

# Statement of Environmental Effects

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Removal of existing shade cloth awnings and  
erection of a new roof structure over existing playscape  
to an existing childcare centre at  
17 Seabeach Avenue,  
Mona Vale 2103

*Dated: 21 September 2022*

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***Momcilo Romic***  
***Town Planning Consultant***

***Postal Address: PO Box W85, Fairfield West NSW 2165***

***Mob: 0404 841 933***

***Email: momcilo@romicplanning.com***

***Web: www.romicplanning.com***

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## **1. Introduction**

This Development Application is for the removal of existing shade cloth awnings and erection of a new roof structure over existing playscape to an existing childcare centre at 17 Seabeach Avenue, Mona Vale.

The subject site is zoned R3 Medium Density Residential under Pittwater Local Environmental Plan 2014 and alterations to centre-based childcare facilities are permissible with development consent.

The purpose of the new roof structure is to provide all weather cover for the children and staff.

The covered area will allow the use of the play space during all times of the year without compromising the needs of the children that attend the centre and their learning development goals.

The proposal will not increase the demand for public services given the site is benefits from existing infrastructure services.

The new addition of the roof structure to the existing childcare centre is not considered antipathetic with the surrounding land uses.

The main body of this report will review the key planning considerations for a consent authority under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and recommends approval.

## **2. Site Details**

### **2.1. Location**

The site is legally identified as Lot 8, Section H in DP 7522, known as H/N 17 Seabeach Avenue, Mona Vale 2103.

The measures a total surface area of 929sq.m with a primary road frontage to Seabeach Avenue and a rear road frontage to Terrol Crescent.

Vehicular access and parking is located from the frontage of Seabeach Avenue. There is no vehicular or pedestrian access to Terrol Crescent and presents as a landscaped setting.

Site improvements consist of an existing 2 storey childcare centre, car parking to the front setback of Seabeach Avenue, fencing, and landscaping embellishment.

The immediate locality is predominately characterised by residential housing with a combination of low density and high-density living accommodation in the form of 1 and 2 storey dwellings and 3 and 4 residential buildings.

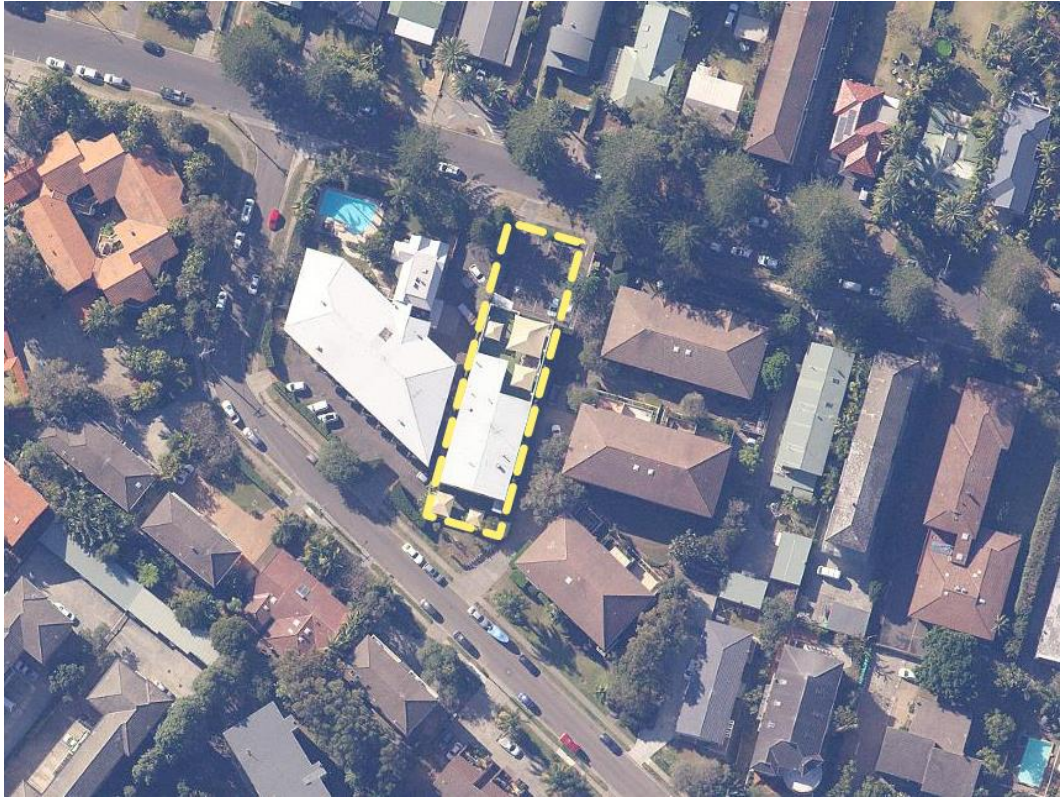
The height plane in the townscape varies from 1 storey up to 4 storeys and there is a varied architectural style and qualities.

No significant trees are located onsite, and the defined street trees are located on both sides of the street verge that provide a tree lined streetscape.

A location plan/aerial photograph of the site is provided below.

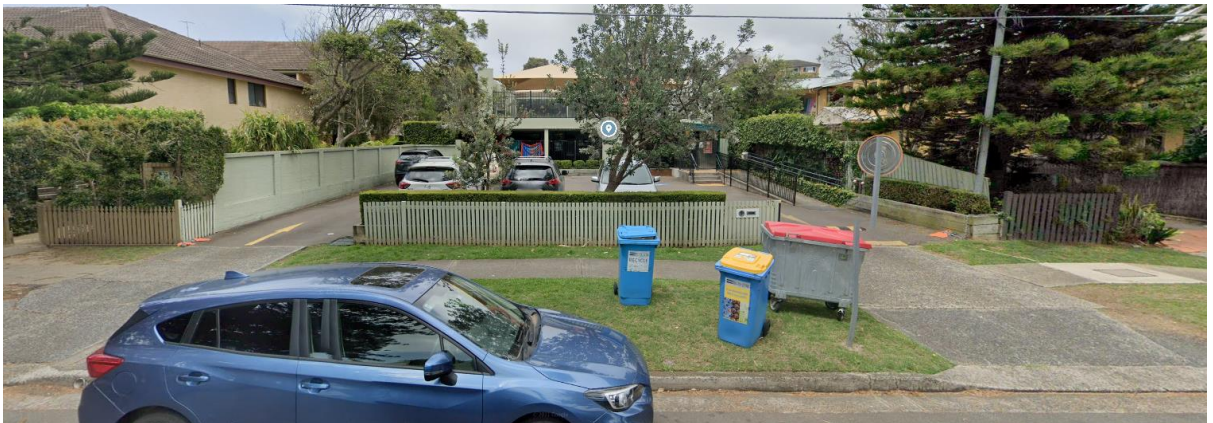


*Location Plan*



*Aerial Photograph*

A photograph of the site and locality is provided below.



*Subject site (primary frontage)- 17 Seabeach Avenue, Mona Vale*

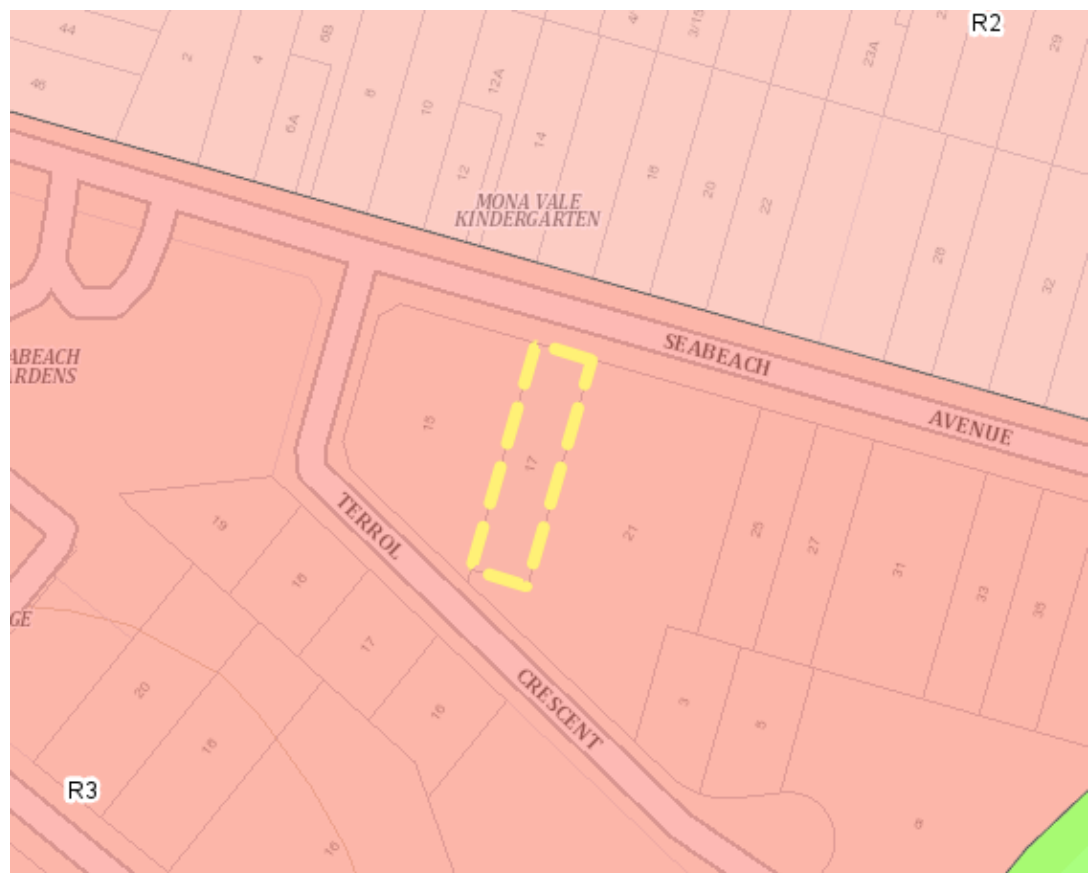




*Subject site (rear frontage)- Terrol Crescent*

## 2.2. Zoning

The subject land is zoned R3 Medium Density Residential under Pittwater Local Environmental Plan 2014.



*Zoning map*

### **3. Development Proposal**

The Development Application proposes the following works:

- removal of existing shade cloth awnings,
- erection of a new roof structure over existing playscape to an existing childcare centre,
- new metal support posts,
- part operable roof,
- extension to blade wall,
- replacement of existing fencing, and
- installation of 3 fans.

Children numbers:

- no changes are proposed to the existing childcare centre children's numbers.

Outdoor Play Areas and Landscape:

- no changes are proposed to the existing childcare centre children's numbers to warrant changes to the playscape space areas.

Operating days/hours:

- no changes to the existing hours of operation for this childcare centre are proposed.

Staff:

- no changes are proposed to the existing childcare centre staffing numbers.

The relevant architectural plan and other supporting documents accompany the Development Application.



#### 4. Permissibility

The proposal is allowed with consent since the use as centre-based childcare facility is permissible with consent in the R3 Medium Density Residential zone under Pittwater Local Environmental Plan 2014.

#### 5. Matters of Consideration

##### 5.1. Section 4.15(1)(A)(I) – any environmental planning instruments

###### Pittwater Local Environmental Plan 2014

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

###### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of Buildings- 8.5 metres.	Complies.  Maximum height is equal to 8.5 metres.
4.6 Exceptions to development standards	N/A
5.10 Heritage	It is noted that there are Norfolk Island Pines ( <i>Araucaria heterophylla</i> ) located towards Seabeach Avenue (within road reserve) that are listed as heritage items.  No works are proposed that would compromise these Pines and suitable conditions of consent

	would be imposed to deal with their preservation during construction.
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## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### Part 3.3 Early education and care facilities—specific development controls

Clause 3.23 – Centre based childcare facility requires the consent authority to take into consideration the Child Care Planning Guidelines. These guidelines are addressed in the tables below.

Clause 3.26 Centre-based childcare facility—non-discretionary development standards contain non-discretionary development standards. These development standards are addressed below.

<b>Development Standard</b>	<b>Comment</b>
Location	The site is an existing child care centre and appropriately zoned and positioned to allow the development to occur.
Indoor or outdoor space	No changes are proposed to the surface areas.
Site area and site dimensions	The development may be located on a site of any size and have any length of street frontage or any allotment depth.
Colour of building materials or shade structures	The proposal is to be constructed from modern materials and finishes consistent with the locality.

Clause 3.27 Centre-based childcare—development control plans applies to the development application. Clause 3.27 notes that a provision of a development control plan that specifies a control in relation to the matters expressed in the clause does not apply. Clause 3.27(d) of the SEPP provides the following:

(d) any matter relating to development for the purpose of a centre-based childcare facility contained in:

- (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

- (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

The following table address the relevant design principles.

Design Quality Principles	Assessment/Comment
Context	<p>The subject site is located within an urban environment that shows the land uses are of a low, medium, and high-density residential purposes with children education learning centres including the subject land holding.</p> <p>The childcare centre will continue to provide a facility to service the day to day needs of residents within the immediate catchment and noting the ongoing and future planned growth of the area envisaged by the planning controls.</p> <p>The additions would not affect this current setting and would not be antipathetic.</p>
Built Form	<p>The existing development proposal has been designed with a two-storey built form with the play space on the first floor.</p> <p>The building presentation in our view appears to be ungainly as there is no distinct roof composition and the use of the shade sails are distracting elements.</p> <p>The new roof addition and its geometry of a gable end will provide a suitable composition and would be consistent with the envisaged character under the planning controls and the established streetscape character and with the height plane for the townscape that goes from 1 storey up to 4 storeys.</p> <p>The new roof addition is to be built from contemporary materials and finishes as shown on the architectural drawings and we view these materials and finishes are consistent with the townscape.</p>
Adaptive learning spaces	<p>No changes are proposed as the existing childcare centre has decent designed indoor and outdoor space, with multi-function learning areas.</p>

	The new roof addition will allow the continued use of this space during all climate zones throughout the year and would not be compromised in our view.
Sustainability	The existing building has been designed to maximise cross ventilation and daylight to all rooms.  The new roof addition will not compromise this in our view.
Landscape	The existing site is adequately landscaped and features a good range of plantings, and no additional consideration is needed.
Amenity	The existing childcare centre provides sufficient indoor and outdoor space with suitable facilities for the centre, and facilities in each play area. The new roof addition will not compromise this in our view.

## 5.2. Section 4.15(1)(A)(ii) – any draft environmental planning instrument(s)

There are no known draft environmental planning instruments which affects the proposal.

## 5.3. Section 4.15(1)(A)(iii) – any development control plan(s)

The relevant matters to be considered under the Development Control Plan for the proposed development are outlined below.

<b>Locality</b>		
The subject site is in the Mona Vale Locality Area.		
The proposal is in keeping with the unique character of the area.		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
B5 Stormwater Management	Yes	No change to existing hard stand areas.
C2.6 Adaptable Housing and Accessibility	Yes	No change.
C2.11 Signage	Yes	No change.
C5.1 Landscaping	Yes	No change.
C5.2 Safety and Security	Yes	No change.
C5.4 View Sharing	N/A	N/A
C5.5 Accessibility	Yes	No change.
C5.7 Pollution Control	N/A	N/A

C5.8 Waste and Recycling Facilities	Yes	No change.
C5.10 Protection of Residential Amenity	Yes	<p>Yes, for these reasons.</p> <p><u>Solar access</u></p> <p>Some form of overshadowing is likely as a result of the roof line, and we feel the additional shadow cast is within acceptable limits.</p> <p>Daylight access would be available for adjoining properties.</p> <p><u>Privacy</u></p> <p>No additional openings or glazing sections are proposed to the top floor and privacy levels of the adjoining properties would not be affected by the new works and would be a neutral outcome.</p>
C5.12 Child Care Centres	Yes	Yes
C5.16 Building Facades	Yes	No change.
C5.15 Undergrounding of Utility Services	Yes	No change.
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	No change.
C5.19 Food Premises Design Standards	Yes	No change.
B8.6 Construction and Demolition - Traffic Management Plan	N/A	N/A
D9.3 Building colours and materials	Yes	Finishes are considered acceptable.
D9.6 Front building line	Yes	<p>Shown as 17. 4 metres.</p> <p>No change.</p>
D9.7 Side and rear building line	No	Existing setbacks are shown to be 820mm and 820mm (refer to

2.5 to at least one side and 1.0 for other side		<p>drawings).</p> <p>It would be unreasonable to impose larger setbacks to an existing building in our view.</p> <p>And would be more appropriate to follow the existing side wall projections found onsite.</p> <p>Acceptable on merit.</p>
D9.9 Building envelope	No	<p>The existing building encroaches within the typical building envelope.</p> <p>For the same reasons stated at D9.7, it would be more appropriate to follow the existing side wall projections as shown.</p> <p>Acceptable on merit.</p>
D9.10 Landscaped Area - General	No	<p>No change to the landscape areas is proposed and thus given this is an existing condition of the site, the proposal is acceptable on merit.</p>
D9.12 Fences - General	Yes	<p>No change.</p>

#### **5.4. Section 4.15(1)(A)(iiia)– any planning agreement or draft planning agreement**

There are no related matters for consideration in terms of a planning agreement or draft planning agreement which affects the proposal.

#### **5.5. Section 4.15(1)(A(iv) – the regulations**

The proposal is viewed sufficient to enable a proper evaluation to be carried out by Council under the planning regulations and under Section 4.55 of the EP & A Act 1979.



## **5.6. Section 4.15(1)(B) – the likely impacts of the development**

The environmental impacts of the proposed development on the natural and built environment are addressed under the Development Control Plan section in this Report.

The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.

The proposed development will not have a detrimental economic impact on the locality.

Given there are no changes to the hours of operation or increases to children numbers from the site, we feel the proposal is unlikely to impact on amenity of neighbours.

## **5.7. Section 4.15(1)(C) – the suitability of the site**

As discussed in this Report, the site is considered suitable for the proposed development.

The site has sufficient area to accommodate the proposal and there are no physical attributes within the site that would unreasonably constrain the development.

It is anticipated Council will impose relevant prescribed conditions of consent to control the use of the premises with the historical approvals granted.

## **5.8. Section 4.15(1)(D) – any submission made**

Council will review any submissions made during the exhibition process and we welcome the opportunity to comment on any such submissions.

## **5.9. Section 4.15(1)(e) – the public interest**

The proposal is not contrary to the public interest and there are no matters to warrant refusal of development consent.

## 6. Conclusion and Recommendation

The main body of this report reviewed key planning considerations for a consent authority under the matters of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979.

The assessment of this application has found the proposal to be consistent with the zone objectives and demonstrates that the proposal complies with the relevant planning guidelines.

The proposed addition to the childcare centre will continue to meet the relevant objectives of the R3 Medium Density Residential zone providing a service to meet the needs of residents in the area.

We feel that the existing play space areas have been designed with a suitable acoustic treatment surrounding the first-floor external perimeter which will prevent direct overlooking of adjoining properties and to minimise noise remittances.

The new roof top is necessary to provide all weather protection throughout the year and the combination of the operable roof sections allows sufficient day light penetration.

The use is not expected to raise any conflicts with the neighbourhood.

The use is of a suitable scale and does not exceed the environmental capabilities of the site.

The development proposed is compatible with neighbouring residential properties and non-residential uses.

The proposal does not result in any detrimental environmental impacts.

On this basis, it is recommended that the development proposal be approved subject to conditions.

**Momcilo (Momo) Romic**

Town Planning & Development Consultant

*BTP (UNSW), MEM (UNSW)*  
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