

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-24
<b>Application Number</b>	DA2019/0411
<b>LGA</b>	Northern Beaches
<b>Proposed Development</b>	Alterations and Additions to Brookvale Primary School, including a new School Hall
<b>Land to be developed (Address)</b>	<p>Lot 1 DP 209019, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 229795, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 365898, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 918786, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 13 DP 5876, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 14 DP 5876, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 15 DP 5876, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 17 DP 3674, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 208793, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot B DP 311452, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 2 DP 209019, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 947905, 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p>
<b>Applicant/Owner</b>	NSW Department of Education Brookvale Public School
<b>Date of DA lodgement</b>	18/04/2019
<b>Number of Submissions</b>	4
<b>Recommendation</b>	Refusal
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	4.33 (2b) Environmental Planning and Assessment Regulation 2000 - Crown DA referred by the applicant
<b>List of all relevant s4.15(1) (a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• Warringah Local Environmental Plan 2011</li> <li>• Warringah Development Control Plan 2011</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> </ul>
<b>Report prepared by</b>	Peter Robinson, Executive Manager, Development Assessment
<b>Responsible Officer</b>	Julie Edwards, Planner
<b>Report date</b>	

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## Executive Summary

The application seeks consent for the demolition of a toilet block, removal of three (3) Brush Box Trees and the construction of a new performance hall within the grounds of no. 2-8 Old Pittwater Road, Brookvale ("the Site")

The proposal is Crown Development and was referred to the Sydney Planning Panel by the Northern Sydney Asset Management Unit for the Department of Education.

Councils Urban Designer, Landscape Officer, Environment Climate Change (Development Engineering), and Environment Climate Change (Stormwater and Floodplain Engineering - Flood Risk) recommend refusal of the application due to the lack of information regarding the potential impact on Council infrastructure and potential flooding on the site and inconsistency with the Warringah Development Control Plan 2011 (WDGP).

The proposal is non-compliant with requirements of clause 6.3 Flood planning of the Warringah Local Environment Plan 2011 (WLEP) and clauses C4 Stormwater, C6 Building over or adjacent to Constructed Council drainage easements, D9 Building bulk, D20 Safety and security, E1 Preservation of Trees and Bushland Vegetation, E6 Retaining unique environmental features and E11 flood prone land of the Warringah Development Control Plan 2011 (WDGP).

Public exhibition of the proposal resulted in four (4) submissions. Two submission raised concern with the proposed location of the proposal, one (1) requesting additional information and one (1) submission in support.

Based on a detailed assessment of the proposal against the applicable planning controls, Councils assessment has concluded that the proposal is not suitable or desired outcome for the subject site.

The application has been assessed against the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations 2000), relevant Environmental Planning Instruments (EPIs) and Council policies. The outcome of this assessment is detailed within this report.

Accordingly, based on the detailed assessment contained in this report, it is recommended that the application be refused.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 6.3 Flood planning

Warringah Local Environmental Plan 2011 - Schedule 5 Environmental heritage

Warringah Development Control Plan - C4 Stormwater

Warringah Development Control Plan - C6 Building over or adjacent to Constructed Council Drainage Easements

Warringah Development Control Plan - D9 Building Bulk

Warringah Development Control Plan - D20 Safety and Security

Warringah Development Control Plan - E1 Preservation of Trees or Bushland Vegetation

Warringah Development Control Plan - E6 Retaining unique environmental features

Warringah Development Control Plan - E7 Development on land adjoining public open space

Warringah Development Control Plan - E11 Flood Prone Land

## SITE DESCRIPTION

<b>Property Description:</b>	<p>Lot 1 DP 209019 , 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 229795 , 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 365898 , 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 1 DP 918786 , 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 13 DP 5876 , 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p> <p>Lot 14 DP 5876 , 2 - 8 Old Pittwater Road BROOKVALE NSW 2100</p>
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<b>Detailed Site Description:</b>	<p>The subject development is situated wholly within the boundaries of the existing Brookvale Public School at 2-8 Old Pittwater Road, Brookvale. The school is bounded to the north by houses along Gulliver Street, to the east by Council's Brookvale Children's library, to the south by Old Pittwater Road and to the west by Elizabeth Place, which is a narrow dead end street.</p> <p>The proposal is located in the north-eastern corner of the school playing field and includes:</p> <ul style="list-style-type: none"> <li>• The demolition of the existing toilet block along the north -eastern boundary,</li> <li>• Removal of three (3) significant Bottle Brush Trees,</li> <li>• Construction of a new performance hall.</li> </ul> <p>The current school hall is accommodated in the northern end of the pre-school building.</p> <p>Brookvale Public School is classified as having local heritage significance under Warringah LEP 2011. Specifically, it refers to the original school building located in the south-eastern part of the school yard according to Warringah Heritage Inventory 1998. The heritage building is situated more than 60m away from the development site across the playground.</p>

Map:





## SITE HISTORY

A search of Council's records has revealed the following relevant site history:

### **Application DA2006/0771**

Erection of Awning to Create Outdoor Learning Area

Approved - 28 October 2006

### **Application DA2005/0175**

Additions to Existing School Hall Involving Provision of Store Rooms Servery and Deck

Approved - 14 June 2005

## **Prelodgement meetings and meetings to discuss the proposal**

### **Pre-lodgement Meeting PLM2018/0211**

A prelodgment was held on 27/09/2018 to discuss the new School Hall and associated storerooms and amenities. In the meeting Council expressed concern with the proposed location of the new school hall and that an alternate location towards the middle of the school replacing the existing stand alone toilet block on the western side of the playing field (option 7 of the Brookvale School Hall Options Analysis) would be the preferred location as it would have the least impact on the large Brush Box Trees and retain more of the schools already limited green space. In the meeting Council let the applicants know that we would not be supporting the removal of the large Brush Box Trees along the boundaries.

After the initial meeting, a subsequent meeting was held on 10 December 2018 where Council again reiterated prelodgement advice in relation to the proposed location of the new performance hall and the requirement for the retention of the Brush Box Trees.

## **PROPOSED DEVELOPMENT IN DETAIL**

The proposal is seeking approval for the demolition of a concrete toilet block, removal of three large trees, the construction of a school performance hall and the change of use of the existing school hall to class rooms.

The proposed works include the construction of a single storey performance hall in the north-eastern corner of the site. The performance hall building will comprise:

- Performance hall and platform area;
- Performance, PE, chair, sports and Outside School Hours Care (OSHC) storage areas;
- OSHC office and kitchenette;
- Sound room; and
- Accessible WC.

The existing OSHC operating from the school will relocate to the proposed performance hall.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to</p>

Section 4.15 Matters for Consideration'	Comments
	consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed in detail under the Warringah Development Control Plan section in this report.</p> <p>The proposed location of the new performance hall will result in the removal of locally significant trees bounding the site.</p> <p><b>(ii) Social Impact</b> The proposed development will have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development, however, the proposed location on the site is not considered suitable.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	<p>The public interest has been considered as part of the application process. In this instance, the public interest is best served by the consistent application of the requirements of the relevant planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised and/or managed.</p> <p>This assessment has found the proposal to be contrary to the relevant requirement(s) of the SEPP Educational Establishments and Childcare Facilities 2017, and clause 6.3 Flood Planning of the Warringah Local Environment Plan 2011 and parts C4 Stormwater, C6 Building over or adjacent to Constructed Council Drainage Easements, D9 Building Bulk, D9 Safety and Security, E1 Preservation of Trees or Bushland Vegetation, E6 Retaining unique environmental features and E11 Flood Prone Land and will result in a development which will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be in the public interest.</p>

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 4 submission/s from:

Name:	Address:
Sian Maree Waythe	21 Kalianna Crescent BEACON HILL NSW 2100
Mr Michael John Clark	407 Condamine Street ALLAMBIE HEIGHTS NSW 2100
Matthew Jack Skipper	Po Box 603 MOSMAN NSW 2088
Paul O'Keeffe	6 Alfred Road BROOKVALE NSW 2100

The application was notified to the surrounding residents and advertised for a period of fourteen (14) days between 13 July to 27 July 2019. The application received four (4) submissions. Two submissions objected to the proposal, one requested additional information and one in support.

The following issues were raised in the submissions and each have been addressed below:

- Lack of community consultation
- Noise
- Building bulk and visual outlook
- Retention and removal of trees
- Alternate location and biased option assessment
- Location impact on those using the facility -Traffic and parking
- Flawed notification process

The matters raised within the submissions are addressed as follows:

- **Lack of community consultation**

The submissions raised concern that the school did not provide sufficient consultation with the surrounding residents and parents of children attending the school.

Comment:

Council is not involved in the consultation process between the Brookvale Public School (the School) and parents/residents. The School and Department of Education will have there own requirements for consultation that they need to adhere to. Any concerns regarding the schools consultation process will need to be addressed directly with the school and/ or Department of Education.

- **Noise**

The submission raised concern that the proposed location of the hall would result in unreasonable noise impacts on the adjoining residential properties and that the noise assessment report was inaccurate.



Comment:

The applicant has provided a noise assessment report which has been reviewed by Councils Environmental Health department. Councils Environmental Health department are satisfied that the proposal can be designed and operated without nuisance to the adjoining and surrounding properties. If the proposal is to be determined for approval Council would recommend conditions requiring the large glass folding doors to the south-west and operable high level louvres to be closed between 6.00pm to 10.00pm and the usage of the hall restricted to between 7.00am - 10.00pm.

Council undertakes its own assessment of the proposal and considers the expert reports provided by the applicant. In this regard, the information provided by the applicant is not always agreed with or relied upon. Where Council cannot complete the assessment due to insufficient or inadequate information, the applicant may be requested to provide additional details or that issue will be included as a reason for refusal.

- **Building Bulk and visual outlook**

The submission raised the following concern 'it is right on the boundary, not set back from the boundary like the other public school buildings along that fence line. It will destroy the amenity and visual outlook for the residents of Gulliver Street. The building should be setback 3 metres from the boundary, retain the existing trees and vegetation and not be as high. The vegetation is also needed to restrict noise'.

Comment:

This issue has been addressed in more detail under part D9 Building Bulk of this report. In summary, Council does not support the proposed location of the performance hall and removal of three Brush Box Trees. The location of the performance hall in the north-east corner of the site is out of character with the surrounding area. The bulk of the proposed development is considered to be excessive, and the visual impact of the proposal when viewed from adjoining properties is not appropriately minimised. In particular, the footprint and volume of the proposal is at odds with that of surrounding built form. The proposal also includes the removal of significant vegetation along the boundaries that currently provides visual separation between the school and surrounding residential properties. No landscaping is proposed along the side boundary to screen or soften the resultant built form to a level that is commensurate with the surrounding locality.

The proposed location will require the removal of significant trees along the boundaries that provides separation between the school and the adjoining residential properties. As outlined elsewhere in the report an alternate design and location (towards the middle of the site) could provide a better design outcome for the site and surrounding residential properties.

- **Retention and removal of trees**

The submission raised concern with the removal of the trees 'these mature trees provide shade and habitat for native animals. The so called replacement trees (ie tube stock) will take decades to effectively replace the existing trees. The school grounds are very small and highly urbanised, in an increasingly high-rise school catchment. Trees and open space in Brookvale are limited and highly valued. These trees can be retained by locating the new hall on the hard stand in the middle of the school grounds'

A submission also requested assurance that the removal of the trees would not cause damage to adjoining residential properties.

Comment:

This issue has been addressed in more detail under part E1 Preservation of Trees or Bushland Vegetation and E6 Retaining unique environmental features of this report. In summary, Council does not support removal of the three Brush Box trees. The trees along the school boundary are a unique environmental feature of the site and the surrounding Brookvale area and is clearly evident in 1943 Air Photos and form a part of the curtilage to the original school site, which includes the heritage listed original school building. By cutting down the trees the school is losing valuable landscaping, shade, visual separation between the school and surrounding residential properties and green space. The school already has minimal landscaping and the proposed location of the performance hall will further minimise this without providing an acceptable alternative.

In regards to the assurance that the trees will be removed without damage to adjoining residence, this is a matter between the school and those affected properties.

- **Alternate location and biased option assessment**

The submissions suggested an alternate location that would have a better outcome for school and the surrounding residential properties. The submission raised the following '*The options assessment appears highly subjective and inconsistent in summarising the merits or disadvantages of each option. In relation to Option 7, my preferred option, a quoted disadvantage is that it will divide the playground, reduce visibility and and increase playground duty staffing levels. I dispute this claim because the sight-lines are already compromised by the existing toilet block in the middle of the playground. Refer to the photo in the options assessment summary for Option 7. Also staffing levels will need to increase anyway to cater for the additional 50 students.*

*The assessment for the preferred option states that this location is connected with the existing school facilities. This is untrue. This location is remote from the classrooms, office, entry points and car park. A site in the middle to school grounds is far more connected to all school venues and activities'.*

Comment:

It has been stated to the applicant several times that Council does not support the proposed location of the performance hall in the north-east corner of the site. The proposed location and removal of significant vegetation will have an adverse impact on the adjoining residential properties and does not comply with several objectives of the WDCP. Council also believes that option 7 of the Brookvale Public School Hall Options Analysis is the best outcome for site and surrounding properties.

Furthermore, Council has raised concern with the location of the proposal due to site potentially being burdened by a Council stormwater pipeline. Additionally, the north-eastern boundary of the property is shown on Council's best available flood mapping as affected by overland flow flooding. The proposal is required to provide an overland flow flood report to determine if what the impact of the proposal being located in this area may or may not have. Council cannot support any proposal in this location without this information.

- **Location impact for those using the facility**

The submission raised concern that the location of the new performance hall and OSHC at the further most reaches of the school from parking and school entry will add significant travel time for parents collecting children.

Comment:

As outlined throughout the report and in the Urban Design comments, Council does not support the proposed location of the performance hall. Council does not support locating OSHC facilities

at the furthestmost point from parking and pedestrian access with no covered linkage. However, Council's concerns are based on non-compliance with WLEP and WDCP. Any concerns regarding the location of the proposal due to logistical grounds is a matter for the school and the Department of Education to address.

- **Flawed notification process**

The submission raised concern that the application was not notified correctly and that notification map on Council's website is wrong and deceiving.

Comment:

The application was notified for a period of 14 days to the all surrounding properties. The proposal was also advertised in the Manly Daily for an additional 14 days. The plans and maps provided clearly show the location of the works. Council believes that the application was notified correctly and in accordance with relevant legislation.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><b>Supported subject to conditions</b></p> <p>No objections to proposed new building works, subject to standard Conditions.</p>
Environmental Health (Industrial)	<p><b>Supported subject to conditions</b></p> <p>The Development Application seeks consent for the construction of a new single storey performance hall, the conversion of the existing hall for use as two classrooms and associated landscaping within the school boundaries. The proposal necessitates the removal of three trees and the demolition of an existing toilet block.</p> <p>An acoustic assessment by Day Design Pty Ltd Report 6736-1.1R 11 April 2019 makes recommendations enabling the School Hall to operate without nuisance. Apart from design comments importantly; the large glass folding door to the south-west and operable high level louvres must be closed 6.00pm to 10.00pm also usage being restricted 7.00am to 10.00pm.</p> <p>These restrictions can be lost over time so it is important that they be incorporated in the Management Plan and signage on the items concerned.</p> <p>Contamination or asbestos issues are not expected but general conditions will be added.</p> <p><b>Recommendation</b> APPROVAL - subject to conditions</p>
Landscape Officer	<p><b>Not supported</b></p> <p>The proposal consists of alterations and additions to an existing</p>



Internal Referral Body	Comments
	<p>school including the construction of a new single storey performance hall. The current plans for the new single storey performance hall requires the removal of valuable existing trees on site located on the periphery to adjoining residential properties.</p> <p>The existing Brushbox trees proposed for removal are part of a row of Brushbox trees along the north-east boundary. Brushbox trees have historically being planted in Sydney to provide shade along road corridors, and within recreational open space and school grounds for the wonderful shade provided during outdoor activities.</p> <p>In terms of landscape outcome, the proposal is not supported as it fails to achieve the landscape requirements of Warringah DCP 2011, clause D1 Landscaped Open Space. The stated objectives of the clause are to conserve and enhance vegetation to mitigate bulk and scale of development. The removal of three large Brushbox trees (identified in the Arboricultural impact Assessment as A01, A02 and A03) along the north-east boundary disturbs the landscape amenity enjoyed by vegetation including reducing built form and providing visual separation to adjoining residential properties.</p> <p>The existing Brushbox trees A01, A02, and A03 are assessed as exhibiting good health and canopy density, and providing landscape and visual significance. The recommendation for removal is based on the footprint location only and not the health nor condition of the trees. As such it is considered that an alternative location for the new single storey performance hall is the best landscape outcome.</p> <p>The building footprint is able to be relocated and realigned southward away from the north-east boundary to a distance to preserve the existing Brushbox trees A01, A02, and A03. This distance should respond to the assessment of a feasible encroachment into the tree protection zone.</p> <p>The retention of the Brushbox trees A01, A02, and A03 maintains the significant landscape and visual amenity to the site and surrounding residential properties. The loss of A07 Cheese Tree, instead of A01, A02, and A03, to allow the relocation and realignment of the proposed Hall represents a reduced landscape site amenity loss.</p>
NECC (Bushland and Biodiversity)	<p><b>Supported without conditions</b></p> <p>Council's Bushland and Biodiversity team raise no objection to the development proposal.</p> <p>The proposal is consistent with the identified Warringah DCP 2011 controls:</p> <ul style="list-style-type: none"> <li>• E1 Preservation of trees or bushland vegetation</li> <li>• E2 Prescribed vegetation</li> <li>• E6 Retaining unique environmental features</li> <li>• E7 Development of land adjoining public open space</li> </ul>



Internal Referral Body	Comments
NECC (Development Engineering)	<p><b>Not supported</b></p> <p><u>Council Stormwater Assets:</u></p> <p>Council's records indicate that the subject property in the location of the proposed development may be/is burdened by a Council stormwater pipeline. As outlined in the Development Application Checklist, the applicant shall demonstrate compliance with Council's Water Management Policy Section 6 and Council's Building Over or Adjacent to Constructed Drainage Systems and Easements Technical Specification. This consists of accurately locating, confirming dimensions including depth and plotting Council's stormwater pipelines and associated infrastructure to scale on the DA plans in accordance with Section 8.1 of this Specification. Council has public Planning Maps online with stormwater information as a reference for detailed stormwater investigations, available under the "Stormwater" overlay map (<a href="https://services.northernbeaches.nsw.gov.au/icongis/index.html">https://services.northernbeaches.nsw.gov.au/icongis/index.html</a>).</p> <p>Compliance shall be demonstrated with Section 6.1.2 of this Specification, regarding the design of footings of any buildings, structures or any retaining walls located adjacent Council's stormwater infrastructure.</p> <p><u>Overland Flow:</u></p> <p>The north-eastern boundary of the property is shown on Council's best available flood mapping as affected by overland flow flooding. Any future submission shall provide an overland flow flood report to assess the impact of the development with respect to local overland flows. The report shall be prepared by a suitably qualified engineer in accordance with Council's Stormwater Management Policy Section 9.3 and shall include, but not be limited to, an address of the following:</p> <ul style="list-style-type: none"><li>• The site survey and all levels shall be provided to Australian Height Datum (AHD).</li><li>• Catchment plan highlighting the full upstream catchment(s).</li><li>• A detailed analysis for any overland flow paths in both pre-development and post-development conditions, considering the 1% AEP storm.</li><li>• Consideration is to be given to the capacity of existing Council drainage infrastructure with appropriate blockage factors.</li><li>• Submission of plans clearly indicating pre-development and post-development flow path extents for the 1% AEP storm.</li><li>• Any relevant supporting longitudinal and cross-sectional</li></ul>



Internal Referral Body	Comments
	<p>information at appropriate intervals, including at the upstream and downstream property boundaries.</p> <ul style="list-style-type: none"> <li>• Provision of any stormwater models (DRAINS, HEC-RAS) used in assessment, and relevant supporting input and output information.</li> <li>• Demonstration of compliance with flood related development controls, in particular Warringah LEP 2011 Section 6.3 and DCP 2011 Section E11.</li> <li>• Demonstration that there is no adverse impact to adjoining properties in relation to flood level, velocities and extents.</li> <li>• Where conflicts occur between existing overland flow paths and the proposed development, detail shall be provided of any proposed flood mitigation measures.</li> </ul> <p>The proposed application cannot be supported by Development Engineering due to lack of information to address:</p> <ul style="list-style-type: none"> <li>• Overland flows for the development in accordance with clause C4 Stormwater.</li> <li>• Council's stormwater assets for the development in accordance with clause C6 Building Over or Adjacent to Constructed Council Drainage Easements.</li> </ul>
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p><b>Not supported</b></p> <p>Please refer to Development Engineers Comments</p>
Parks, reserves, beaches, foreshore	<p><b>Supported without conditions</b></p> <p>No objections to the proposal and no conditions recommended.</p>
Strategic and Place Planning (Heritage Officer)	<p><b>Supported without conditions</b></p> <p>Further to a review of available documents, the impact of the current proposal will be acceptable.</p> <p>Based on the above, there is no objection to this proposal from heritage perspective and deem heritage conditions not required.</p> <p>Proposal is acceptable without conditions.</p>
Strategic and Place Planning (Urban Design)	<p><b>Not supported</b></p> <p>The comments provided below consider the drawings presented at DA stage following several pre-lodgement meetings.</p> <p>The Options Analysis drawings analysing several location options for the proposed hall noted Option 2 as the preferred option, with the siting of the building in a similar location previously suggested by Council as not ideal in previous pre-lodgement meetings.</p>



Internal Referral Body	Comments
	<p>This assessment deals with the building as sited in Option 2.</p> <p><b>SEPP (Education Establishments and Child Care Facilities) 2017</b></p> <p>In accordance with Schedule 4 of the SEPP Education Establishments and Childcare Facilities 2017, Design Quality Principles the following comments respond to three of the key Principles, namely 1. Context, Built Form and Landscape, 5. Amenity and 7. Aesthetics in a general commentary noting particular aspects of the applicant's design response to site, context, built form, landscape and aesthetic value.</p> <p>The following clauses are of specific relevance to the proposed development;</p> <p><b>1. Context, Built Form and Landscape</b>  <i>New school development should:</i>  <i>Respect and respond to its physical context, neighbourhood character, streetscape quality and heritage</i>  <i>...</i>  <i>Respond to its natural environment including scenic value, local landscape setting and orientation</i>  <i>...</i>  <i>Retain existing built form and vegetation where significant</i>  <i>...</i>  <i>Consider height and scale of school development in relationship to neighbouring properties.</i></p> <p><b>5. Amenity</b>  <i>New school development should:</i>  <i>Be integrated into, and maximise the use of the natural environment for learning and play</i>  <i>...</i>  <i>Provide buffer planting in setbacks where appropriate to reduce the impact of new development . . .</i></p> <p><b>7. Aesthetics</b>  <i>New school development should:</i>  <i>Reflect a commitment to and investment in design excellence</i>  <i>...</i>  <i>Achieve a purposeful composition of materials and elements through a rigorous design process</i>  <i>...</i>  <i>Seek opportunities to enhance public facing areas with landscaping and ensure landscape and building design are integrated</i>  <i>...</i>  <i>Balance internal spatial requirements with an external mass and scale that responds to its context</i>  <i>...</i>  <i>Avoid long stretches of security fencing to public facing areas through arrangement of building edges, landscaping, gates and other openings</i></p>



Internal Referral Body	Comments
	<p>...</p> <p>1. The built form, mass and scale of the proposed development demonstrates little consideration to the scale and amenity of the users of the site. Whilst it is understood that the scale of the hall needs to provide for multiple functions, activities and varying capacities, the first impression is somewhat lacking in aesthetic value. Not only do the buildings fail to address the immediate context and school users through a considered and proportionate response to context and adjacent interfaces to the sports field and the wider community, they also bear little contextual response to the existing buildings on site.</p> <p>2. The scale of the fascia across the whole building and extents of the roof, spanning approximately thirty five (35) metres, is overwhelmingly industrial and lacks any detailed consideration, articulation or refinement.</p> <p>The depth of fascia to the awning/covered area measuring approximately 1 metre deep could better address the relationship with context and interface with the playing fields. Its projecting eave and depth of fascia should respond to the scale of the occupants in the space with a more considered response to the users – children / playful / joyous / optimistic / colourful / intimate in scale.</p> <p>3. The rear of the building is distinctly industrial in typology with a thirty five (35) metre long industrial metal clad shed offering no dialogue with the immediately adjacent neighbouring R2 zoned properties. There is little articulation, movement or breaks in the mass and bulk of the entire north eastern elevation . A more refined response to the context and neighbouring residential interfaces is required.</p> <p>4. Any dialogue or relationship with the existing heritage buildings is a missed opportunity. The adjacent library and circulation connections show little consideration to the interface between buildings in particular the ramp from the hall to the abutting building is a lost opportunity to provide a small gathering/courtyard area or more generous circulation zone.</p> <p>A more fine grain response to these interfaces to address the three very different conditions; heritage adjacency (south), R2 Zone (north/east) and finally the outdoor activity area should be further investigated.</p> <p>These interfaces represent different scales of activity, occupation and environment.</p> <p>All three conditions require individual and measured responses to these immediate interfaces.</p> <p>5. A finer grain response in both articulation/modulation and materiality of the built form is required to adequately respond to bulk and scale, the specific site constraints and location in order to provide</p>



Internal Referral Body	Comments
	<p>a considered response to place in more rigorous detail.</p> <p>6. Built form and landscape interfaces should be clearly articulated rather than just a hard line edge condition as demonstrated on the drawings. Elements that allow for casual pause and rest or longer term periods of interaction should be reflected in the design of the edge conditions and interfaces to circulation and built form thresholds; low height seating integrated or emanating from the language and design intent of the overarching design strategy.</p> <p>7. The scale of the proposed building requires strategies to soften, recede and break down the form to better relate to site and context. Built form bookends that gather a central outdoor learning/COLA area could assist to break down the built form. Smaller built form modules at either end of a central covered playing area could assist to reduce the impact of the bulk and scale, both internal and external to the site.</p> <p>8. The retention of the larger trees currently documented to be removed should be investigated for their potential incorporation in the spatial planning arrangement as a central green courtyard and outdoor covered area. A central covered play area that incorporates the retention of the significant trees is Council's preferred position.</p> <p>9. Access and paths of travel have not been sufficiently documented to assess compliant path of travel is achieved from the entry point of the site to the rear of site location of the building. The current drawings show simple dashed lines to indicate 'desire lines' only. It is noted that the childcare facilities are located at the furthest corner of the site from the point of entry to the school. Further details showing access paths across site should demonstrate wayfinding strategies and compliance is achieved.</p> <p><b>GANSW Better Placed Design Guide for Schools</b> 2.2 Design Considerations This section of the document provides guidance on how to meet the Education SEPP Design Quality Principles.</p> <p>The applicant is encouraged to address the principles discussed above by way of completion and demonstration of a Design Verification Statement, as a checklist for addressing and achieving good design outcomes for the project. Design Verification Statement is provided at the end of the document.</p>
Traffic Engineer	<p><b>Supported subject to conditions</b></p> <p>The application seeks approval for construction of a hall and ancillary service buildings.</p> <p>No changes to student numbers is proposed.</p> <p>Traffic raise no objection to the proposal subject to the applicant submitting a TMP for the student drop-off and pick-up process. This</p>

Internal Referral Body	Comments
	will be included as a condition of consent.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	The proposed development was submitted to the NSW Police - Local Command for review. The following comments were received 'Given the nature of the development we do not believe a Crime Risk Assessment and CPTED (Crime Prevention through Environmental Design) assessment is required'.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP Educational Establishments and Child Care Facilities 2017

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

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

As previously outlined this application is for the establishment of a performance hall that will be used for Outside School Hours Care (OSHC).

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

## DESIGN QUALITY PRINCIPLES

### Principle 1: context, built form and landscape

*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*



*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

*School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

Comment:

The built form, mass and scale of the proposed development demonstrates little consideration to the scale and amenity of the users of the site. Not only do the buildings fail to address the immediate context and school users through a considered and proportionate response to context and adjacent interfaces to the sports field and the wider community, they also bear little contextual response to the existing buildings on site.

The design does not respond adequately to the site context, the adjoining residential development and heritage buildings located within the site.

The scale of the proposed building requires strategies to soften, recede and break down the form to better relate to site and context. Smaller built form modules at either end of a central covered playing area could assist to reduce the impact of the bulk and scale, both internal and external to the site.

**Principle 2: sustainable, efficient and durable**

*Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*

*Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

Comment:

The building design does not optimise the orientation of the site and does not utilise cross ventilation as the back of the building does not open.

The location of the proposal in the rear north-eastern corner of the site limits future extension and flexibility of building works due to the adjacent sports field and side boundaries.

**Principle 3: accessible and inclusive**

*School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

*Note. Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

*Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

Comment:

Access and paths of travel have not been sufficiently documented to assess compliance. The current drawings show simple dashed lines to indicate 'desire lines' only. It is noted that the childcare facility is to be located at the furthestmost corner of the site from any entry point to the school. Concern is raised that the location of the OSHC in this location will add additional time to parents/ caregivers drop off and

pick up. The proposal needs to demonstrate wayfinding strategies and compliance can be achieved.

**Principle 4: health and safety**

*Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

Comment:

In terms of CPTED principles the setback to the side boundary 0.9m runs for the full length of the building being approximately 35m. The space between the boundary fence and the building line poses a potential security and safety issues with lack of surveillance opportunities in this area.

**Principle 5: amenity**

*Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*

*Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*

*Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

Comment:

The built form and landscape interfaces should be clearly articulated rather than just a hard line edge as demonstrated on the drawings. Elements that allow for casual pause and rest or longer term periods of interaction should be reflected in the design of the edge conditions and interfaces to circulation and built form thresholds; low height seating integrated or emanating from the language and design intent of the overarching design strategy.

Further to this the retention of the larger trees currently documented to be removed should be investigated for their potential incorporation in the spatial planning arrangement as a central green courtyard and outdoor covered area.

**Principle 6: whole of life, flexible and adaptive**

*School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

Comment:

The current built form and location allows for little future flexibility to accommodate innovative teaching and learning methods. Flexibility that allows for multiple uses and varying class sizes should be further investigated in the planning regime.

**Principle 7: aesthetics**

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of*

*identity of the neighbourhood.*

Comment:

The built form, mass and scale of the proposed development demonstrates little consideration to the scale and amenity of the users of the site. Whilst it is understood that the scale of the hall needs to provide for multiple functions, activities and varying capacities, the first impression is somewhat lacking in aesthetic value. Not only do the buildings fail to address the immediate context and school users through a considered and proportionate response to context and adjacent interfaces to the sports field and the wider community, they also bear little contextual response to the existing buildings on site.

The scale of the fascia across the whole building and extents of the roof, spanning approximately thirty five (35) metres, is overwhelmingly industrial and lacks any detailed consideration, articulation or refinement.

The depth of fascia to the awning/covered area measuring approximately 1 metre deep could better address the relationship with context and interface with the playing fields. Its projecting eave and depth of fascia should respond to the scale of the occupants in the space with a more considered response to the users – children / playful / joyous / optimistic / colourful / intimate in scale.

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

**MATTERS FOR CONSIDERATION**

Objectives	Criteria/Guidelines	Comments
<b>3.1 Site selection and location</b>		
<b>C4 To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazard</b>	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>• proximity to: <ul style="list-style-type: none"> <li>- heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>- LPG tanks or service stations</li> <li>- water cooling and water warming systems</li> <li>- odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> </ul> </li> </ul>	<p>The proposed location proposes a potential risk from Overland flow and flooding. Due to a lack of information Council is unable to determine the extent of this risk and cannot support the proposal.</p>
<b>3.2 Local character, streetscape and the public domain</b>		
<b>C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape</b>	<p>The proposed development should:</p> <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments</li> </ul>	<p>The rear of the building is distinctly industrial in typology with a thirty five (35) metre long industrial metal clad shed offering no dialogue with the immediately adjacent neighbouring R2 zoned properties. There is little articulation, movement or breaks in the mass and bulk of the entire north eastern</p>



	<p>that respond to and integrate with the existing streetscape</p> <ul style="list-style-type: none"> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	<p>elevation. A more refined response to the context and neighbouring residential interfaces is required.</p> <p>The proposal also involves the removal of three large established trees along the eastern boundary and no replacement planting along the boundary to soften and screen the proposal.</p>
<b>C6, C7, C8 To ensure clear delineation between the child care facility and public spaces</b>	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul>	<p>Complies.</p>
	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>There is no clear wayfinding strategy across the site. There is no indication that the childcare facility (OSHC) forms part of the performance hall.</p>
<b>3.3 Building orientation, envelope and design</b>		
<b>C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade</b>	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential properties</li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• minimise cut and fill</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other</li> </ul>	<p>The built form and orientation does not optimise solar access, or assist with cross ventilation.</p>



	climatic conditions.	
<b>C12 To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised</b>	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>	<p>The proposal is surrounded by residential development of 1 to 2 storeys to the north-east, east and north-west. The proposal has minimal setbacks to boundary and no landscape buffer.</p> <p>The overall length of the building facade facing residential areas has no articulation or modulation.</p>
<b>C13, C14 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</b>	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	<p>The site has a 0.9m side boundary setback requirement.</p> <p>Complies.</p>
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Complies
<b>C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character</b>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place.</li> </ul>	<p>The built form, mass and scale of the proposed development demonstrates little consideration to the scale and amenity of the adjacent built form, neighbourhood character, streetscape quality and heritage.</p> <p>Whilst it is understood that the scale of the hall needs to provide for multiple functions, activities and varying capacities, the first impression is somewhat lacking in aesthetic value. Not only does the buildings fail to address the immediate context and school users through a considered and proportionate response to context and adjacent interfaces to the sports field</p>





		<p>and the wider community, they also bear little contextual response to the existing buildings on site.</p> <p>The scale of the fascia across the whole building and extents of the roof, spanning approximately thirty five (35) metres, is overwhelmingly industrial and lacks any detailed consideration, articulation or refinement.</p> <p>The depth of fascia to the awning/covered area measuring approximately 1 metre deep could better address the relationship with context and interface with the playing fields. Its projecting eave and depth of fascia should respond to the scale of the occupants in the space with a more considered response to the users – children / playful / joyous / optimistic / colourful / intimate in scale.</p> <p>A finer grain response in both articulation/modulation and materiality of the built form is required to adequately respond to bulk and scale, the specific site constraints and location in order to provide a considered response to place in more rigorous detail.</p>
<p><b>C16 To ensure that buildings are designed to create safe environments for all users</b></p>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	<p>Located at the further most point on the site does not allow for:</p> <ul style="list-style-type: none"> <li>• Ease of access,</li> <li>• Direct accessibility,</li> <li>• Direct visibility from the street,</li> <li>• not accessed through an outdoor play area.</li> </ul>



		The area to the north-east of the building and along the eastern side boundary is not easy to monitor and as detailed elsewhere in the report is inconsistent with CPTED requirements.
<b>C17 To ensure that child care facilities are designed to be accessible by all potential users</b>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <p><b>NOTE:</b> The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	The proposal needs to demonstrate that access to the building complies with all relevant requirements and legislation.
<b>3.4 Landscaping</b>		
<b>C18, C19 To provide landscape design that contributes to the streetscape and amenity</b>	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	<p>The proposal includes the removal of three significant trees along the eastern boundary to accommodate the proposed performance hall. The school has minimal green space and these trees are a unique environmental feature of the site.</p> <p>The location of the proposal does not allow for screen planting along the boundaries to screen and soften the built form or provide visual separation to the adjoining residential properties that is currently enjoyed.</p> <p>Council recommends an</p>



		alternate location for the performance hall towards the middle of the school in the location of the current toilet block. This location would not require the removal of any significant vegetation on the site.
<b>3.5 Visual and acoustic privacy</b>		
<b>C20, C21 To protect the privacy and security of children attending the facility</b>	Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>	Complies.
<b>C22 To minimise impacts on privacy of adjoining properties</b>	Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	The proposal has been designed to face away from the adjoining residential properties, however, no landscape buffer is provided to screen the development from those sites.
<b>C23, C24 To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments</b>	A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: <ul style="list-style-type: none"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	An acoustic report has been provided with recommendations for the design and on-going use of the site. Further conditions have been recommended restricting the hours of operation and when the external doors can be open.
<b>3.6 Noise and air pollution</b>		
<b>C25, C26</b>	Adopt design solutions to minimise the impacts of noise, such as: <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> </ul>	The proposal should be built and managed in accordance with the acoustic report recommendations and additional Council conditions.  Furthermore, the retention of the existing landscape buffer on the site would further mitigate any noise impacts from the site.



	<ul style="list-style-type: none"> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources</li> </ul>	
<b>C27, C28 To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development</b>	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The proposal is located away from major roads and industrial development.
	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>	The proposal is located away from major roads and industrial development.
<b>3.7 Hours of operation</b>		
<b>C29, C30 To minimise the impact of the child care facility on the amenity of neighbouring residential developments</b>	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	No hours have been proposed. Hours of operation for the OSHC facility should be in accordance with childcare planning guidelines.
	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	No hours have been proposed. Hours of operation for the OSHC facility should be in accordance with childcare planning guidelines.
<b>3.8 Traffic, parking and pedestrian circulation</b>		
<b>C31, C32, C33 To provide parking that</b>	Off street car parking should be provided at the rates for child care facilities specified in a	OSHC is already established within the existing school.



<p><b>satisfies the needs of users and demand generated by the centre</b></p>	<p>Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</li> </ul> <p>In other areas:</p> <ul style="list-style-type: none"> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high density business or residential zone</li> <li>• the site is in proximity to high frequency and well connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>	<p>There is no proposed increase to student numbers and car parking on the site should remain as is.</p>
	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p>OSHC is already established within the existing school. There is no proposed increase to student numbers and car parking on the site should remain as is.</p>

## APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS

Regulation	Design Guidance	Comments
<b>4.1 Indoor space requirements</b>		
<p><b>Regulation 107 Education and Care Services National</b></p>	<p><b><i>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each</i></b></p>	<p>Compliance with the regulations needs to be demonstrated for the OSHC</p>



## Regulation

Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.

Unencumbered indoor space excludes any of the following:

- passageway or thoroughfare (including door swings) used for circulation
- toilet and hygiene facilities
- nappy changing area or area for preparing bottles
- area permanently set aside for the use or storage of cots
- area permanently set aside for storage
- area or room for staff or administration
- kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen
- on-site laundry
- other space that is not suitable for children.

All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.

When calculating indoor

## child.

### Verandahs as indoor space

For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

### Storage

Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space.

Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.

Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.

Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.

facility.





space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.

Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs.

Development applications should indicate how these needs will be accommodated.

Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.

#### 4.2 Laundry and hygiene facilities

##### **Regulation 106 Education and Care Services National Regulation**

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior

***The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.***

Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of

Compliance with the regulations needs to be demonstrated for the OSHC facility.



<p>to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.</p> <p>Child care facilities must also comply with the requirements for laundry facilities that are contained in the National Construction Code.</p>	<p>children accommodated.</p> <p><b>On site laundry</b> On site laundry facilities should contain:</p> <ul style="list-style-type: none"> <li>• a washer or washers capable of dealing with the heavy requirements of the facility</li> <li>• a dryer</li> <li>• laundry sinks</li> <li>• adequate storage for soiled items prior to cleaning</li> <li>• an on site laundry cannot be calculated as usable unencumbered play space for children.</li> </ul> <p><b>External laundry service</b> A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	
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#### 4.3 Toilet and hygiene facilities

<p><b>Regulation 109 Education and Care Services National Regulation</b></p> <p>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p><b><i>The proposed development includes adequate, developmentally and ageappropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</i></b></p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> <li>• junior toilet pans, low level sinks and hand drying facilities for children</li> <li>• a sink and handwashing facilities in all bathrooms for adults</li> <li>• direct access from both activity rooms and outdoor play areas</li> <li>• windows into bathrooms and cubicles without doors to allow supervision by staff</li> <li>• external windows in locations that prevent observation from neighbouring properties or from side boundaries</li> </ul>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>
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#### 4.4 Ventilation and natural light

<p><b>Regulation 110 Education and Care</b></p>	<p><b><i>The proposed development includes indoor spaces to be used by children</i></b></p>	<p>Compliance with the regulations needs to be</p>
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## Services National Regulation

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

*that:*

- *will be well ventilated; and*
- *will have adequate natural light; and*
- *can be maintained at a temperature that ensures the safety and well-being of children.*

### Ventilation

Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.

To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.

### Natural light

Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights.

Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual

demonstrated for the OSHC facility.



	interest.	
<b>4.5 Administrative space</b>		
<p><b>Regulation 110 Education and Care Services National Regulation</b></p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p><b><i>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</i></b></p> <p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot. Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>
<b>4.6 Nappy change facilities</b>		
<p><b>Regulation 112 Education and Care Services National Regulations</b></p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the</p>	<p><b><i>(To be completed only if the proposed development is for a service that will care for children who wear nappies).</i></b></p> <p><b><i>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</i></b></p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> <li>• properly constructed nappy changing bench or benches</li> <li>• a bench type baby bath within one metre from the nappy change bench</li> <li>• the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area</li> <li>• a space to store steps</li> </ul>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>



National Construction Code.	<ul style="list-style-type: none"> <li>• positioning to enable supervision of the activity and play areas.</li> </ul>	
<b>4.7 Premises designed to facilitate supervision</b>		
<p><b>Regulation 115 Education and Care Services National Regulations</b></p> <p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.</p> <p>Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p>	<p><b><i>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</i></b></p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> <li>• solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision</li> <li>• locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties</li> <li>• avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children</li> <li>• avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities</li> </ul>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>
<b>4.8 Emergency and evacuation procedures</b>		
<p><b>Regulations 97 and 168 Education and Care Services National Regulations</b></p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> <li>• instructions for what must be done in the</li> </ul>	<p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> <li>• independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations</li> <li>• a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.</li> </ul>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>



<p>event of an emergency</p> <ul style="list-style-type: none"> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>	<p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> <li>• the mobility of children and how this is to be accommodated during an evacuation</li> <li>• the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings</li> <li>• how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.</li> </ul>
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#### 4.9 Outdoor space requirements

<p><b>Regulation 108 Education and Care Services National Regulations</b></p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space. If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul> <p>When calculating</p>	<p><b><i>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</i></b></p> <p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play.</p> <p>When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p><b>Verandahs as outdoor space</b></p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> <li>• be open on at least one third of its perimeter</li> <li>• have a clear height of 2.1 metres</li> <li>• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter</li> <li>• have adequate flooring and roofing</li> <li>• be designed to provide adequate protection from the elements</li> </ul> <p><b>Simulated outdoor environments</b></p> <p>Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.</p> <p>A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an</p>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>
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<p>outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p>	<p>exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.</p> <p>Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.</p> <p>Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:</p> <ul style="list-style-type: none"> <li>• more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility</li> <li>• skylights to give a sense of the external climate</li> <li>• a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment</li> <li>• sand pits and water play areas</li> <li>• furniture made of logs and stepping logs</li> <li>• dense indoor planting and green vegetated walls</li> <li>• climbing frames, walking and/or bike tracks</li> <li>• vegetable gardens and gardening tubs.</li> </ul>	
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#### 4.10 Natural Environment

<p><b>Regulation 113 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore</p>	<p><b><i>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</i></b></p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.</p>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>
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<p>and experience the natural environment.</p>	<p>Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> <li>• are known to be poisonous, produce toxins or have toxic leaves or berries</li> <li>• have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches</li> </ul> <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> <li>• provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment</li> <li>• assist supervision and minimise opportunities for bullying and antisocial behaviour</li> <li>• enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.</li> </ul>	
<b>4.11 Shade</b>		
<p><b>Regulation 114 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p><b><i>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</i></b></p> <p>Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.</p> <p><b>Solar access</b></p> <p>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall well-being. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p> <ul style="list-style-type: none"> <li>• have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.</li> <li>• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area</li> </ul>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>



- have evenly distributed shade structures over different activity spaces.

#### **Natural shade**

Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.

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

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

#### **Built shade structures**

Built structures providing effective shade include:

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

Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.

### **4.12 Fencing**

**Regulation 104  
Education and Care  
Services National  
Regulations**

***Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot***

Compliance with the regulations needs to be demonstrated for the OSHC facility.



<p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code</p>	<p><b><i>go through, over or under it.</i></b></p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> <li>• prevent children climbing over, under or through fences</li> <li>• prevent people outside the facility from gaining access by climbing over, under or through the fence</li> <li>• not create a sense of enclosure.</li> </ul> <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> <li>• being made from solid prefinished metal, timber or masonry</li> <li>• having a minimum height of 1.8 metres</li> <li>• having no rails or elements for climbing higher than 150mm from the ground.</li> </ul> <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	
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#### 4.13 Soil Assessment

<p><b>Regulation 25 Education and Care Services National Regulations</b></p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p>	<p>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:</p> <ul style="list-style-type: none"> <li>• the application is to alter or extend the premises</li> <li>• the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre)</li> <li>• the works are going to take place in an area used for children's outdoor play or will be</li> </ul>	<p>Compliance with the regulations needs to be demonstrated for the OSHC facility.</p>
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<ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</li> <li>• a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children</li> </ul>	<p>used for children's outdoor play after the work is completed</p> <ul style="list-style-type: none"> <li>• a soil assessment has not been undertaken at the children's service.</li> </ul> <p>Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.</p> <p>An assessment of soil for a children's service approval application may require three levels of investigation:</p> <ul style="list-style-type: none"> <li>• Stage 1 - Preliminary investigation (with or without soil sampling)</li> <li>• Stage 2 - Detailed site investigation</li> <li>• Stage 3 - Site specific human health risk assessment.</li> </ul>	
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## SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational facility purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the educational facility land use.

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

**Warringah Local Environmental Plan 2011**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

**Principal Development Standards**

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	8.2m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
6.2 Earthworks	Yes
6.3 Flood planning	No
6.4 Development on sloping land	Yes
Schedule 5 Environmental heritage	Yes

Detailed Assessment

**6.3 Flood planning**

Insufficient information provided to determined the extent of any flooding on the site. Refer to Development Engineers referral comments for more details.

**Schedule 5 Environmental heritage**

The subject site is listed as a heritage item in Schedule 5 of Warringah Local Environmental Plan 2011. It is listed as Item I4 – Brookvale Public School. There is also a heritage item in the vicinity, being Item I3 – House known as “Milroy”, 9 Elizabeth Place, Brookvale. While the heritage listing applies to the whole site, the heritage significance is embodied in the original school building on the south-eastern corner of the site, as “a good representative example of an early 20th century school building, with a high degree of integrity and much original fabric.”

The proposal is located some distance from the heritage significant school building and will not affect any original fabric and are therefore considered unlikely to adversely impact upon identified heritage significance.



## Warringah Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	Complies
B1 Wall height	7.2m	7.2m	Yes
B3 Side Boundary Envelope	North-West - 4m	No encroachment	Yes
	North-East - 4m	No encroachment	Yes
B5 Side Boundary Setbacks	North-West - 0.9m	0.9m	Yes
	North-East - 0.9m	0.9m	Yes
B7 Front Boundary Setbacks	6.5m	65.2m - Old Pittwater Road	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	41%	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	No	No
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	No	No
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D8 Privacy	Yes	Yes
D9 Building Bulk	No	No
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	No	No
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	No	No
E6 Retaining unique environmental features	No	No
E7 Development on land adjoining public open space	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	No	No

#### Detailed Assessment

#### **C4 Stormwater**

Insufficient information provided to determine if the proposal meets the stormwater requirements. Refer to Development Engineers referral comments for further details.

#### **C6 Building over or adjacent to Constructed Council Drainage Easements**

Insufficient information provided to determine if the proposal meets the requirements of this control. Refer to Development Engineers referral comments for further details.

#### **D9 Building Bulk**

#### Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- To encourage good design and innovative architecture to improve the urban environment.*

#### Comment:

The bulk of the proposed development is considered to be excessive, and the visual impact of the proposal when viewed from adjoining properties is not appropriately minimised. In particular, the footprint and volume of the proposal is at odds with that of surrounding built form. The proposal also includes the removal of significant vegetation along the boundaries that currently provides visual separation between the school and surrounding residential properties. No landscaping proposed along the side boundary to screen or soften the resultant built form to a level that is commensurate with the surrounding locality.

design outcome for the proposal and the greater school community. Furthermore, the proposed location will require the removal of significant trees along the boundaries that provides separation between the school and the adjoining residential properties. Councils believes that an amended design and/ or location retaining the existing vegetation would provide an innovative design that would improve the urban environment.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The resultant built form does not appropriately respond to the local character of the area. The proposed removal of significant vegetation and minimal setback to the boundary will not minimise the visual impact of the development when viewed from the adjoining properties, streets, waterways and land zoned for public recreation purposes. The site currently has a landscaped buffer along the north-eastern boundary which separates the existing buildings along this boundary from the adjoining residential properties. The proposal provides no scope for landscaping between building and boundary to screen or soften the resultant built form.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

## **D20 Safety and Security**

The location of the school hall at the north-east corner of the school will require the removal of several large trees which will eliminate 'unsavoury spaces', however, the proposed location of the hall at the rear north-east corner of the site provides a gap between the hall and eastern boundary as well as a space along the back north-western boundary which is considered by Council to be less visible than what is currently on the site.

The proposed setback to the boundaries, while compliant, poses several issues; in accordance with CPTED principles as this space has the potential to become a safety issue with no lines of sight to this rear area. It is considered that the proposal does not comply with the objectives of the control requiring the proposal to maintain and enhance the security and safety of the community.

## **E1 Preservation of Trees or Bushland Vegetation**

The proposal requires the removal of three significant Brush Box Trees. Council does not support the removal of the three Brush Box trees. The trees form part of a significant tree canopy backdrop to the school and streetscape which can be seen from Alfred Road and Pittwater Road. The perimeter Brush Box planting is clearly evident in 1943 Air Photos and form a part of the curtilage to the original school site, which includes the heritage listed original school building.

Council strongly believes that an alternate location towards the middle of the school (in the location of the existing toilet block) could provide the school with the same outcome, being a new performance hall and retain existing significant vegetation and trees on the site.

## **E6 Retaining unique environmental features**

The trees that line the school boundaries form part of a significant tree canopy backdrop to the school and streetscape which can be seen from Alfred Road and Pittwater Road. The perimeter Brush Box planting is clearly evident in 1943 Air Photos and form a part of the curtilage to the original school site,

which includes the heritage listed original school building.



### Objectives

- *To conserve those parts of land which distinguish it from its surroundings.*

#### Comment:

The trees along the school boundary are a unique environmental feature of the site and the surrounding Brookvale area. By cutting down the trees the school is losing valuable landscaping, shade, visual separation between the school and surrounding residential properties and green space. The school already has minimal landscaping and the proposed location of the performance hall will further minimise this.

### **E7 Development on land adjoining public open space**

The site adjoins Brookvale Children's Library along the eastern boundary and further to the east across Alfred Street is Brookvale Oval. Both sites are classified as Reserve - Public Recreation.

The location of the proposed works are sufficiently located to not impact on the public enjoyment of the public open space.

### **E11 Flood Prone Land**

Insufficient information has been provided to Council to determine if the proposal meets the requirements of this clause. Refer to Development Engineers referral comments for further detail.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is inconsistent with the principles of Crime Prevention Through Environmental Design.

## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Inconsistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

In summary, a detailed assessment has been required for the following specific issues:

- Flood Prone Land, the application has not provided sufficient information to determine if the proposal will be affected by overland flow, and part E11 Flood Prone Land of the Warringah Development Control Plan,
- Stormwater and Council infrastructure, the application has not provided sufficient information to determine if the proposal complies with parts C4 Stormwater and C6 Building over or adjacent to Constructed Council Drainage Easements of the Warringah Development Control Plan 2011,
- Building Bulk, the proposal does not meet the objectives of part D9 Building Bulk of Warringah Development Control Plan 2011,
- Removal of significant trees, the proposal does meet the objectives of parts E1 Preservation of Trees and Bushland Vegetation and part E6 Retaining unique environmental features of the Warringah Development Control Plan

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Sydney North Planning Panel refer the application to the Minister to REFUSE Development Consent to Development Application No DA2019/0411 for the Alterations and Additions to Brookvale Primary School, including a new School Hall on land at Lot 1 DP 209019, Lot 1 DP 229795, Lot 1 DP 365898, Lot 1 DP 918786, Lot 13 DP 5876, Lot 14 DP 5876, Lot 15 DP 5876, Lot

17 DP 3674, Lot 2 DP 208793, Lot B DP 311452, Lot 2 DP 209019 and Lot 1 DP 947905,2 - 8 Old Pittwater Road, BROOKVALE, for the reasons outlined in Attachment 1.

## **ATTACHMENT 1**

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.3 Flood Planning of the Warringah Local Environmental Plan 2011.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4 Stormwater of the Warringah Development Control Plan.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C6 Building Over or Adjacent to Constructed Council Drainage Easements of the Warringah Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D9 Building Bulk of the Warringah Development Control Plan.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D20 Safety and Security of the Warringah Development Control Plan.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E1 Private Property Tree Management of the Warringah Development Control Plan.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E6 Retaining Unique Environmental Features of the Warringah Development Control Plan.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E11 Flood Prone Land of the Warringah Development Control Plan.
10. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.