

STATEMENT OF ENVIRONMENTAL EFFECTS

Heritage Office, 4-8 Inman Road, CROMER NSW 2099

Prepared for: ID Fitouts | Project No. 230032

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application to Northern Beaches Council for internal and external alterations to Office C within the approved development at 4-8 Inman Road, Cromer, and for use of the premises so altered, in conjunction with adjacent external areas, as a centre-based child care facility.

This statement has been prepared in reference to architectural details prepared by ID Fitouts, including:

Drawing No:	Description:	Date:
DA-00	Cover page, Location/Key Plan	25 May 2023
DA-01	Site survey plan/roof plan	25 May 2023
DA-02	Existing tenancy – Basement floor plan	25 May 2023
DA-03	Demolition plan	25 May 2023
DA-04	General arrangement plan	25 May 2023
DA-05	Set out / Area zone plan	25 May 2023
DA-06	Reflected ceiling plan	25 May 2023
DA-07	Floor finishes plan	25 May 2023
DA-08	Car parking allocation plan	25 May 2023
DA-E1	Elevations North-South	25 May 2023
DA-E2	Elevations East-West	25 May 2023
DA-S1	Sections AA-BB	25 May 2023
DA-SE1	Shaded elevations – Extent of new work	25 May 2023

This statement is also accompanied by the following documents:

- Detail survey plan by Geosurv, Sheets 1-4, dated 22 June 2021,
- Landscape details by Learn and Play Child Care Services, including:
 - Demolition and tree removal plan, dated 19 May 2023,
 - General arrangements plan, dated 6 June 2023,
- Tree risk assessment by Tree Management Strategies, dated 1 May 2023,
- Statement of Heritage Impact by Heritage 21, dated June 2023, job 9889
- Site contamination documentation, including:
 - Indoor Ambient Air Sampling Report by Trace Environmental, dated 24 March 2023,
 - Site Audit Interim Advice 15 by Enviroview, dated 18 August 2022,
 - Site Audit Interim Advice 16 by Enviroview, dated 28 September 2022,
 - Data Gap Investigation by Trace Environmental, dated 4 October 2022,
- Acoustic report, by Norrebro Design dated 8 August 2023,
- Traffic and Parking Assessment by Transport and Traffic Planning Associates, dated July 2023, Reference 23111.

The purpose of this report is to describe the proposed development and to review the relevant planning controls relating to the proposal. It provides an assessment of the proposed development under Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report demonstrates that the proposed development is appropriate within its context and within the framework of the relevant planning policies.

This statement addresses issues arising from the proposal under:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*
- Section 4.15 of the Environmental Planning and Assessment Act 1979.

The assessment relies upon the following information:

- The subject land is zoned E4 General Industrial under *Warringah Local Environmental Plan 2011*,
- The immediate context of the site and surrounding industrial, educational and recreational open space character,
- The relevant provisions of the development control plan.

This statement demonstrates that the proposed development is suitable for its site and locality and that the environmental impacts of the proposed development will be acceptable. This statement demonstrates that the proposed development is acceptable when assessed in relation to the applicable town planning controls. This statement finds that the proposed development warrants the granting of consent.

2. SITE & CONTEXT ANALYSIS

2.1 Site and locality description

The subject site is 4-8 Inman Road, Cromer (Figure 1) – Lot 1, DP1282038.

The Registered Proprietor of the subject site is The Trust Company (Australia) Limited.

The property is on the eastern side of Inman Road and is on the northern side of South Creek Road. The property has an area of 3.663 hectares and is part of a larger site known as the former Roche Industries site, which extends to Orlando Road and Campbell Avenue.

The site contains an industrial development that is being redeveloped. On 17 August 2020 the Sydney North Planning Panel granted development consent to demolition works and alterations and additions to the existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café (DA2019/1346). That consent has been modified on 16 November 2022 (to allow the remove of some additional trees) and on 15 December 2022 (the second modification). The second modification included relatively minor modifications including to the eastern elevation of "Building 6", which is the building within which the premises that are the subject of the present application are located.

The proposed development relates to an office building that is being retained within the approved development because it is of heritage significance – "Building 6" as referred to in the consent for the site's redevelopment (Figures 2, 3 and 4). The location of that building within the context of the new development is indicated in Figures 5 and 6. Within that approved development scheme, that is being carried out, the building is known as "Office C".

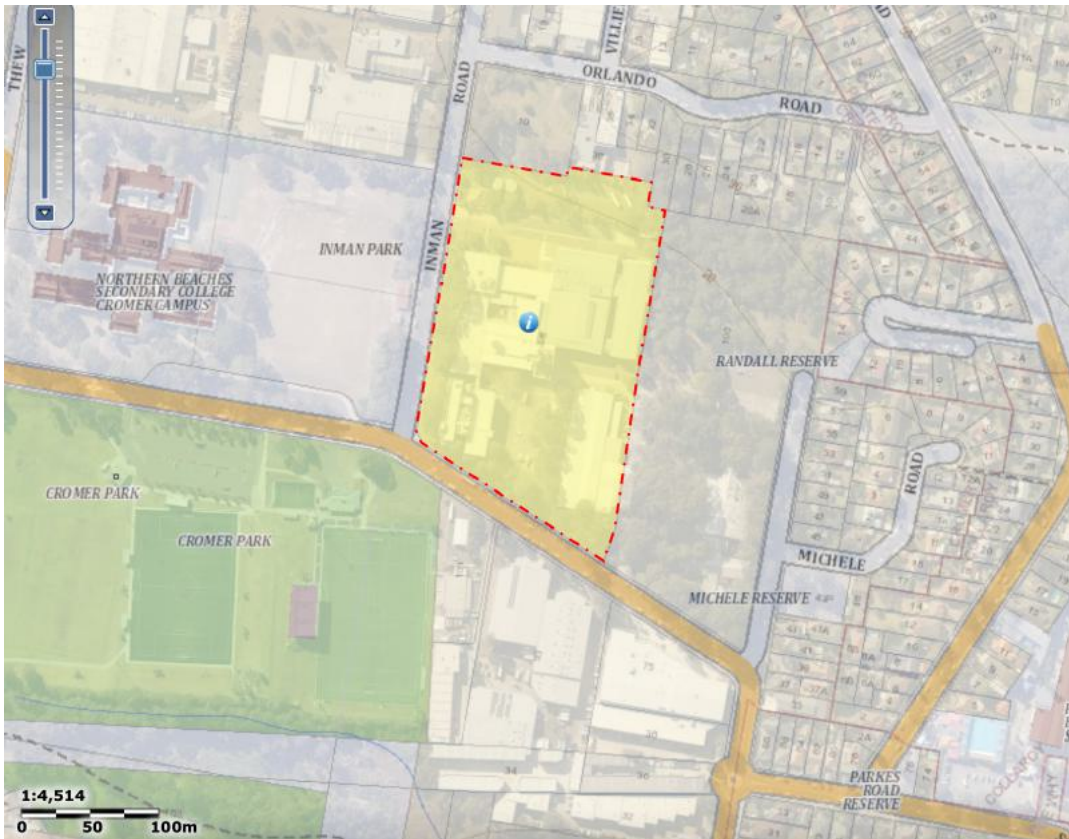


Figure 1: Aerial photo of the subject site, highlighted in yellow (Source: Six Maps)

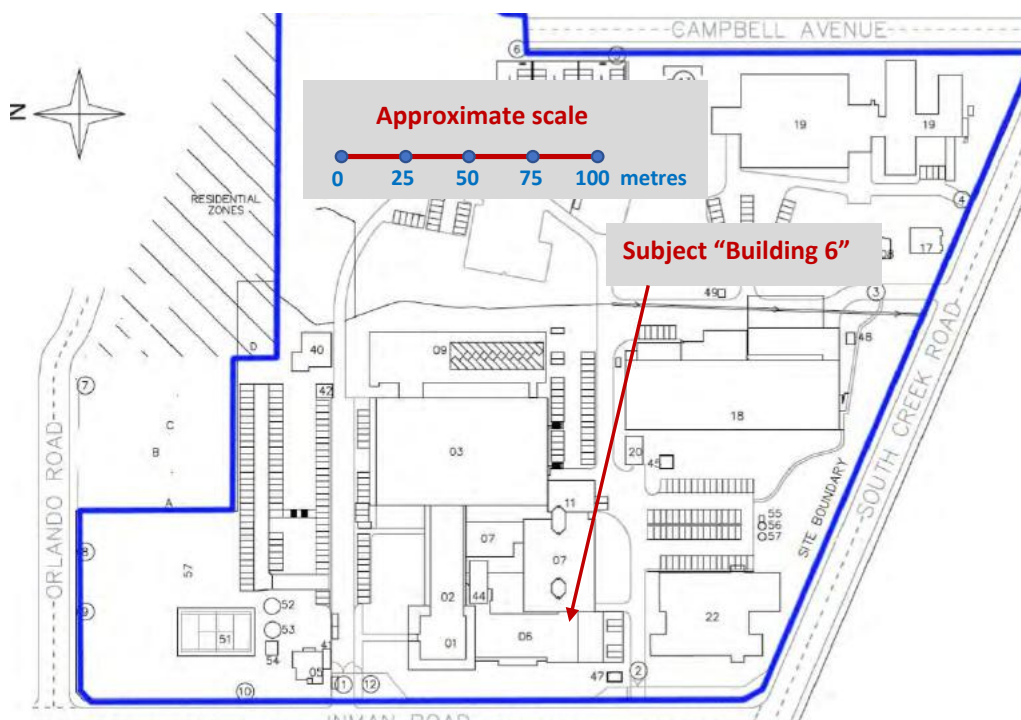


Figure 2: Extract from Statement of Heritage Impact by Heritage 21, accompanying DA2019/1346, marked up to highlight the location within the subject site of Building 6 and also to provide a scale



Figure 3: Southern end of "Building 6", as viewed from Inman Road



Figure 4: Extract from photomontage within approved architectural drawings, showing "Building 6" (DA2019/1346, not the modification drawings)



Figure 5: Extract from photomontage within approved architectural drawings, marked up to show "Building 6" – note that the building becomes known as "Office C" within the approved scheme (DA2019/1346, not the modification drawings). Other heritage buildings 1, 2 and 11 are also indicated

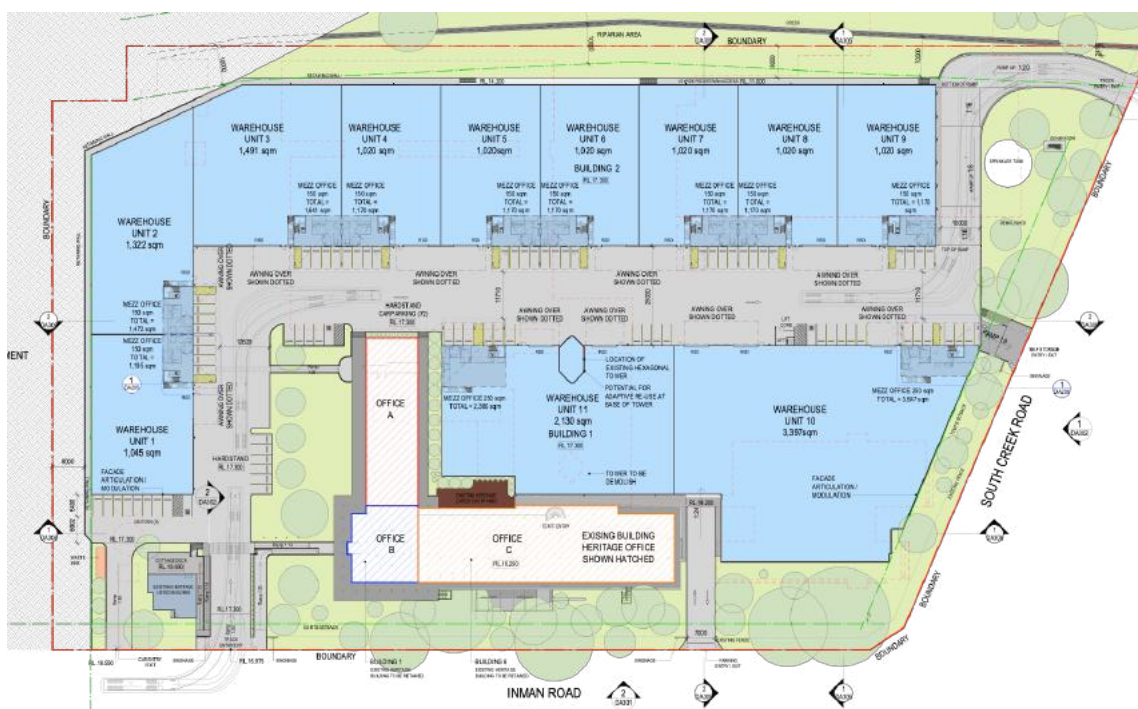


Figure 6: Extract from approved site plan (DA2019/1346) (not the modification drawings) showing the location of "Office C"

The approved development within which Office C is to be located is to contain:

- 11 warehouse units and ancillary offices – 17,355 sq m,
- two office areas being Buildings 2 and 6 (which includes the subject building) – 3,179 sq m,
- a component of self-storage units – 3,902 sq m,
- repurposing of an early 20th century cottage as a café,
- 231 car spaces,
- Total gross floor area – 24,560 sq m

The subject building is part of a group of three buildings, being Buildings 1, 2 and 6 (see Figure 5) that are referred to as the Roche Complex, along with a nearby hexagonal tower known as Building 11. The subject building is attached to Building 2, which is in a more raised position. According to the heritage report by Heritage 21, submitted with DA2019/1346, the buildings were constructed in 1963-64 "to the ideals of the modern movement and the international style". Building 6 – Office C has a two-storey scale, including a main upper level of around 60 metres extent in presentation to Inman Road and of around 20 metres extent at a right angle to Inman Road, and a lower level (referred to in the DA approval as a basement but not actually being below ground) which is the subject of the present consideration. The building has a height of around 8.0 metres. The buildings were used for pharmacological research and are of heritage significance due to their embodiment of the international style, their historical and social significance associated with their use, and the values demonstrated in the building and associated landscaped areas, such as the provision of recreational areas for workers. Building 11 also has landmark significance and the complex is of significance as part of the early industrial development of Cromer.

The subject premises are within the lower level – hereafter referred to as the ground floor level – which is of a lesser extent than the first floor level. It includes a non-enclosed area at the southern end that is covered by the first floor level and also includes a part that extends westwards from the northern area of the building beyond the line of the upper level. There is a circular staircase within the eastern façade that is of particular heritage significance due to its expression of modernist architecture. The premises comprise 780 square metres internally and 1,000 square metres externally.

The subject premises are set back between approximately 10 and 15 metres from Inman Road, with there being trees and other vegetation within the setback area. There is a fall of approximately 1.5 metres from north to south within Inman Road adjacent to the subject premises. There is a fall between the ground floor level to the street boundary of up to 1.5 metres. As the land levels within the setback area rise to the north, part of the ground floor level is below ground level (existing), by around 1.3 metres. There is a paved area adjacent to the part of the building that is set back 10 metres from Inman Road, partly enclosed by a retaining wall.

The subject premises are adjacent to the northern side of one of the driveways into the development, where access is gained to a basement parking area. That driveway slopes up from Inman Road following the ground gradient. There is a former security room within part of the unenclosed area to the south of the subject premises, to the northern side of the access driveway.

One of the proposed warehouses is to be 3.0 metres from the eastern wall of the subject premises. Adjacent to the east of the northern part of the subject premises there is to be a courtyard, formed by a recess in the warehouse buildings.

2.2 Surrounding locality and district context

The site is within the Cromer industrial area and is adjacent to educational and recreational areas. The site is around two kilometres to the north of the Dee Why town centre, being a significant commercial and mixed-use-residential centre.

The site is reasonably accessible to public transport, in the form of half hourly (during at least the main part of the day) bus services to and from Warringah Mall and other places from stops around an 800-metre walking distance away.

Adjoining to the north of the subject site, at 10 Inman Road which is under the same ownership as the subject site, is a vacant property that is the subject of planning for its future potential for industrial development. Similarly, to the east of the subject site is 100 South Creek Road which contains some warehouse buildings and is the subject of future planning for industrial redevelopment.

On the opposite side of Inman Road to the subject site is an open area, fenced off from the road, that is part of the Northern Beaches Secondary College Cromer Campus. The site is also in the vicinity of Cromer Park, containing a sporting field and stadium for football, being on the southern side of South Creek Road.

2.3 Zoning and principal environmental controls

The principal environmental planning instrument that is applicable to the subject site is *Warringah Local Environmental Plan 2011 (WLEP2011)*, under which the site is zoned E4 General Industrial. The proposed child care centre is prohibited within that zone but may be considered under heritage incentive provisions within that instrument, as set out in Part 4 of this statement.

The whole of the subject site (including the adjacent properties under the same ownership which were previously on the same title as the subject site) is mapped on the WLEP2011 *Heritage Map* as a heritage item, containing items numbered 38, 52 and 53 (Figure 7). Those heritage items are described in Schedule 5 of WLEP2011 as:

138	Trees	Campbell Avenue
152	Roche Building	100 South Creek Road
153	Givaudan-Rour Office	96 South Creek Road

152, described by its former address, is the group of buildings that includes the subject premises. The other items listed are not in the immediate vicinity of the subject premises. The site is not in the vicinity of any other heritage items and is not within a heritage conservation area.

The subject premises are not understood to be affected by flooding, noting the raised position of the premises above street level.

The subject site is not bushfire prone land.

The subject site does not contain acid sulfate soils.

The subject premises are within a <5 degree slop area according to the WLEP2011 *Landslip Risk Map*.

The subject site is not understood to be environmentally sensitive land and is not understood to contain significant wildlife habitat, given that the overall redevelopment of the site has been approved without there being any concern related to that matter.

The site has historically been used for activities that warrant consideration as to whether they may have caused site contamination. The development being carried out on the subject site has been approved subject to conditions of consent requiring that potential contamination is addressed in accordance with requirements of the NSW Environment Protection Authority, with a site audit statement to have been issued prior to occupation of the development.

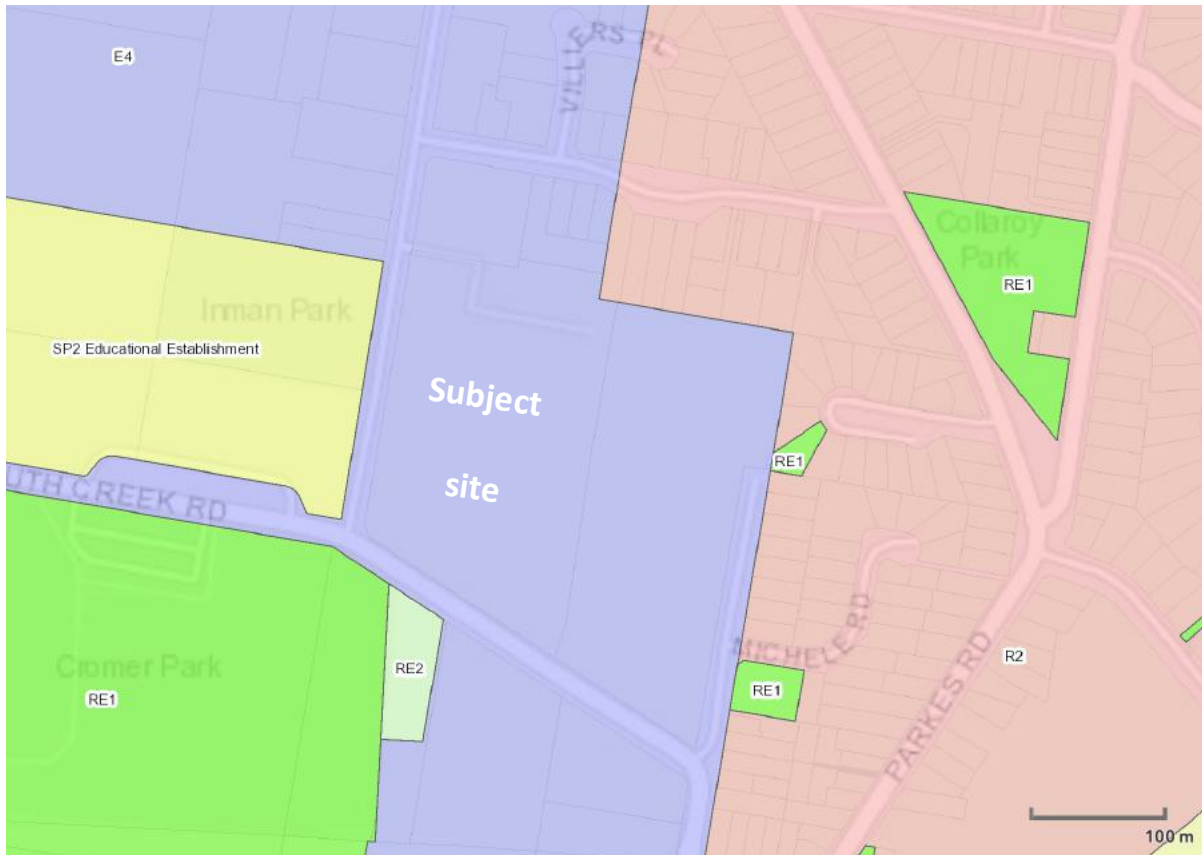


Figure 7: Extract from the WLEP2011 Land Zoning Map, marked up to indicate the subject site

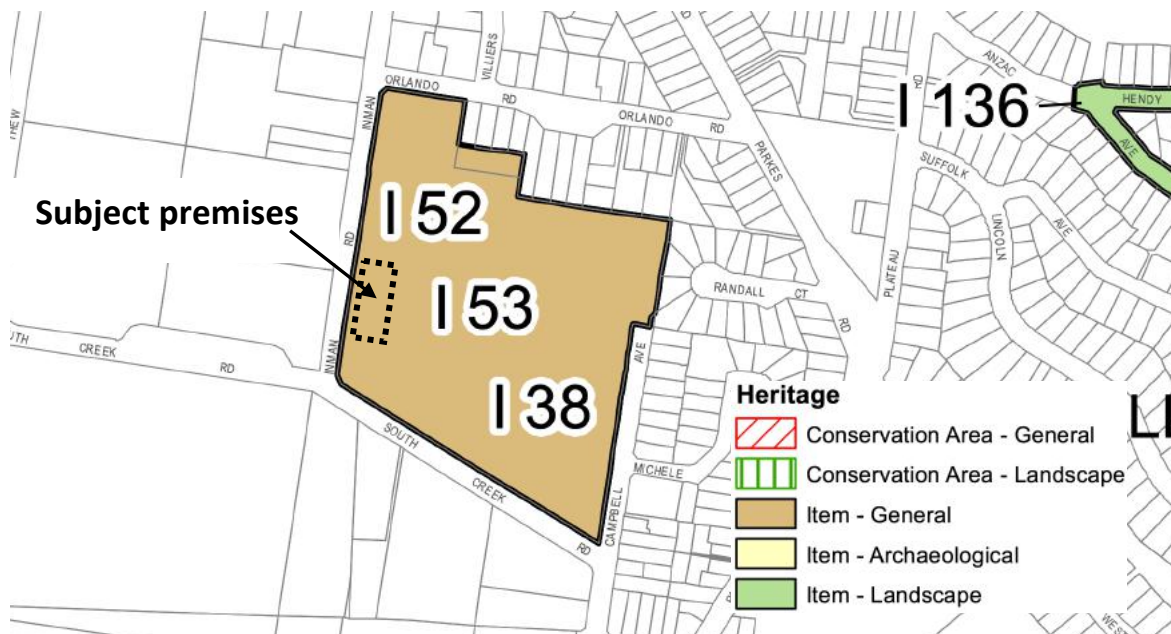


Figure 8: Extract from WLEP2011 Heritage Map, marked up to indicate the subject premises (approximately)

3 THE PROPOSAL

This section of the report should be read in conjunction with the referenced architectural details. The proposal is to do the following:

- Demolish the security office that is located within the unenclosed area to the south of the subject premises,
- Undertake internal alterations to separate the subject premises at the ground floor level from a new foyer area at the base of the spiral stair, so that the spiral stair may be used to access the upper level office without entering the subject premises. A lift will already exist within that foyer area. The foyer area is to comprise 27 square metres,
- Undertake internal alterations within the subject premises to allow its use as a child care centre,
- Create a new external opening in the eastern elevation and install a new doorway there,
- Create a new opening in the northern wall of a protrusion on the western side of the building, with that part being at a 90-degree angle to Inman Road, for a new door opening there,
- Remove specified windows facing Inman Road and replace with new sliding access doors,
- Remove specified windows facing Inman Road and replace with new non-sliding access doors,
- Install a separate air-conditioning system for the premises, as detailed in the submitted architectural details,
- Specified vegetation is to be removed from the Inman Road setback area, in accordance with the submitted tree safety report,
- Minor earthworks are to be carried out within the Inman Road setback area. The earthworks will establish a proposed outdoor play area,
- Undertake landscaping works, including the installation of paving and softfall surface and of play equipment and associated fixtures and fittings in association with the use of the Inman Road setback area as an outdoor play area for children at the centre,
- Install new aluminium shade louvres over part of the proposed new paved area within the Inman Road setback area, using existing support structures in that area,
- Install a new steel and aluminium pergola and louvre shade structure over part of the new paved area within the Inman Road setback area,
- Demolish the existing 1.8 metre high metal fence and construct a new 1.8 metre high solid fence along the boundary to Inman Road and including part set back from the roadway boundary which is to include a business identification sign of 4.5 metres width by 1.2 metres height, as an illuminated signage panel,
- Install fixtures, fittings and suitable surfaces within the unenclosed area to the southern side of the premises, for the use of that area as an outdoor play area.

20 car spaces will be allocated to the child care centre use. Those car spaces will be within the basement car parking area accessed off Inman Road. In addition to those car space, there will be

The proposed child care centre will include the following indoor play areas for children accommodated:

Activity room 1 (northern end):	20 x 0-2 year olds, 65 sq m (+ 13 x cot room)
Activity room 2:	20 x 0-2 year olds, 65 sq m (+11 x cot room)
Activity room 3:	45 x 3-6 year olds, 148.25 sq m (+amenities)

Activity room 4 (southern end):	35 x 2-3 year olds, 113.75 sq m (+ amenities)
Total children:	120

There are to be a kitchen and laundry within the eastern area adjacent to the pedestrian walkway, along with amenities for staff and visitors. There is to be a parent lounge area adjacent to the spiral stair. There is to be an entry foyer adjacent to the spiral stair, with a reception desk. A director's office, a meeting room and a staff room will be in the northeast area of the premises.

A waste storage area is to be adjacent to the eastern side of the premises, with screening from the pedestrian walkway to be provided.

The gross floor area of the child care centre is to be 780 square metres. The outdoor play areas are to comprise 1,000 square metres.

The proposed child care centre has been designed in accordance with the *Education and Care Services National Regulations*, including in relation to the proportion of children to indoor and outdoor play areas and the provision of the required facilities for licensing of the centre by the NSW Government. There will be 22 educators of children at the centre at any one time. The operating hours for the centre are to be 7am to 6pm Mondays to Fridays and 8am to 3pm Saturdays, with no operation on Sundays.

4. EVALUATION PURSUANT TO RELEVANT TOWN PLANNING CONTROLS

4.1. Warringah Local Environmental Plan 2011

The principal environmental planning instrument relevant to the subject site is *Warringah Local Environmental Plan 2011* (WLEP2011), under which the site is zoned E4 General Industrial. The Land Use Table to the E4 zone is:

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To provide areas for land uses that need to be separated from other zones.
- To provide healthy, attractive, functional and safe light industrial areas.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Horticulture; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping

grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; **Early education and care facilities**; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities

Early education and care facilities are prohibited within the E4 zone. That definition includes "centre-based child care facility", which is therefore also prohibited. "Centre-based child care facility" is defined in the WLEP2011 Dictionary as:

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

(i) long day care,

(ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

(iv) preschool care, or

(b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

but does not include—

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

(d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The proposed child care centre is to provide long day care and is not within any of the excluded categories. The proposal is therefore consistent with the meaning of "centre-based child care facility".

Although the proposal is prohibited in the E4 zone under WLEP2011, the proposed development may be considered under clause 5.10(10), as set out further below.

Clause 2.3 of WLEP2011 requires the consent authority to have regard to the zone objectives. In that regard, the proposal is consistent with the fifth zone objective because it provides a facility or service that will meet the needs of other users of the industrial zone, such as employees in that zone.

The proposal is not antipathetic to the attainment of the other zone objectives and the proposal is therefore acceptable in relation to clause 2.3.

Clause 4.3 of WLEP2011 establishes a maximum permissible height of buildings of 11 metres. The proposal involves ground level works that will not exceed that height. The proposal therefore complies with clause 2.3.

Clause 5.10 relates to heritage conservation. The subject premises are part of the locally listed "Roche building" group, as set out in Part 2 of this statement. A statement of heritage impact (SOHI) accompanies the development application and demonstrates that the proposal will not unacceptably impact upon the heritage significance of the heritage item. In that regard:

- The proposed development involves demolition of the former security room adjacent to the northern side of the driveway into the basement level car parking area off Inman Road. The accompanying SOHI demonstrates that the security room does not contribute to the heritage significance of the Roche Group in such a way as to warrant its retention. The retention of that building, which does not serve a functional purpose within the approved development scheme for the whole site, would work against the functional and orderly operation of that development and should not be pursued.
- The proposed development involves the removal of 10 trees from the Inman Road setback area. The removal of those trees is necessary because those trees present a hazard to children playing in the adjacent outdoor play area. The proposed retention of specified trees is sufficient for the landscaped character of the setback area to be maintained consistently with the setting of the heritage item.
- The proposal includes minor modifications to the eastern side of the premises. It has already been established, in the approval of the second modification to DA2019/1346, that minor modifications of that nature to the eastern elevation are acceptable because that elevation is of an internal nature and because those modifications do not involve any significant architectural features of the modernist building. Those minor modifications are therefore acceptable.
- The proposed internal alterations do not involve any unacceptable impacts to significant architectural features that are consistent with the modernist architecture of the heritage item.
- The proposed signage is located on Inman Road and will not interfere with the significance of the heritage item.

Having regard to those findings, and having regard to the findings within the submitted Statement of Heritage Impact by Century 21, the proposal is acceptable in relation to the heritage provisions within clause 5.10 of WLEP2011.

Clause 5.10(10) relates to conservation incentives, and provides as follows:

Conservation incentives *The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—*

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

It is recognised that in the assessment of DA2019/1346, the Sydney North Planning Panel gave consideration to the applicant's request for office and café uses, which were prohibited in the IN1 General Industrial zone (being the equivalent of the current E4 General Industrial zone). The officer's report to the Panel includes the following comments:

The applicant is relying on Clause 5.10(10) of the WLEP2011 to overcome the prohibition issue. In this regard, Council's Heritage Officer has raised no objection to the above uses by way of Clause 5.10(10) Conservation Incentives, as the introduction of such a use will make the office component more attractive to tenants and also the café will act as a general vehicle to increase the accessibility and visibility of these heritage buildings for the general community.

In relation to (a), the following grounds support a finding that the conservation of the heritage item is facilitated by the granting of consent:

- A decision has already been made by the consent authority to allow office uses of "Building 6" on the grounds that granting such consent, contrary to the prohibition of commercial premises (including office premises) in the (then) IN1 zone, will facilitate the conservation of the heritage item. The reasons that such a use will facilitate the conservation of the heritage item are similar to the reasons that allowing a child care centre will facilitate the conservation of the heritage item.
- "Building 6" has historically been constructed for office purposes and is unsuitable for industrial or warehouse use. The zoning table generally permits industrial types of uses and does not generally permit uses that are unsuited to an environment characterised by industrial activities. The subject premises are not suited to industrial activities. The only types of land uses that are permitted in the zone that are not industrial activities are take-away food and drink premises and neighbourhood shops. The subject premises are not suited to those non-industrial-type activities because they are too large and because take-away food and drink premises would require a grease trap and mechanical ventilation system that would negatively impact upon the significance of the heritage item. In those circumstances, it is evident that some type of prohibited use must be found for the premises so that the building will be cared for and will be less likely to be neglected.
- Whilst it is recognised that the premises have historically been used as "office premises" and that use for that purpose may be particularly natural, it is also recognised that the premises are of a kind that is suitable for a child care centre, particularly as there is an adjacent area that may be used as an outdoor play area. It is recognised that that outdoor play area is already fenced from Inman Road by a 1.8 metre high fence and the proposed adaptation of that setback area for that purpose is suitable and will not detrimentally affect the significance of the heritage item. Sufficient of the trees in the area will be retained and cared for so that the landscaped presentation to Inman Road will be maintained.
- The use of the premises for a child care centre is consistent with the heritage significance of the Roche Building because part of that significance is the amenity provided by Roche Industries for its workers. The Statement of Significance for the heritage item includes the following:

The landscape setting demonstrates Roche's occupation of the site from 1962 until recently, with an emphasis placed by Roche on the well-being of its workers by providing gardens, trees and recreational areas. This includes the creation of the internal courtyard, which was developed as a common open space with recreational facilities following the construction of additional buildings after 1972.

The proposed use of open areas for children's play as part of the child care centre, and the proposed use of the premises to meet the needs of industrial workers on the site (including the needs of a diversity of workers including both women and men who have young children), is a further evolution on this site of that significance, relating to the well-being of workers. In that regard, the proposed child care centre will assist in meeting the needs of workers within the industrial parts of the whole site, as well as the needs of other workers in the Cromer Industrial Area. In those respects, the proposed development will enhance the identified significance of the heritage item.

- The proposed development will not involve any impacts to features of the building of heritage significance. It is recognised that the security structure adjacent to the roadway does not contribute to the significance of the heritage item and should not be retained because the structure cannot be viably used and cared for on an ongoing basis. It is further recognised that that structure is not identified as being of significance or described in the approved Conservation Management Plan by Century 21, Job Number 8438 dated May 2019.

Upon those grounds, the proposed development will facilitate the conservation of the heritage item.

In relation to (b), the proposed development is consistent with the Heritage Impact Statement accompanying the present development application and will also be consistent with the approved Conservation Management Plan prepared by Century 21, Job Number 8438 dated May 2019. The submitted SOHI demonstrates that the proposed development is consistent with that Conservation Management Plan.

In relation to (c), the consent authority may impose suitable conditions on the consent requiring that the measures identified in the Conservation Management Plan are satisfied in the carrying out of the proposed development.

In relation to (d), it is demonstrated in the submitted SOHI that the proposed development will not adversely affect the heritage significance of the heritage item, including its setting. The proposed development will have only a limited impact upon vegetation within the Inman Road setback area and will retain significant trees that enhance the setting of the item. The proposal will contribute to the likelihood that the landscaping within the Inman Road setback area will be valued and cared for, noting that the trees will provide shade that will enhance the amenity of the child care centre.

In relation to (e), the child care centre is ideally located not to give rise to amenity impacts. It is noted that the driveway adjacent to the child care centre will not be used by heavy vehicles, as heavy vehicle access is separate, being further to the north. There will therefore not be any unacceptable conflict between the child care centre use and industrial users of the subject site.

Having regard to the foregoing, the proposed development satisfies the requirements of clause 5.10(10) and the proposed child care centre use may therefore be carried out notwithstanding that the use is prohibited within the E4 General Industrial zone within which the subject site is located.

Clause 6.2 of WLEP2011 relates to earthworks and requires consideration of the following matters:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

Comment: The development application is accompanied by a landscape plan that includes details of proposed drainage to Council's stormwater system, demonstrating that the proposed development will not cause any disruption of detrimental effects upon existing drainage patterns.

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

Comment: The proposed earthworks are minor and will not affect the future use or redevelopment of the land.

(c) *the quality of the fill or the soil to be excavated, or both,*

Comment: Fill to be imported will be sourced from a suitably licensed supplier. Spoil to be removed will be disposed of at a licensed waste handling facility.

(d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*

Comment: The proposed earthworks will have nil effect on any other property.

(e) *the source of any fill material and the destination of any excavated material,*

Comment: Fill to be imported will be sourced from a suitably licensed supplier. Spoil to be removed will be disposed of at a licensed waste handling facility.

(f) *the likelihood of disturbing relics,*

Comment: There is some limited potential for the site to contain relics. Standard unexpected finds protocols will be implemented during the demolition and construction phases of the whole development.

(g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Comment: The works are not near to any watercourse or environmentally sensitive area.

Clause 6.4 of WLEP2011 relates to development on sloping land. That clause is applicable to the proposed development because the proposed development is in a Class A area. Class A is the lowest level of landslip risk. Clause 6.4 requires the consent authority to be satisfied that:

(a) *the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*

(b) *the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*

(c) *the development will not impact on or affect the existing subsurface flow conditions.*

In that regard, the proposed earthworks have been designed by a qualified landscape architect who has ensured that the works will be structurally sound and will not give rise to any risk of failure. The earthworks have been designed with suitable drainage so that there will be no significant detrimental impacts because of stormwater discharge. There is no information that would be consistent with the presence of a watertable where the earthworks are proposed. The proposal is therefore acceptable in relation to clause 6.4. It is recognised that suitable engineering details may await preparation of a Construction Certificate, because of the straightforward nature of the types of engineering works that will be required.

There are no further WLEP2011 provisions of particular relevance to the proposed development. Having regard to the foregoing, the proposal is acceptable in relation to WLEP2011, particularly having regard to the effect of *State Environmental Planning Policy (Transport and Infrastructure) 2021* in overriding the prohibition of the proposed child care centre use within the E4 General Industrial zone.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP T&I 2021) includes Chapter 3 relating to educational establishments and child care facilities. Part 3.3 relates to "early education and care facilities" (which includes the proposed development, defined as a "centre-based child care facility", which is a subset of that defined use).

Clause 3.6 confirms that the provisions of Chapter 3 prevail over those of any environmental planning instrument to the extent of any inconsistency.

Clause 3.22 is applicable where the floor area and outdoor play areas that are proposed do not comply with the requirements of Sections 107 and 108 of the *Education and Care Services National Regulations* (the Regulations). Clause 3.22 is not applicable to the proposed development because the proposed development complies with those indoor and outdoor play area standards.

Clause 3.23 requires that the consent authority take into consideration any applicable provisions of the *Child Care Planning Guideline* in relation to the proposed development. Consideration of those provisions is as follows:

Clause	Summary of relevant provision	Compliance comment
2	Design quality principles	
Principle 1	<p>Context</p> <p>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.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising access by walking and public 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.</p>	<p>The design of the proposed outdoor play area responds to the context of the vegetated setback area of Inman Road by retaining significant trees that may be feasibly retained and by managing those trees to ensure safety to children playing in the area.</p> <p>The proposed landscaping strategy for the Inman Road setback area will enhance the heritage significance of the heritage item by removing existing lower shrubs that block views of the heritage item from Inman Road. The proposal will provide for a more open presentation whilst retaining a tree canopy that enhances the setting of the item.</p> <p>The design of the proposed development responds to the approved Conservation Management Plan for the heritage item by avoiding impacts to significant fabric.</p> <p>The proposed child care centre is within an 800 metre walking distance of frequently operating bus services and will also be well accessed from the approved car park. The proposed child care centre responds to the demographic needs of workers at the industrial development under construction.</p>
Principle 2	<p>Built form</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building's purpose in terms of</p>	<p>The built form is already established and is acceptable.</p> <p>The built form of the proposed fence along Inman Road will be acceptable because the heritage item is in a raised position and will remain visible from Inman Road.</p>

Clause	Summary of relevant provision	Compliance comment
	<p>building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</p> <p>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.</p> <p>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.</p>	<p>The built form of the proposed earthworks and retaining structures within the Inman Road setback area is acceptable because those structures will not present unacceptable or significant visual bulk to the public domain.</p>
Principle 3	<p>Adaptive learning spaces</p> <p>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.</p> <p>Good design achieves a mix of inclusive learning spaces to cater for all children and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	<p>The proposed child care centre will be provided within spaces featuring extensive uncluttered floor plates that are well suited to child care centre use. The design of the proposed centre has been undertaken having regard to the relevant regulations and will meet the regulatory requirements of the NSW Government.</p> <p>The proposed child care centre features high quality facilities and spaces and will achieve excellent outcomes for children and parents using the facility.</p>
Principle 4	<p>Sustainability</p> <p>Sustainable design combines positive environmental, social and economic outcomes.</p> <p>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</p>	<p>The proposed child care centre is an adaptive reuse of the existing Roche Building and therefore constitutes a good use of resources, as an alternative to demolition and reconstruction using new materials.</p> <p>The sustainability of the overall development of the subject site has been the subject of the original development application and has</p>

Clause	Summary of relevant provision	Compliance comment
	<p>include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> <p>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.</p>	<p>been found to be positive in the assessment and approval of that development application.</p> <p>The proposal will incorporate energy and water efficient fixtures and fittings and will include suitable waste facilities including space for recyclables.</p>
Principle 5	<p>Landscape</p> <p>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.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>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.</p>	<p>The proposal maintains the landscape contribution of the site to the street by maintaining significant trees, whilst removing specified vegetation as is necessary to provide a safe environment for children using the play area.</p> <p>The proposed outdoor play area has been designed by a landscape architect to include a diversity of landscaped settings to enhance the educational experience of children playing there.</p> <p>The existing and proposed additional landscaping are suitably located to enhance shading to the western elevation of the existing building.</p> <p>The existing and proposed landscaping includes areas that will be suitable for wildlife such as reptiles, insects and birdlife, which will enhance biodiversity and the educational experience of children using the facility.</p>
Principle 6	<p>Amenity</p> <p>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 children and staff.</p> <p>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural</p>	<p>The proposed child care centre is suitably located where there will be no noise impacts to other users. The centre will be no more sensitive to acoustic impacts from industrial activities on the overall site than the established office use of the building, and is well separated from the proposed industrial units in any case.</p> <p>The child care centre is adjacent to a driveway that will not be used by heavy vehicles associated with the</p>

Clause	Summary of relevant provision	Compliance comment
	<p>ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	<p>industrial use of the site. The proposed child care centre will therefore not generate those kinds of conflicts between pedestrians and vehicles.</p> <p>The proposed child care centre will itself have a high level of amenity because the building that is being used is designed with extensive, uncluttered space and good natural light and ventilation. The proposal has all of the appropriate facilities and spaces to enhance the educational experiences of children using the facility.</p>
Principle 7	<p>Safety</p> <p>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.</p> <p>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).</p> <p>Well designed vehicular parking and access minimise traffic safety risks on children and staff.</p>	<p>The proposed child care centre has been designed to have a low level of health and safety risk. The trees to be retained have been assessed by a qualified arborist as not posing any significant safety risk from the dropping of limbs or branches, and the trees will be maintained to further manage that risk so that there is no unacceptable level of risk.</p> <p>The proposed outdoor play area will have suitable solid fencing along Inman Road so that there will be no unacceptable or unreasonable level of risk from intruders gaining unauthorised access from that road. There will be suitable levels of supervision to further mitigate against that risk.</p> <p>The proposed child care centre has a secure entry point from the eastern side of the premises, where there is an appropriate level of security control via a supervised reception area.</p> <p>There is safe pedestrian access between the basement level parking area, where spaces are allocated for the proposed use, and the proposed child care centre entry. There is no heavy vehicle use of the driveway adjacent to the proposed child care centre.</p>
3	Matters for consideration	

Clause	Summary of relevant provision	Compliance comment
3.1	<p>Site selection</p> <p>Sites for a child care centre should not be unacceptably affected by bushfire, flooding and other natural hazards and should not be affected by site contamination.</p> <p>Child care centres should be compatible with surrounding land uses.</p> <p>Child care centres should not have an unsafe relationship to busy roads.</p>	<p>The site is not bushfire or flood affected and is not affected by other natural hazards.</p> <p>The proposed outdoor play area includes established trees. Any hazardous trees are proposed to be removed and the other trees, that will be retained for their enhancement of the setting of the heritage item, will be managed so that they will not present an unacceptable safety hazard to the outdoor play area.</p> <p>The subject site is being remediated to ensure that it is suitable for the proposed use. The submitted documentation from Trace Environmental and Enviroview sufficiently demonstrate that contamination matters are addressed. The site audit processes underway in relation to the total site development, along with the additional advice from Trace Environmental, will address those matters.</p> <p>The site is on a reasonably busy road but will be appropriately separated from that road by fencing along the outdoor play area. The driveway adjacent to the child care centre will not be used by heavy vehicles and there will be suitable pedestrian facilities to ensure that there is no unacceptable level of safety for parents taking their children between the parking areas and the proposed child care centre.</p>
3.1 C1	<p>For proposed child care centres in commercial or industrial zones, consider:</p> <ul style="list-style-type: none"> potential impacts on the health, safety and well-being of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions, 	<p>The proposed child care centre will not be subject to any polluting industries because the types of industries in the Cromer Industrial Area do not emit significant air pollutants into the environment. The locality does not receive an excessive level of impact from traffic.</p> <p>The proposed child care centre is sufficiently well separated from industrial uses within the whole industrial development as for those uses not to cause a significant level of</p>

Clause	Summary of relevant provision	Compliance comment
	<ul style="list-style-type: none"> the potential impact of the facility on the viability of existing commercial or industrial uses. 	noise to the facility. The submitted acoustic report demonstrates that the proposal will not cause an unacceptable acoustic impact.
3.1 C2	<p>Ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible, and the site is environmentally safe, and there are no potential contaminants, and the lot dimensions are suitable, and the development will not have an unacceptable impact on the area, and the proposal will retain the significance of the heritage item, and there are suitable and safe drop off and pick up areas, and adjacent roads are safe, with no direct access to dangerous roads, and there are no socially incompatible uses nearby. 	<p>The site is opposite to a high school. The site is sufficiently separated from industrial units within the site for there to be no unacceptable impact. The backs of some industrial units are close but they present solid walls and are accessed from the other sides of those units, so that there will be no discernible impact.</p> <p>There are no environmental hazards, subject to the proposed vegetation management measures within the children's play area.</p> <p>The appointed Site Auditor will ensure that the site, including the outdoor play area, is suitable for occupation prior to the issue of any Occupation Certificate for the proposed development.</p> <p>There are no sensitive uses nearby that will be unacceptably impacted by the proposal.</p> <p>The lot dimensions are ample to accommodate the use.</p> <p>The site does not directly access dangerous roads, as there is a separate driveway from Inman Road into the main site and because that driveway will not be used by heavy vehicles.</p> <p>There are no socially incompatible uses nearby.</p>
3.1 C3	A child care centre should be located near compatible social uses such as schools and open space area. There should be good public transport access.	The site is opposite a school and is near a major recreational area. There are regularly operated bus services an 800 metre walking distance from the site.
3.1 C4	The child care centre should not be near environmentally hazardous uses.	Complies.

Clause	Summary of relevant provision	Compliance comment
3.2	Local character, streetscape and public domain interface	
3.2 C5	<p>The development should:</p> <ul style="list-style-type: none"> • respond to the character of the locality and streetscape, • draw from the local history and character of the place, • reflect the character and form of surrounding land uses, • recognise important streetscape elements and use landscaping to contribute positively to the street, • integrate parking. 	<p>The proposal is an adaptive reuse and does not involve significant new building elements. The proposed fence is suitable because the building is in a raised position and will continue to be visible. The proposed landscaping has been chosen for its positive contribution to the character of the building. The parking is already integrated into the overall development of the site.</p>
3.2 C6	<p>Create a clear delineation between public and private realms, with suitable fencing, passive surveillance and appropriate transitions into the facility.</p>	<p>The proposal includes appropriate fencing to the outdoor play area. The approved upper level office provides passive surveillance to the play area, to further enhance the active surveillance that will be employed by staff of the centre. The proposed entry into the facility is via a reception area and is suitably secure.</p>
3.2 C7	<p>Differentiate the child care entry where the site has multiple entries.</p>	<p>There is a clear distinction provided between the entry to the office area and the entry to the child care centre.</p>
3.2 C8	<p>Where the centre adjoins public parks or bushland...</p>	<p>Not applicable</p>
3.2 C9	<p>Fencing to be designed according to heritage provisions</p>	<p>The proposed fence to the outdoor play area will be solid, which is acceptable in context because the site is within an industrial area. Vegetation within the setback area will be maintained.</p>
3.2 C10	<p>High acoustic fencing may be used to provide shielding from traffic noise.</p>	<p>The proposed fence to Inman Road will be acoustically treated insofar as required by the submitted acoustic report, so as to reduce any traffic impacts to the child care centre from Inman Road.</p>

Clause	Summary of relevant provision	Compliance comment
3.3	Building orientation, envelope, building design and accessibility	
3.3 C11	Orient a building and design the building layout to: <ul style="list-style-type: none"> • ensure visual and acoustic privacy, • optimise solar access, • minimise overshadowing, • minimise cut and fill, • address the street, • provide microclimatic protection. 	<p>There are no visual or acoustic privacy impacts arising from the orientation of the proposed development.</p> <p>The centre will receive good solar access from the west, which will be managed through vegetation.</p> <p>The proposal causes no overshadowing impact.</p> <p>The proposal involves only minor levels of cut and fill within the proposed outdoor play area adjacent to Inman Road.</p> <p>The existing building already suitably addresses the street.</p> <p>Vegetation will be managed to provide suitable microclimatic protection.</p>
3.3 C12-C14	Provisions relating to height, density and setbacks.	Not applicable, because the building envelope is already established.
3.3 C15	Entry should be limited to one secure point which is: <ul style="list-style-type: none"> • located to allow ease of access, • directly accessible from the street, where possible, • directly visible from the street frontage, • easily monitored by CCTV, • not accessed through an outdoor play area. 	<p>The proposed entry is:</p> <ul style="list-style-type: none"> • easily accessed from the approved parking area, • not directly accessible from the street – however, that is appropriate because of the nature of the whole redevelopment, • directly visible from the common pedestrian walkway and heritage square within the development, • CCTV will be able to be provided, as set out in the submitted operational plan of management, • not accessed through the play area.
3.3 C16	Achieve accessible design.	The established development consent, which allows use of the premises as an office, already demonstrates compliance with applicable

Clause	Summary of relevant provision	Compliance comment
		accessibility requirements. The proposed child care centre, including the internal facilities, has also been designed to comply with the Access to Premises Standard.
3.4	Landscaping	
3.4 C17	Appropriate planting should be provided along the boundary, integrated with fencing. Screen planting should not be included in the calculation of unencumbered outdoor play areas.	The submitted landscape plan demonstrates achievement of that outcome.
3.4 C18	Incorporate car parking into the landscape design by...	Not applicable, as the site's car parking is already established.
3.5	Visual and acoustic privacy	
3.5 C19	Avoid balconies overlooking the children's play areas.	Complies. The first floor level office uses will overlook the outdoor play area. That is acceptable because office areas are in a semi-public, relatively safe setting and it is unlikely that that will pose a safety or privacy risk to children playing.
3.5 C20	Minimise overlooking from public areas	The proposed outdoor play area will be screened from the street by the proposed fencing.
3.5 C21	Minimise privacy impacts on adjoining properties.	Not applicable, as discussed.
3.5 C22	Relates to sites adjacent to residential.	Not applicable.
3.5 C23	A suitably qualified acoustic consultant should provide an acoustic report where specified.	The submitted acoustic report demonstrates that the proposed child care centre will comply with applicable acoustic standards and will not cause an unacceptable acoustic impact to other properties or tenancies.
3.6	Noise and air pollution	
3.6 C24	Adopt specified design solutions to minimise the impacts of noise.	Relevant considerations are addressed in the accompanying acoustic report.

Clause	Summary of relevant provision	Compliance comment
3.6 C25	An acoustic report should be provided for child care centres on industrial land.	The submitted acoustic report addresses relevant considerations.
3.6 C26	Locate child care centres to avoid significant noise.	The proposal is acceptable in that regard for the reasons set out above.
3.6 C27	Air assessment report should be provided where specified.	There are no surrounding uses warranting the provision of such a report.
3.7	Hours of operation	
3.7 C28	Where predominant use is residential...	Not applicable
3.7 C29	Within commercial areas, assess on merit.	The proposed child care centre will operate from 7am to 6pm Mondays to Fridays and from 8 am to 3pm Saturdays, with no operation on Sundays. Those hours are reasonable given the lack of proximity to residential uses or to any other uses that would be sensitive to those hours.
3.8	Traffic, parking and pedestrian circulation	
3.8 C30	Provide off-street parking at specified rates	Please refer to the assessment of the proposal in relation to the applicable Development Control Plan as set out elsewhere in this statement.
3.8 C31	Ensure no conflicts with truck movements.	Complies, as set out elsewhere in this statement and table.
3.8 C32	A traffic and parking study should be provided where specified.	A traffic and parking assessment accompanies the development application and meets that requirement.
3.8 C33	Alternate vehicular access should be provided where specified.	Suitable vehicular access, separated from Inman Road, is already established for the site.
3.8 C34	Relates to cul-de-sacs.	Not applicable.
3.8 C35	Design solutions may include: <ul style="list-style-type: none"> • separate pedestrian access • defined pedestrian crossings within large car parks 	The parking is part of the whole development and safe, separate parking is already part of the design. Deliveries to the centre will use standard parking spaces as they will be

Clause	Summary of relevant provision	Compliance comment
	<ul style="list-style-type: none"> • separate delivery areas • minimise pedestrian-vehicular conflicts • separate from truck areas • vehicles exit in a forwards direction 	from vehicles such as vans and utes. Truck parking in the estate is separated. Vehicles exit the car park in a forwards direction.
3.8 C36	Mixed use developments should...	Not applicable
3.9 C37	Car park design should include a child safe fence to separate parking from children's play, provide clearly marked accessible parking as close as practicable to the entrance, and include wheelchair and pram accessible parking.	The parking area is already approved and has already been designed in accordance with relevant standards that support accessibility.
4	Applying National Regulations to the proposed development	The designer of the proposed development has designed it to comply with the applicable National Regulations. Further assessment of that matter in this statement is unnecessary as that matter will be determined by the NSW Government through their licensing procedures.

Having regard to the foregoing, the proposal is acceptable in relation to the *Child Care Planning Guidelines*.

Clause 3.24 relates to centre-based child care centres in certain zones, including within zone E4 General Industrial. It requires that the consent authority consider the following matters:

- (a) *whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,*

Comment: The site is not near such land uses.

- (b) *whether the proposed development has the potential to restrict the operation of existing industrial land uses,*

Comment: The proposed child care centre will be adjacent to the rear of warehouses within the development under construction on the site. However it will be adjacent to the rear walls of those warehouses which will prevent the transmission of any significant noise volumes so that uses of those warehouses is unlikely to cause an offensive noise to the proposed child care centre. Truck access to those warehouses is separated from the access to the child care centre and is on the opposite side of the warehouses, so that noise will not be generated by truck movements or by loading and unloading activities. The proposed child care centre therefore does not have the potential to restrict the operation of existing (or future) industrial land uses.

- (c) *whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.*

Comment: The location of the proposed development does not contain unacceptable health or safety risks to children, visitors or staff.

Clause 3.26 establishes non-discretionary development standards for child care centres. It establishes that the proximity of the child care centre to any other centre, amounts of indoor or outdoor space, site dimensions, or the colour of building materials or shade structures are not relevant matters for consideration.

Clause 3.27 establishes that provisions of a development control plan seeking to regulate operational management plans (including hours of operation), whether there is a demonstrate need for a child care centre, the proximity of the centre to other centres, the design principles set out in the *Child Care Planning Guideline*, the matters for consideration or the regulatory requirements set out in that guideline other than concerning building height and setbacks and car parking rates are not applicable. That is taken into consideration in the assessment of the proposal under the applicable development control plan elsewhere in this statement.

Having regard to the foregoing, the proposed development is acceptable when assessed under the relevant provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

4.2. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 includes Chapter 4, relating to remediation of land.

Clause 4.6 of the Policy provides as follows:

A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

As the proposed development is for a child care centre, the consent authority must be certain about the contaminated land status of the subject site and must be satisfied that the site will be remediated in accordance with the relevant guidelines prior to occupation.

In that regard, there is a contamination strategy in operation across the whole development site. The submitted documentation by Trace Environmental addresses a data gap relevant to the subject premises and demonstrates there is no contamination impact on the subject premises.

The proposal is therefore acceptable in relation to site contamination as the premises will be acceptable upon completion of the proposed development.

4.3. State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 includes Chapter 3 relating to advertising signage. The proposed development includes business identification signage and therefore the provisions of Chapter 3 relevant to business identification signage are applicable to the proposal.

Clause 3.11 provides that an assessment of the proposal is required of the assessment criteria set out in Schedule 5. Such an assessment of the proposed signage is as follows:

Clause	Summary or relevant provision	Compliance comment
1	<p>Character of the area</p> <p>Is the proposal consistent with the existing or desired future character of the area in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The signage is of a minor nature in the context of the coarse-grained site and will therefore be acceptable. There is no particular established theme.</p>
2	<p>Special area</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas or, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed signage has been included as part of the architectural details assessed in the submitted Statement of Heritage Impact and is found to be acceptable.</p>
3	<p>Views and vistas</p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>There are no such impacts from the proposed signage.</p>

Clause	Summary or relevant provision	Compliance comment
4	<p>Streetscape, setting or landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The proposed signage is minor and is set back from the street so that it will have appropriate scale, proportions and form within the context of the streetscape.</p> <p>The proposed signage provide suitable legibility and enlivening of the streetscape.</p> <p>The proposed signage does not contribute to visual clutter. There is no visual clutter from existing signage and therefore there is no need to rationalise or simplify existing signage.</p> <p>The proposed signage is not called upon to screen any unsightliness in this instance.</p> <p>Vegetation management in relation to the whole proposal is assessed in the submitted documentation.</p>
5	<p>Site and building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is of a minor scale in the context of the site.</p> <p>The proposed signage respects the heritage item, as demonstrated in the submitted statement of heritage impact.</p> <p>The proposed signage is not called upon in the context of this particular development to demonstrate innovation or imagination.</p>
6	<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>Not applicable.</p>
7	<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p>	<p>There may be minor external illumination of the signage and any such minor illumination will have no adverse impact in its setting.</p>

Clause	Summary or relevant provision	Compliance comment
	Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	
8	Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	There are no safety issues with the proposed signage as it will not cause any visual obstruction, being set away from areas where drivers require clear sightlines.

Having regard to the foregoing assessment, the proposed signage is acceptable in relation to the relevant provisions of *State Environmental Planning Policy (Employment and Industry) 2021*.

4.4. Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 (WDCP2011) is applicable to the proposal, excepting that certain matters specified under *State Environmental Planning Policy (Transport and Infrastructure) 2021* are not applicable as set out elsewhere in this statement. Consideration of its provisions is as follows:

Clause	Summary or relevant provision	Compliance comment
Part B	Built form controls	There is limited relevance to the built form controls because the proposal adapts an existing building. There are landscaping works proposed along within minor external works. However, none of the built form controls are relevant to those works.
Part C	Siting factors	
Part C2	Traffic, access and safety Vehicle access to be obtained from minor streets where practicable	Vehicular access to the site is already established.
Part C3	Car parking Car parking is to be provided in accordance with Appendix 1 of WDCP2011. Requirement is 1 space per 4 children that would be on the premises at any one time.	The proposed child care centre will accommodate as many as 120 children at any one time. The required car parking for that number of children in 30 spaces. There are in excess of 30 car spaces available within the approved car parking areas within the overall development. It is demonstrated in the submitted Traffic and Parking Report that the proposed demand

Clause	Summary or relevant provision	Compliance comment
		for parking spaces is consistent with the total provision of parking within the approved development.
Part C4	Stormwater Stormwater design to be in accordance with Council's technical requirements.	Proposal complies – the proposed landscaping within the outdoor play area is suitably connected to Council's drainage system.
Part C7	Excavation and landfill All landfill to be clean. Must not impact adjoining land. Must be structurally stable. Must not create pollution or siltation of waterways.	The proposed earthworks will use clean fill. Structural engineering details shall accompany the construction certificate demonstrating that the earthworks will be structurally stable. A sedimentation-erosion control plan will accompany a construction certificate application and will demonstrate that construction works will be undertaken in such a way as to minimise sedimentation-erosion control-related impacts to waterways.
Part C8	Demolition and construction Demolition and construction is to be carried out in accordance with the applicable guidelines.	The proposal involves only minor demolition and construction works and those will be carried out in accordance with Council's standard requirements.
Part C9	Waste management A waste management plan is to accompany the development application.	A waste management plan accompanies the development application, demonstrating that: <ul style="list-style-type: none"> • Construction and demolition wastes will be suitably managed, • Wastes generated by the child care centre use shall be stored in a suitably designed waste storage area, • There will be suitable waste collection arrangements, and Wastes will be separated into recyclable and non-recyclable parts and the recyclable wastes will be recycled.
Part D	Design	

Clause	Summary or relevant provision	Compliance comment
Part D1	Landscaped open space and bushland setting	Not applicable as the site is not mapped on the WDCP2011 Landscaped open space and bushland setting map
Part D3	Noise Development near existing noise generating activities is to be designed to mitigate the effects of that noise.	The proposed child care centre has its outdoor play area oriented away from industrial buildings. The internal play areas will be separated from external areas within the industrial estate by other rooms (such as staff rooms and amenities). An acoustic report accompanies the development application addressing any requirements for the proposed fence to Inman Road to provide acoustic attenuation.
Part D13	Front fences and front walls Fences are to be compatible with the streetscape character.	There is no particularly established streetscape character. The proposed front fence will not block views from the street of the main part of the heritage item.
Part D18	Accessibility and adaptability Proposal is to comply with relevant standards including the Access to Premises Standard.	The proposed development complies with the Access to Premises Standard, as demonstrated in the accompanying <i>Building Code of Australia</i> report.
Part D20	Safety and security The provisions includes various matters relevant to Crime Prevention Through Environmental Design. Those provisions are generally only relevant to new development.	The proposal includes suitable passive surveillance from the first floor level office areas. The proposed entry to the child care centre is suitably secure through a controlled access point. A suitable fence is provided along the boundary to Inman Road.
Part D22	Conservation of energy and water Landscape design is to assist in the conservation of energy and water.	The proposed landscape design has been prepared having regard to the need to use plants with low water requirements.
Part D23	Signs are to meet specified requirements – not set out in detail here because they are addressed under the applicable State Environmental Planning Policy. Exception to the above is requirement 13. However, the proposal does not fit any of the specified signage types.	The proposed signage is 4.5 metres wide by 1.2 metres in height, with an area of 4.5 square metres. The proposed signage is set well back from the road boundary and is discrete and appropriate.

There are no further SDCP2012 provisions of relevance to the proposal. The proposal is acceptable in relation to relevant SDCP2012 provisions and warrants approval.

4.5. Section 4.15 Assessment

1 (a) (i) Environmental Planning Instruments

As discussed in Part 4 of this statement, the proposed development complies with relevant WLEP2011 provisions, along with the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021* and *State Environmental Planning Policy (Industry and Employment) 2021*. The proposal is acceptable when assessed in accordance with those instruments.

1 (a) (ii) Draft Environmental Planning Instruments

There are no known draft environmental planning instruments that are applicable to the subject site that have a bearing on the present consideration.

1 (a) (iii) Development Control Plan

The proposal is acceptable in relation to WDCP2011 as set out elsewhere in this statement.

1 (a) (iv) The Regulations

The Regulation references *Building Code of Australia* related requirements. The submitted *Building Code of Australia* report demonstrates that the proposal is acceptable in relation to those requirements.

1 (b) Likely Impacts of Development

(i) Impact on the Natural Environment:

The proposal will impact on 10 trees within the Inman Road setback area, as set out in the submitted landscape plans and arborist's report. The submitted landscape plan demonstrates new tree plantings that will complement the adjacent heritage item and the streetscape generally.

The proposed development will affect the natural environment to the extent that it involves the proposed limited tree impacts. The trees affected are not identified as of particular importance in relation to biodiversity in any environmental planning instrument. The trees contribute to the local environment – however, the site is zoned for industrial development and the retention of trees in that setting is not a particularly high priority. The main concern is how they affect the setting of the heritage item. In that regard, the proposed landscaping works will result in less of a bushland appearance and in more of a managed landscape appearance, with replacement trees selected that will be compatible with the safe use of the area for outdoor play by children. The new tree plantings will, within a reasonable time frame, provide an attractive landscaped setting for the heritage item and will also complement the streetscape.

In those circumstances the impact of the proposed landscaping works, to provide a safe outdoor play area, are acceptable.

(ii) Impact on the Built Environment:

The proposed landscaping works will alter the setting of the heritage item. As set out above, the proposed landscaping works will provide more of a managed landscape setting than the existing setback area vegetation. That is appropriate given the site's industrial zoning and given that managed activities within the locality are expected.

The proposed development is an adaptive reuse of the existing heritage item and will be suitably integrated into the redevelopment of the whole site that is already taking place. As set out elsewhere in this statement, in the context of the applicable environmental planning instruments and development control plan, the proposal is acceptable as part of the approved redevelopment.

(iii) Social and Economic Impacts in the Locality:

The proposed child care centre will provide child care places for workers in the Cromer Industrial Area as well as for residents of Cromer, Collaroy Plateau, Wheeler Heights and other surrounding areas. The proposal will therefore provide a positive social benefit.

The proposal will not interfere with the ability of industrial tenants of the new development to undertake their activities. The proposed use is no more sensitive to such impacts than the already approved office uses in that regard, and the warehouse component of the approved development is designed so that truck manoeuvring is on the other side of warehouse buildings to the subject premises and has suitably enclosure to prevent the unreasonable transmission of noise.

The proposed use complements the nearby school and recreational open space areas.

1 (c) Suitability of the site for the proposed development

The approved development retains office uses within the overall industrial redevelopment of the site, notwithstanding that those uses are prohibited in the general industrial zone, because allowing those uses is consistent with the need to retain the heritage listed Roche Building Group. Similarly, the proposed use of the ground level of the building will also facilitate the retention and appreciation of the heritage item.

The subject premises feature extensive open areas that are suitable for the proposed internal alterations and use to be carried out. The subject premises will have good access to car parking that can be safely accessed, given that no heavy vehicles will be using the driveway or parking spaces.

The site is located in an area where there will be a benefit in the provision of child care places, because of the demand from workers in the Cromer Industrial Area. The proposed use will complement nearby school and recreational open space areas.

The proposal is to adapt the Inman Road setback area for use as an outdoor play area for the child care centre. That setback area presently contains unmanaged vegetation along with several significant trees. The proposed use of that area as an outdoor play area entails management of some of the existing trees, including removal of some trees, so that the area will be safe for children's play (having regard to dropping of branches). The site is suitable for such management to take place because the Inman Road setback area is not identified as of biodiversity significance and because the site is industrially zoned, so that it may be unreasonable to prevent the proposed use from taking place for the purposes of maintaining such vegetation. The proposed new landscaping will maintain an attractive landscaped setting for the heritage item whilst maintaining a safe environment for children using the space.

In consideration of the foregoing, the site is suitable for the proposed development.

1 (d) Any submission made

Northern Beaches Council will undertake a notification period in accordance with their policies.

1 (e) The public interest

The proposed development is in the wider in the public interest for the following reasons:

- It is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the economic and orderly development of land.
- The proposal is in accordance with applicable town planning controls and policies.

The decision of the consent authority will involve weighing up whether it is in the public interest for the proposed child care centre to be permitted even though the use is prohibited in the industrial zone, but having regard to the heritage incentive provisions within WLEP2011. It is demonstrated elsewhere in this report that that will be in the public interest because allowing the child care centre will facilitate the retention of the Roche Building Group and is consistent with the values expressed in the statement of significance for the heritage item.

The decision of the consent authority will also involve weighing up whether it is in the public interest for the proposed management of vegetation within the Inman Road setback area to be permitted. In that regard, it is recognised that the proposed use of that area for children's outdoor play will change that area to more of a managed landscape than the current less managed landscaped character. On balance, that change is appropriate because the site is zoned for industrial use and it may normally be expected that managed vegetation takes precedence over less managed vegetation. The vegetation that will be impacted is not of particular biodiversity significance. Although the vegetation enhances the setting of the heritage item, the proposed managed vegetation will also enhance the setting of the heritage item and is not unsuitable in those circumstances.

The proposal will contribute to the supply of child care places in the locality and will enhance the Cromer Industrial Area because it will allow workers in the area to take their children to the centre conveniently and with confidence that they won't be held up in traffic on the way to collecting their children. The proposal will therefore contribute to the well-being of the local community.

The proposal is therefore in the public interest.

5. CONCLUSION

The Development Application (DA) seeks consent for the use of the ground floor level of Office C at 4-8 Inman Road as a child care centre for 120 children. The proposal includes associated works. The proposed hours of operation are:

Mondays to Fridays (inclusive): 7am to 6pm

Saturdays: 8am to 3pm

Sundays: No operation

The development application is made notwithstanding that child care centres are prohibited in the E4 General Industrial zone within which the site is located, through the heritage incentive provisions in clause 5.10(10) of WLEP2011. A detailed assessment of those criteria is set out elsewhere in this statement and demonstrates that the proposal will facilitate the retention of the heritage item. The proposal will also maximise public access to, and appreciation of, the heritage item.

The development application seeks to allow changes to the Inman Road setback area adjacent to the heritage item for an outdoor play area. The submitted landscape plan describes modifications to vegetation and a change from unmanaged vegetation to a managed landscape. When the proposed new tree plantings mature, which will be within a reasonable time frame, there will be a high quality setting to the heritage item. The proposed changes are appropriate having regard to the site's zoning and reasonable expectations for the use of the site.

The proposal is take place in the context of the overall redevelopment of the site for light industrial and similar purposes. There is a remediation strategy in operation in relation to that overall redevelopment. Additional information accompanies the present development application to address a data gap relevant to the subject premises. The documentation provided demonstrates that the site will be suitable for the proposed development in relation to contamination.

The aim of this report has been to:

- Describe the proposal;
- Illustrate compliance of the proposal with relevant statutory considerations;
- Provide an assessment of the likely environmental impacts of the proposed development.

From this statement it is concluded that the proposal is acceptable and will make a positive contribution to the locality.

The proposed development has been assessed in accordance with the provisions of:

- *Warringah Local Environmental Plan 2011*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- Other relevant State Environmental Planning Policies
- The NSW Environmental Planning and Assessment Regulation 2021
- *Warringah Development Control Plan 2011*
- Section 4.15 of the Environmental Planning and Assessment Act 1979.

Having regard to the aforementioned assessment it is demonstrated that the proposed development is acceptable and that it should be approved.

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Bach of Urban and Regional Planning (Hons)