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STATEMENT OF MODIFICATION REPORT

Section 4.55 (1A) Modification Application for additional capacity to existing Child Care Centre

1/50 Glen Street, Belrose NSW 2085

30/09/2024

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1.0 INTRODUCTION

The Section 4.55 (1A) Modification Application relates to an existing Child Care Centre at 1/50 Glen Street, Belrose.

The original application for a Child Care Centre (with attached residence) was approved under Development Application No. 1994/0772 by Warringah Shire Council (prior to Council merger) on the 3rd March 1995. A subsequent Modification MOD2023/0154 was approved on the 9th May 2023 for a maximum number increase of children to twenty (20).

This modified proposal seeks to alter the maximum number of children places for operation from eighteen (18) places in the original approval to twenty-four (24) places.

The application has been assessed against the provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the associated Child Care Planning Guidelines, as demonstrated later in this report.

The modified works are permissible with the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011) and is consistent with the relevant controls of the Warringah Development Control Plan 2011 and the Northern Beaches Children's Services Policy 2021.

The report is intended to assist Northern Beaches Council in its assessment of the modification application and incorporates the following details:

- Description of site and context;
- Description of proposed development;
- Consideration of relevant planning considerations;
- Consideration of relevant environmental effects; and
- S4.15-Matters for Consideration under EP & A Act

The report should be read in conjunction with the following supporting material:

- Architectural Plan prepared by Drew Dickson Architects Pty Ltd.

2.0 SITE DETAILS

The following details of the site's locational and physical characteristics are provided to assist Council in the assessment of the development application.

2.1 Site Location

The subject land is located at No. 1/50 Glen Street, Belrose as identified in **Figure 1**.

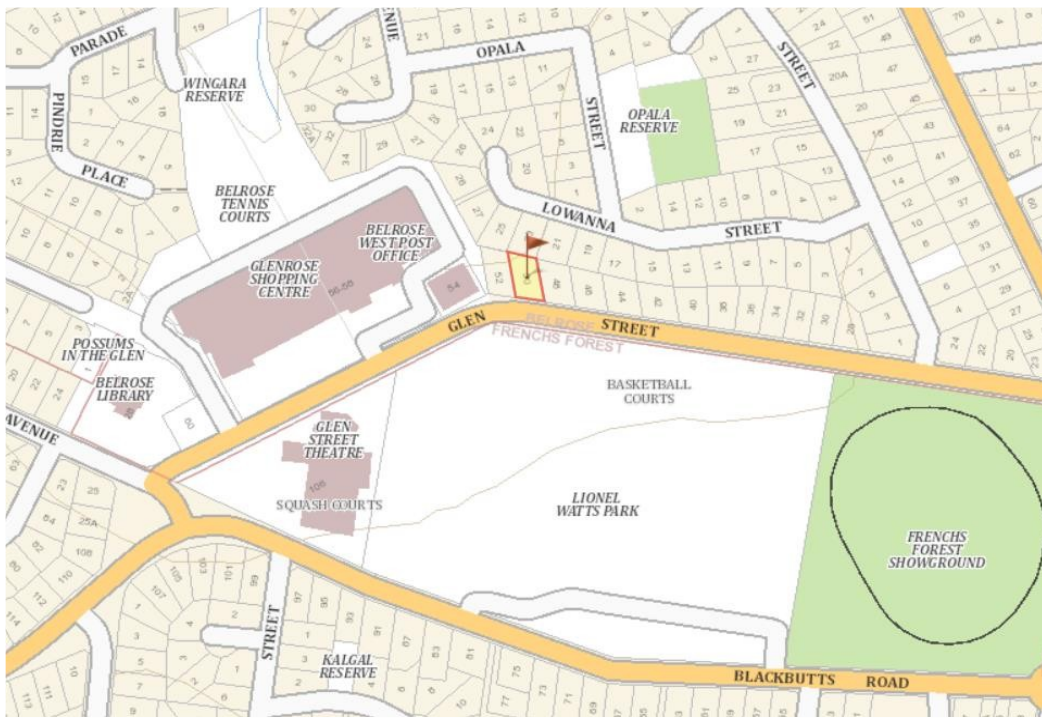


Figure 1-Site Locality Plan with site shown in red

2.2 Site Description

The subject land is described as Lot 2 within DP223409.

The site is a rectangular shaped allotment, with an angled frontage of 21.435m to Glen Street. The site has been strata subdivided into 1/50 Glen Street and 2/50 Glen Street, with a residential premises and day care centre as approved under CDC2017/0131 on the 7 September 2017.

The site is located within an R2 'low density residential' zoning and has been operating as a child care premises for almost 30 years.

The site comprises grass coverage with no significant trees located on the property which require removal. The front of the site is largely hard paved to allow for drop off and pick up of children throughout operation hours.

Figure 2 below provides an aerial depiction of the site.



Figure 2-Aerial view of site as shown in red

2.3 Site Context

The site is located within a low-density residential area of Belrose, surrounded by other dwellings typical of the locality in terms of size and scale.

To the west of the site is the Glenrose Village Shopping Centre with other B2 'Local Centre' commercial premises.

3.0 MODIFIED DEVELOPMENT

The Section 4.55 (1A) Modification Application seeks consent to modify Development Consent No. 1994/0772 which was issued by Warringah Shire Council (prior to Council merger) on 3 March 1995. The Section 4.55 (1A) application seeks to increase the child care capacity from eighteen (18) to twenty-four (24) children.

We note that the centre currently operates under a service approval from the Department of Education that allows twenty (20) children.

The existing (and unchanged) floor plan of the child care centre is shown in **Figure 3** below.

The modified proposal seeks only increased operational capacity. The application does not propose modifications to the building footprint, landscaping or operational hours.

The area calculations of the existing premises demonstrate compliance with outdoor and indoor facility provisions, shown in **Figure 4** below.

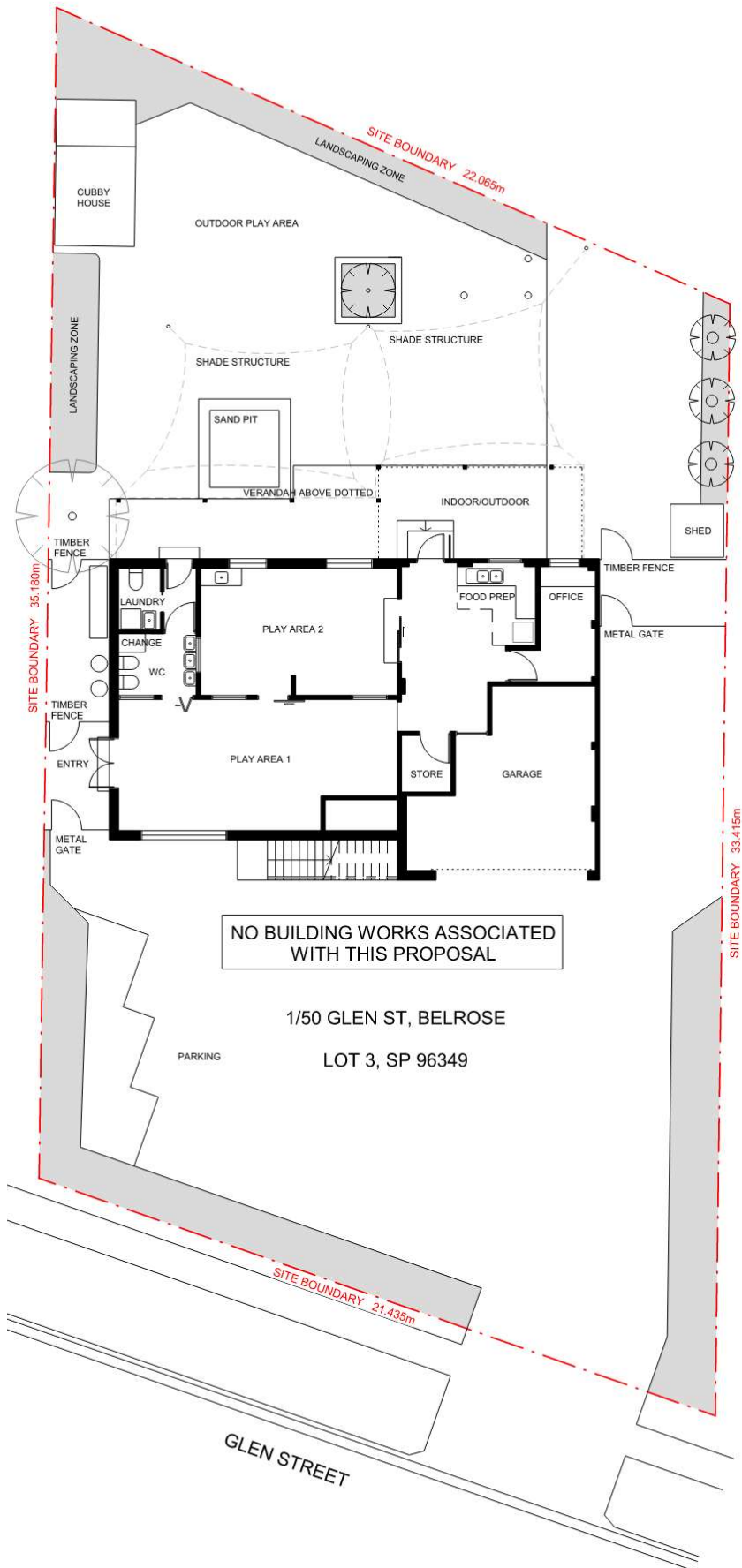
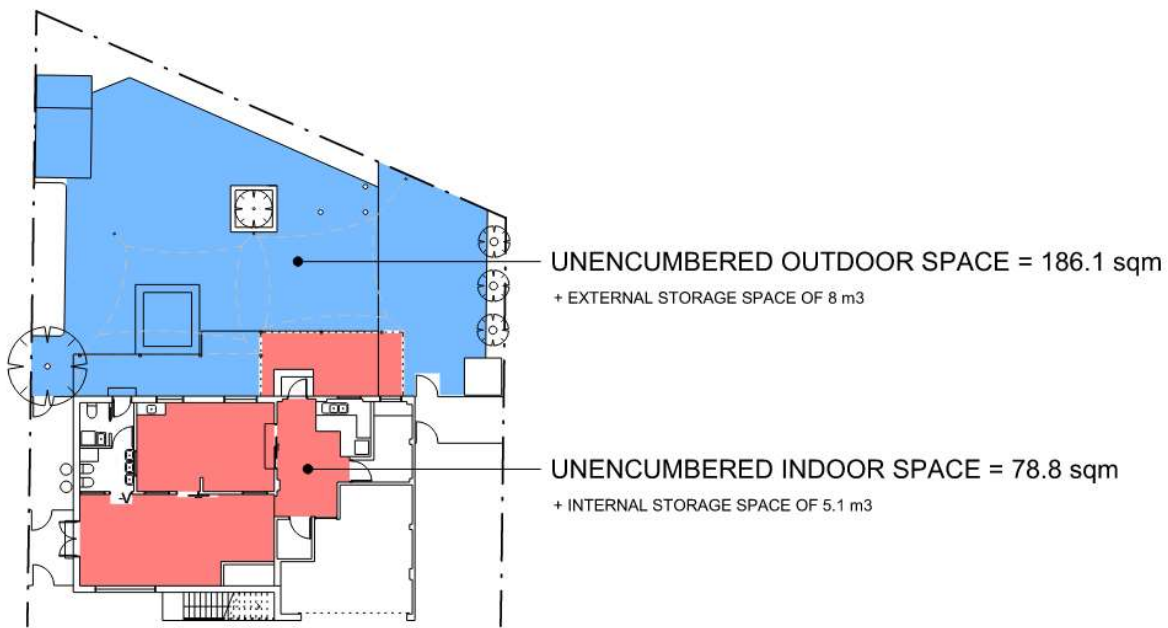


Figure 3 – Existing ground floor plan



MINIMUM UNENCUMBERED OUTDOOR SPACE PER CHILD = 7.0 sqm

MINIMUM UNENCUMBERED INDOOR SPACE PER CHILD = 3.25 sqm

NUMBER OF ALLOWABLE CHILDREN = **24 CHILDREN**

Figure 4 – Area calculations

4.0 PLANNING CONSIDERATIONS

4.1 Section 4.55(1A) of Environmental Planning & Assessment Act 1979

The proposed amendments are considered to constitute a Section 4.55 (1A) 'Other Modification' and accordingly the proposal has been assessed under Section 4.55 (1A) below.

(1A) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Response: The modified development is considered to involve minimal environmental impact on the basis that the proposed amendments will have negligible impact upon the environmental amenity of the site and surrounds. The child care centre currently has the existing services and facilities to operate with the increased capacity.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Response: The essence and substance of the modified development remains the same as the original approval being a child care centre/dwelling house. The modified proposal, involving operational changes to include additional capacity is considered 'substantially the same development'.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Response: Council will determine under the provisions of Warringah Development Control Plan 2011 whether to publicly notify or advertise the modified application.

4.2 State Environmental Planning Policy (Resilience & Hazards) 2021 – Chapter 4 Remediation of Land

Pursuant to the above SEPP a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The site displays no evidence of contamination and is suitable for its continued child care centre and residential use. On this basis, the proposal is consistent with relevant objectives and matters for consideration under the Resilience & Hazards SEPP.

4.3 State Environmental Planning Policy (Biodiversity & Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas

State Environmental Planning Policy (Biodiversity & Conservation - Vegetation in Non-Rural Areas) seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The modified proposal does not include the removal of any on-site plantings. On this basis, the proposal is consistent with State Environmental Planning Policy (Vegetation in Non-Rural Areas).

4.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The modified proposal requires assessment against the provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021. The modification for increased capacity against the above SEPP is included in **Table 1** below:

Relevant clauses	Compliance with standard/provision	Compliance
3.22. Centre-based child care— concurrence of Regulatory Authority required for certain development	The clause does not apply as the proposal complies with requirements for outdoor play areas. As such, the concurrence of the Regulatory Authority is not required.	N/A
3.23 Centre-based child care— matters for consideration by consent authorities	The Child Care Planning Guidelines have been considered within the assessment.	Refer to table below
3.24. Centre-based child care facility in Zone IN1 or IN2 – additional matters for consideration by consent authorities.	The subject site is located within the R2 low density residential zone.	N/A
3.25 Centre-based child care facility – floor space ratio (1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. (2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre- based child care facility.	The development does not seek any building alterations to increase the size of the building and as such there is no increase to the 0.5:1 FSR requirement from its existing state.	Yes

3.26. Centre-based child care – non-discretionary development standards (a) location—the development may be located at any distance from an existing or proposed early education and care facility, (b) indoor or outdoor space (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause, (c) 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, (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Assessment of the clause is as follows: (a) Noted – location of CCC is unchanged. (b) (i.) 78.8m² of unencumbered indoor space provided, complying with regulation 107 (78m² required - 3.25m² per child) (ii.) 186.1m² of unencumbered outdoor space provided, which complies with regulation 108 (168m² required – 7m² per child) (c) Noted – no changes to site configuration (d) Noted. Heritage provisions do not apply. The proposal complies with the standards	Noted Yes Yes Noted Noted
3.27. Centre-based child care—development control plans (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre- based child care facility— (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities,	Noted	Noted

(d) any matter relating to development for the purpose of a centre-based child care 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).		
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Table 1 – SEPP (Infrastructure and Transport) 2021 compliance table

4.5 Child Care Planning Guideline

The modification application is likewise applicable to the Child Care Planning Guidelines, as detailed below in **Table 2**:

Part 2 Design Quality Principles	
Guideline	Compliance with standard/provision
Principle 1. Context Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio- economic makeup of the facility users and surrounding communities.	The modified development responds to the context of the site. The proposed additional capacity to the existing child care centre provides setbacks, building height, articulation, and design consistent that is appropriate for the character of the locality (which are all unchanged from existing state). The existing centre is well located, being close to other educative and community facilities, and public transport facilities and local centre facilities.

Principle 2. Built Form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.	The CCC does not seek to alter the existing scale, bulk and height of the existing structures. The view of the CCC from Glen Street is to remain unchanged. As such the modified proposal complies with all built form provisions.
Principle 3. Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.	The submitted information maintains a large indoor and outdoor space that will provide purpose-built facilities with high levels of amenity capable of being used for a variety of activities. The outdoor space has been designed with a number of interactive elements to encourage learning such as a sandpit and cubby house.
Principle 4. Sustainability Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.	The existing development provides adequate cross ventilation, sunlight and passive thermal design.

Principle 5. Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.	The existing CCC does not seek to alter the landscaping from its approved state. Given the additional number of children proposed (6), the existing landscaping and outdoor play area are sufficient in size and design to provide good amenity to children.
Principle 6. Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.	A high level of internal amenity is maintained for users of the modified development, with natural sunlight and natural ventilation to be maintained to the existing indoor spaces. The design of the existing development does not have significant adverse impacts on surrounding sites, with solar access, visual privacy and acoustic amenity being afforded to surrounding sites.
Principle 7 - Safety Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately. Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).	The layout and design of the existing CCC is to remain unchanged and will not create risks for the additional children attending the site.

Part 3 Matters for Consideration	
Guideline	Compliance with standard/provision
C1. For proposed developments in or adjacent to a residential zone, consider: - the acoustic and privacy impacts of the proposed development on the residential properties - the setbacks and siting of buildings within the residential context - visual amenity impacts (e.g. additional building bulk and overshadowing, local character) - traffic and parking impacts of the proposal on residential amenity.	The acoustic and privacy impacts of the proposed development are considered minimal on the adjoining residential properties, given that the site is currently licensed for twenty (20) children by the Department of Education. The neighbouring residential properties are located to the rear and side of the site and the building is set back a sufficient distancing for the additional children to not have an adverse impact on the acoustic and visual privacy of adjoining residences. N/A setback and building siting is unchanged. N/A building envelope is to remain unchanged. There are no significant traffic and parking impacts on adjoining residential amenity foreseen from the additional children.
C2. When selecting a site, ensure that: - the location and surrounding uses are compatible with the proposed development or use. - the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards. - there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. - the characteristics of the site are suitable for the scale and type of development proposed having regard to: - length of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. - where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use.	N/A – the site location is to remain unchanged with the application solely seeking approval for an additional six (6) places.

• there are suitable drop off and pick up areas, and off and on street parking. • the characteristics of the fronting road or road (for example its operating speed, road classification, traffic volume, heavy vehicle columns, presence of parking lands) is appropriate and safe for the proposed use • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	
C3. A child care facility should be located: • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	N/A – the site location is to remain unchanged with the application solely seeking approval for an additional six (6) places.
C4. A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from: proximity to: • heavy or hazardous industry, waste transfer depots or landfill sites • LPG tanks or service stations • water cooling and water warming systems • odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses • extractive industries, intense agriculture, agricultural spraying activities. • any other identified environmental hazard or risk relevant to the site and, or existing buildings within the site.	N/A – the site location is to remain unchanged with the application solely seeking approval for an additional six (6) places.

3.2 Local Character, streetscape and the public domain interface	
Guideline	Compliance with standard/provision
C5. The proposed development should: • contribute to the local area by being designed in character with the locality and existing streetscape • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape and local character • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas • in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence except when good design solutions can be achieved	N/A – the building in terms of streetscape impact, design, architectural elements, landscaping and carparking all remain unchanged with the application solely seeking approval for an additional six (6) places.
C6. Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing.	Existing fencing on the site will be retained. The fencing ensures the safety of children entering and leaving the facility. Due to the siting of the existing dwelling, passive surveillance to Glen Street is maintained. Existing and proposed landscaping is integrated with the existing fencing.
C7. 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.	The child care centre is differentiated by signage.

C8. Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences.	The site does not adjoin public parks, open space or bushland.
C9. Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Existing perimeter fencing will be retained and will ensure separation of public and private domain.
C10. High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Not proposed or required. Existing lapped and capped timber fencing is provided to a height of approximately 1.80m.
3.3 Building orientation, envelope and design	
Guideline	Compliance with standard/provision
C11. Orient a development on a site and design the building layout to: • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill	There is no undue visual privacy or overlooking impacts anticipated from the proposed development, given the proposed setbacks, boundary fencing and vegetation separating the proposed are all unchanged from the existing state. Solar access to internal and external play areas are unchanged from existing, approved state. The proposed additional places will not result in any overshadowing of residential properties. N/A – no cut or fill proposed.

• ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	The existing building faces Glen Street and is to remain unchanged. Not applicable.
C12. The following matters may be considered to minimise the impacts of the proposal on local character: • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. • where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.	N/A maximum building height of the development is to remain unchanged from approved application. N/A maximum building height of the development is to remain unchanged from approved application. N/A setbacks of the development is to remain unchanged from approved application. N/A setbacks of the development is to remain unchanged from approved application. The proposal will not alter the existing setback to the street. Site is located within R2 zone however no change to FSR of 0.5:1 or above is proposed.
C13. Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.	No change proposed to existing setback to Glen Street.
C14. On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	N/A setbacks of the development is to remain unchanged from approved application.

C15. The built form of the development should contribute to the character of the local area, including how it: • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place.	The proposal will not alter the existing building and landscaping condition.
C16. Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area • in a mixed-use development, clearly defined and separate from entrances to other uses in the building.	Entry to the premises is to remain unchanged from approved application.
C17. Accessible design can be achieved by: • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	N/A – access to and from the site is to remain unchanged from existing approved application.

3.4 Landscaping	
Guideline	Compliance with standard/provision
C18. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.	Existing vegetation and planting surrounding the boundaries of the site will be retained. All existing landscaping on the site will be retained.
C19. Incorporate car parking into the landscape design of the site by: • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas	The existing car park will be retained, including existing vegetation surrounding the parking area.
3.5 Visual and acoustic privacy	
Guideline	Compliance with standard/provision
C20. Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	The proposed development is not a mixed-use development.
C21. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design.	The indoor play space has been suitably located to minimise overlooking to and from the public domain. Existing fencing and vegetation will largely screen overlooking from adjoining properties.
C22. Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening.	N/A- no changes are proposed to the configuration of the site and main internal living areas from approved application.

C23. A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence) • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure	N/A application is for increased occupancy only. No alterations or additions to the floor area are proposed.
C24. A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met	An Acoustic Report was prepared under the original application approved in 1995. Since approval the child care centre has been operating to new standards consistently and it is considered onerous to provide a new amended acoustic report for this S4.55 application. It is not determined that the additional children will create unacceptable noise increases in the R2 zone.
3.6 Noise and Air Pollution	
Guideline	Compliance with standard/provision
C25. Adopt design solutions to minimise the impacts of noise, such as: • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources.	The increased number of children from eighteen (18) to twenty-four (24) with a current license from the Department of Education allowing twenty children, will not require significant design solutions to minimise impact of noise from the additional children. The existing (and operating) child care centre currently operates to noise and air pollution standards via landscaping, number and sizes of openings, glazing and design of the internal layout as originally approved.

C26. An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: • on industrial zoned land • where the ANEF contour is between 20 and 25 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise	N/A – Child care centre is not located in any of these locations.
C27. 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.	Existing child care centre is located on the residential Glen Street.
C28. 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. The air quality assessment report should evaluate design considerations to minimise air pollution such as: • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility	The application has not been supported by an air quality report. The proposal is for increases to the capacity of the site and as such a qualified air quality report was not considered to be required. The outdoor play area is well vegetated, which provides a filter for air pollution.
3.7 Hours of Operation	
Guideline	Compliance with standard/provision
C29. 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.	The existing hours of operation will remain as approved under original consent.

C30. 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.	N/A in R2 low density residential zone.
3.8 Traffic, parking and pedestrian circulation	
Guideline	Compliance with standard/provision
C31. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station: • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas: 1 space per 4 children. A reduction in car parking rates may be considered where: • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site.	The proposal retains the maximum available five (5) car parking spaces available in the front setback of the site. The increase to twenty-four (24) children requires one (1) additional car space. We are seeking a reduction from six (6) to five (5) onsite parking spaces due to the site's close proximity to a well-connected public transport bus route, as well as the fact Glen St has sufficient on-street parking available to absorb the one (1) car space shortfall. Additionally, the site is closely located 56m from the Glenrose Village Shopping Centre and its associated car park.
C32. In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	N/A in R2 low density zone.

C33. 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: • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network.	A Traffic and Parking Impact Assessment was not required for this application given the minimal increase in operation. It is considered that the original traffic and parking impacts considered under the original development application have not changed significantly with the additional children increase, and that these traffic operational features are still pursuant to operations.
C34. Alternate vehicular access should be provided where child care facilities are on sites fronting: • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic.	No change proposed to existing vehicular access from Glen Street.
C35. Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	The site is not located in a cul-de-sac or on a narrow road. Suitable access is provided.
C36. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other	The existing pedestrian and vehicle access arrangements on the site will be retained are unchanged.

• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations	
C37. Mixed use developments should include: • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.	Not applicable, as the site development is not for a mixed use.
C38. Car parking design should: • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking.	Existing car parking unchanged. Existing safety fencing unchanged.
Part 4 Applying the National Regulations to development proposal	
Guideline	Compliance with standard/provision
4.1 Indoor Space Requirements Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.	The proposed centre-based child care facility provides 78.8m² of unencumbered indoor space for 24 children. This equates to 3.283m² of unencumbered indoor space for each child which is compliant with the

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. 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. Storage It is recommended that a child care facility provide: • a minimum of 0.3m³ per child of external storage space • a minimum of 0.2m³ per child of internal storage space.	Education and Care Services National Regulation. All unencumbered indoor spaces within the proposed development are secure and allow for safe supervision. Total external storage volume = 8.0m³ equals 0.333m³ of storage per child. Total internal storage volume = 5.1m³ equals 0.213m³ of storage per child.
4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. On site laundry On site laundry facilities should contain: • a washer or washers capable of dealing with the heavy requirements of the facility • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning • an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2) External laundry service A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.	Laundry facilities are provided as per original application. Refer above. The existing laundry is large enough to accommodate appliances and storage. Internal laundry facilities have been provided, therefore the centre does not require external laundry facilities.

4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations 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. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code. Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include: • junior toilet pans, low level sinks and hand drying facilities for children • a sink and handwashing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries	N/A - The toilets (as previously approved) are to remain unchanged. Junior toilet pans, low level sinks and hand drying facilities are existing. Low level sinks and handwashing facilities are existing. Sink and handwashing facilities provided in all bathrooms. Direct access from activity rooms provided. Toilet facilities are accessible via the indoor and outdoor play space. Windows have been provided to bathrooms and cubicles.
4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations 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. Ventilation 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	N/A – no change to window arrangement as originally approved. N/A – no change to window arrangement as originally approved.

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 interest.	N/A – no change to window arrangement as originally approved.
4.5 Administrative Space Regulation 111 Education and Care Services National Regulations 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.	Existing internal office area maintained.
4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations 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. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.	Nappy changing facilities included in toilets area.

In circumstances where nappy change facilities must be provided, design considerations could include: • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area • a space to store steps • positioning to enable supervision of the activity and play areas.	
4.7 Premises designed to facilitate supervision Regulation 115 Education and Care Services National Regulations 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. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code. Design considerations should include: • solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision • locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties • avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children • avoiding multi-level rooms which 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.	N/A – no change to toilet area as originally approved is proposed.

4.8 Emergency and evacuation procedures

Regulations 97 and 168 Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

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.

Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:

- independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations
- a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.

An emergency and evaluation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.

Application will maintain emergency and evacuation procedure as per Regulations 97 and 168 Education and Care Services National Regulations. There will be no change in the evacuation response as a result of the additional capacity.

4.9 Outdoor Space requirements Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space. Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the verandah perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements Simulated outdoor environments should include: • more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility • skylights to give a sense of the external climate • a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment • sand pits and water play areas • furniture made of logs and stepping logs • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks • vegetable gardens and gardening tubs.	The proposed centre-based child care facility provides 186.1m² of unencumbered outdoor space. This equates to 7.75m² of unencumbered outdoor space per child which is compliant with the minimum 7.0m² specified within the Child Care Planning Guideline. N/A no proposed changes to existing covered spaces. N/A no proposed changes to existing outdoor environment play area.
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4.10 Natural Environment Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to safely explore and experience the natural environment. 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. 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: • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. The outdoor space should be designed to: • 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 • ensure adequate supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.	Trees, sand and natural vegetation are included within the outdoor space as existing. Safe vegetation species are used. N/A no proposed changes.
4.11 Shade Regulation 114 Education and Care Services National Regulations 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. Solar access Outdoor play areas should: • have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.	N/A no proposed changes to the shade areas as originally approved under development application.

adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces. Natural Shade 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.	
4.12 Fencing Regulation 104 Education and Care Services National Regulations 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. 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. In general, fencing around outdoor spaces should: • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure • if the outdoor space is being fenced internally then the fence must be at least 12m high	Existing fencing will be retained and is considered appropriate.

Design considerations for side and rear boundary fences could include: • being made from solid prefinished metal, timber or masonry • having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground. 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 (refer to Figure 11).	
4.13 Soil Assessment Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required: • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.	Existing child care centre that has operated for almost 30 years. A soil assessment is not required.

Table 2 – Child Care Planning Guidelines Table

4.6 Warringah Local Environmental Plan 2011

The subject land is zoned R2 Low Density Residential under the provisions of Warringah LEP 2011 and the modified proposal is permissible with the consent of Council. An assessment of the proposal with relevant clauses of WLEP 2011 is addressed below in **Table 3**.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011		
Clause	Comment	Compliance
1.0-PRELIMINARY		
1.2 Aims of Plan	Proposal consistent with aims of the plan.	Yes
2.0-PERMITTED OR PROHIBITED DEVELOPMENT		
2.1 Land use Zones	The site is zoned R2 Low Density Residential.	Yes
2.3 Zone Objectives R2 Low Density Residential zone	The use of 'Centre-based child care facilities' are permissible with consent. The objectives of an R2 Low Density Residential zone are as follows: • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</i> The modified proposal still maintains a permissible use that is consistent with the objectives of the R2 Low Density Residential zone by enabling other land uses that provide facilities or services to the locality.	Yes
4.0-PRINCIPAL DEVELOPMENT STANDARDS		
4.3 Height of Building 8.5m	Unchanged.	Yes
4.4 Floor Space Ratio	Unchanged.	Yes
5.0-MISCELLANEOUS PROVISIONS		
5.9 Preservation of trees and vegetation	Repealed.	Yes
5.10 Heritage Conservation	The site does not contain any European heritage items and not in the vicinity of surrounding heritage items or in a heritage conservation area.	Yes
6.0-ADDITIONAL LOCAL PROVISIONS		
6.1 Acid Sulfate Soils	The site is not mapped with high acid sulphate soils.	Yes
6.2 Earthworks	N/A there is no excavation proposed with the construction.	Yes
6.3 Flood Planning	N/A not located within a flood prone area.	Yes

Table 3-Warringah LEP 2011

4.7 Warringah Development Control Plan 2011

The proposal has been assessed in accordance with Warringah Development Control Plan 2011.
A compliance table of relevant controls under Warringah DCP 2011 is contained in **Table 4** below.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011			
CONTROLS	REQUIRED	PROVIDED	COMPLIANCE
PART C-SITING FACTORS			
C2 Traffic, access & safety	Vehicle crossing to be provided in accordance with Council's vehicle crossing policy.	No changes to existing driveway or parking arrangements proposed.	Yes
C3 Parking Facilities	Parking to be in accordance with AS/NZS 2890.1. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.	Five (5) existing car spaces on site which were approved under Development Consent No.93/458. Appendix 1-Car Parking Requirements is addressed in Part H.	See Part H
C4 Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	No changes to existing stormwater management.	Yes
C8 Demolition & construction	Waste Management Plan required.	No waste Management Plan required	Yes
C9 Waste Management	Waste storage area to be provided.	There is sufficient area on site for waste and recycling bins in a safe and secure location that do not adversely impact the visual qualities of the area.	Yes
PART D -DESIGN			
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Garbage bins will be securely and safely stored so no adverse visual impacts result.	Yes

D18 Accessibility	Safe and secure access for persons with a disability to be provided where required.	N/A	N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposal will provide a good outlook for patrons and allows for casual street surveillance. The entrance is clearly identifiable for patrons.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided.	Existing facilities on site.	Yes
D22 – Conservation of Energy and Water	Buildings are to be designed to minimize energy and water consumption.	Proposal will comprise energy and water consumption saving devices.	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views or potentially hazardous road features or traffic control devices.	No new signage proposed.	Yes
PART H APPENDICES			
Appendix 1-Car Parking Requirements	1 space for every 4 children, having regard to the maximum number of children authorised to be cared for at any particular time.	The paved front setback area of the existing site can contain a maximum of five (5) car parking spaces. The additional capacity requires six (6) spaces, however we are seeking a reduction by one (1) due to the ample parking on Glen St and the close proximity to a well-connected public transport bus route and the Glenrose Village Shopping Centre carpark.	No

Table 4-Warringah DCP 2011

4.8 Northern Beaches Children's Services Policy 2021

The existing development has been consistent with the Northern Beaches Children's Services Policy 2021 in terms of operational guidelines. The proposed modification application which seeks a maximum capacity of twenty-four (24) children will not impact the existing child cares centre's compliance with the above policy and all its relevant provisions. The child care centre is currently operating at an approved capacity of twenty (20) children.

5.0 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(a)(i) – The Provisions of any Environmental Planning Instrument

Statutory assessment of the proposal has been previously addressed in Section 4.0. The site is zoned R2 Low Density Residential under Warringah Local Environmental Plan 2011 and the modified proposal is permissible with development consent.

The proposal is also consistent with relevant State Environmental Planning Policies.

(a)(ii) Any proposed Draft Environmental Planning Instrument subject of public consultation

There are no applicable Draft Planning instruments subject to public consultation.

(a)(iii) – The Provisions of any Development Control Plan

As discussed earlier in the report, the site is subject to assessment under Warringah Development Control Plan 2011. The modified proposal complies with relevant objectives and controls of WDCP 2011 which are detailed in Section 4.7 of this report.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The proposal is consistent with relevant Regulations.

(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

The proposal is not inconsistent with any coastal zone management plan.

(b) – The likely impacts of that Development

It is considered that the development will provide for additional occupancy of six (6) new children which will help facilitate increasing child care demands in the locality, without any detrimental impact on the environment, social and economic status of the locality.

(c) – Suitability of the Site for Development

The site is of a suitable size and configuration to accommodate the proposed modification. The subject site is zoned R2 Low Density Residential and the modified operational capacity is permissible with the consent of Council. On this basis, the site is considered suitable for the proposed development.

(d) – Any submissions made in accordance with this Act or Regulations.

Any submissions received will be considered by Council.

(e) – Public Interest

The proposal will provide for the child care needs of the community within a low-density residential environment and is in the public interest.

6.0 CONCLUSION

The proposed modification to Development Application No. 1994/0772 has also been assessed against various SEPP controls, Child Care Planning Guidelines and Council's LEP and DCP.

The application before the Council provides no unreasonable impacts to adjoining and adjacent residential properties. The modification is in keeping with the low density residential character of the locality and no adverse amenity or environmental impacts are foreseen.

The proposal is assessed as being satisfactory, having regard to the matters for consideration contained within Section 4.15 of the EP&A Act 1979.

Accordingly, it is recommended that Council support the proposal and grant development consent subject to conditions of consent.