliance with technical construction standards to meet noise criteria in relation to various building elements.</i></p> <p><i>Noise management provisions during standard operations.</i></p> <p><i>Bushfire</i></p>

Consideration	Proposed
	<p><i>Compliance with Technical Construction Standards.</i></p> <p><i>Maintenance of Asset Protection Zones.</i></p> <p><i>Emergency and Evacuation Planning.</i></p> <p><i>Waste water treatment</i></p> <p><i>Adequate “resting” of an irrigation field will be assured by sequentially dosing each separate irrigation field using a manual or automatic index valve. Resting would also occur over the night period when the site is essentially vacant.</i></p> <p><i>The proponent agrees to install 35 kL of wet-weather storage which would be used in particularly wet periods if necessary, to avoid irrigation onto saturated ground. Wastewater would be stored until better weather conditions prevail and irrigation may resume.</i></p> <p><i>The wastewater treatment and disposal system has been correctly installed to handle a design load of 3,500L/day, seven days a week. It is evident that, even after the proposed increase in attendance numbers, the designed wastewater load will be approximately 42% less than the original design load assumed and therefore the system will have adequate/spare capacity to meet the additional demand.”</i></p> <p><u>Comment:</u></p> <p>Conditions will ensure the outdoor play areas are limited to 80 children at any one time to ensuring reasonable acoustic amenity is maintained.</p> <p>A referral was sent to NSWRFSS as the proposal is Integrated Development (childcare centre). The New South Wales Rural Fire Service (NSW RFS) has considered the information Submitted and General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', have been issued subject to conditions.</p> <p>Wastewater treatment/management has also been referred to Councils Environmental Health Department and it is considered that adequate information was supplied to Council to allow conditioned approval.</p> <p>Given the above and subject to suitable conditioning it is considered adverse effects on the environment can be minimised ensuring compliance with this consideration.</p>
(8) Other approvals required	<p>With regard to Point 7 of Schedule 15 the applicant has provided the following:</p> <p><i>“The proposal is integrated development in relation to bushfire and is a deemed to be a Special Fire Protection Purpose.</i></p>

Consideration	Proposed
	<p><i>The application was referred to the Rural Fire Service and they have endorsed the proposal subject to conditions of development consent.</i></p> <p><i>Aside from these concurrences there are no other approvals required to be obtained pursuant to the EP&A Act or WLEP 2000 prior to the development being carried out other than the consent of the Council."</i></p> <p><u>Comment:</u></p> <p>Approval from the New South Wales Rural Fire Service (NSW RFS) has been granted subject to conditions.</p>

It is considered that the submitted Statement of Environmental Effects prepared by BBF Planners dated April 2019 and in response to the provisions of Clause 15/Schedule 15 adequately addresses the compatibility of the of the development with the Locality and the DFC.

Schedule 17 - Carparking Provision

Carparking Provision	<p>Schedule 17 of WLEP 2000 requires one car parking space for every four children. Based on the child care centre accommodating 90 children, 23 car parking spaces are required on-site.</p> <p>The proposed car-parking scheme provides for 29 spaces on-site. Accordingly the proposal is considered satisfactory.</p>
----------------------	---

POLICY CONTROLS

Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 7 July 2016 and became effective on 16 July 2016.

As the estimated cost of works is less than \$100,000.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The Development Application (DA2018/0865) is seeking consent for alterations and additions and an increase in child care numbers for an existing childcare centre on the site known as Lot 1039 Oxford Falls Road, Oxford Falls.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah LEP 2000, and the relevant codes and policies of Council.

As the proposed development seeks to intensify an approved and operating "Category 3" use pursuant to the Warringah LEP 2000, it therefore requires an Independent Public Hearing (IPH) to be held prior to determination.

The application was notified and advertised pursuant to Warringah DCP and one (1) submission received. The issues raised by the objector have been addressed by amended the Wastewater Management Report, amended Statement of Environmental Effects (SEE) including addressing Schedule 15 of Warringah Local Environmental Plan 2000 and standard and specific conditions.

The application seeks to increase the number of children from 60 places to 108 places and the conversion of the existing cottage into a childcare centre for 0 – 2 years with associated decking and softplay area. The existing garden shed will be converted into an art workroom and a new outdoor playground will be provided. Five (5) additional parking spaces will be provided which will increase available parking from 24 to 29 spaces on site.

The assessment of the proposal has determined that the increase from 60 children to 108 children (80% increase) is excessive and not consistent with the Desired Future Character statement for the B2 Locality and cannot be supported.

Council has considered the impacts and intensity of the use and the location of the site. Accordingly, the assessment concludes that the site is suitable for this type of activity, subject to a limit of 90 places.

In summary, the conditioned proposal which involves the enlargement and intensification of the Category 3 Childcare Centre is considered to be consistent with the Desired Future Character of the B2 Oxford Falls Valley Locality.

This assessment has taken into consideration the amended plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions.

On merit, it is considered that the conditioned proposal satisfies the appropriate controls and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to conditions contained within the recommendation.

As a direct result of the application and the consideration of the matters detailed within

this report, it considered that the application be the subject of an independent public hearing and approved in accordance with the following recommendation.

RECOMMENDATION -

THAT the Panel provide findings and recommendations to Director Planning and Place that Development Application DA2018/0865 for Alterations and Additions and increase in child care numbers for an existing childcare centre on land at Lot 1039 Oxford Falls Road, Oxford Falls be approved subject to the attached draft conditions of consent: