



Pre-lodgement Meeting Notes

Application No: PLM2024/0070
Meeting Date: 25 July 2024
Property Address: 9 North Avalon Road AVALON BEACH
Proposal: Development Application Pre-lodgement Meeting
Attendees for Council: Alex Keller – Principal Planner
Fathima Shajar – Student Planner
Chris McClean – Flood Engineering
James Brocklebank – Traffic Engineering

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

Carparking

- The site gained development consent on 20 May 1968 for a “Child Minding Centre (Home Occupation)” that would not exceed 8 children enrolment.
- The site subsequently gained development consent on 11 February 1969 for a “Kindergarten” that would not exceed 20 children enrolment.
- Development consent was granted on 20 December 1995 for alterations and additions to the existing Kindergarten for a maximum of 31 children. This consent included the provision of 7 off-street car parking spaces (as per the approved plan 5801:DA:01 below) and driveway widening.
- Development consent was granted on 21 February 1997 for internal alterations and additions to the Day Care Centre and attached dwelling.
- Development consent was granted on 5 August 1998 for alterations and additions to increase the number of childcare places from 31 to a maximum of 39 children. The approval included the provision of 9 car parking spaces on site (being 2 extra spaces in front of the garage).

There were a number of conditions to ensure the carparking remained in place and was appropriately marked / retained for use. Additionally, the age groups for the childcare centre were limited to: 10 children 0-2 years, 16 children 2-3 years and 13 children 3-5 years.

The provision of parking for childcare centres normally relies on a ratio of 1 car space per 4 children. The current operations are already marginally undersupplied to comply with the control. The proposal seeks to reduce the number of approved off street parking spaces and increase enrolment to 58 children, with 6 car spaces. This equates to a 48% expansion in enrolment with a 33% reduction in carparking.

Additionally, the new carparking arrangement will dominate the front setback with concrete area and is likely to require cars to wait on the street if another car is reversing to leave at the same time. While this may be similar to the present approval, the reliance on on-street parking with slower parking turnover increases the pick-up drop-off times overall (therefore projected parking efficiency may not be realistic to driver behaviour), particularly with the reliance on on-street parking where by cars must park further away along North Avalon Road. From the parking plans shown at the PLM, it is likely that the concrete area required will be much larger and take up more landscape space than shown to comply with AS1428 and for separate footpath links to the roadway (given more parents will walk-in from the road than park-in the carpark).

Currently the owner / operator should ensure the existing carparking spaces are all available for use by staff and / or parents (as approved). The basis for reducing carparking while simultaneously increasing enrolment (and parking demand) is not



PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Childcare centre
Zone:	R2 Low Density Residential
Permitted with Consent or Prohibited:	Permitted with consent

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest and whether the request demonstrates sufficient environmental planning grounds for the variation.

Part 4 - Principal Development Standards			
Standard	Existing	Proposed	Compliance
8.5m	4.6m	No change	Yes

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCP>

The following notes the identified non-compliant areas of the proposal only.

Part		
Control	Permitted	Proposed
C5 Design Criterial for Other Development	Yes	Merit assessment
The relevant sections of this part of the Pittwater DCP relate to C5.1 Landscaping, C5.2 Safety and security, C5.5 Accessibility, C5.8 Waste and Recycling, C5.10 Residential		



Part		
<p>amenity and C5.16 Building facades.</p> <p>C5.12 Childcare centres - principally relates to food safety and sanitation.</p> <p>Other relevant DCP Sections are listed below.</p> <p>Part B5.15 is relevant to the site and it should be noted that any flooding may be localised nearby due to a “sag” in ground levels along North Avalon Road and stormwater asset capacity to dissipate the water via Council stormwater infrastructure.</p>		
A4.1 Avalon Beach Locality	Applicable	Merit assessment
<p>In addition to the built form controls and other general provisions of the DCP development applications need to demonstrate consistency with their respective Locality statement. These give desire outcomes for development to enable a “good fit” within the dominant character of an area and its immediate surroundings. It is considered that further increases to the enrolment (while seeking to cater to local demand) is significantly intensifying the use to the point that it will compromise the street setback landscaping with the new concrete carpark. The carpark also has limited capacity to cater for the daily use. Overall, the proposal is very reliant on the public street to function more than at present which is symptomatic of an overdevelopment of the site. It may be more appropriate to consider altering the approved age group capacity (within current overall numbers) to provide child-care service to the local childcare age group that has the highest demand and reducing enrolment capacity to the age group with the least demand (or with regular vacancy capacity).</p>		
B6 Access & parking	Applicable	Does not comply.
<p>The existing carparking was approved and completed for the current operations. Upgrading to the carparking as proposed involves significant work within the setback area and will also displace existing car spaces onto the street. The high dependability of the childcare operation on the street for staff and parent carparking is not supported.</p>		
D1 Avalon Beach Locality	Applicable	Merit assessment.
<p>D1.1 Character as viewed from a public place.</p> <p>D1.8 Front building line.</p> <p>D1.9 Side and rear building line.</p> <p>D1.13 Landscape area.</p> <p>D1.15 Fences.</p> <p>In addition to the Outcomes and Controls to the above clauses of the Pittwater DCP see also Specialist Referral Advice below for other relevant clauses specific to referral advice.</p>		
Specialist Advice		
Traffic Engineering		



Specialist Advice

The PLM proposal is for an increase in childcare places at the childcare centre from 38 to 58 children.

Adequacy of parking

The current childcare centre appears to provide parking only for one vehicle. It is noted that past consents for childcare centres catering for up to 39 children on the site were approved on the basis that parking for seven vehicles was to be available on site. It is unclear why these seven parking spaces have not been provided. This needs to be explained in the DA traffic report.

Under the Pittwater DCP applicants for childcare centres are required to provide parking in accordance with that recommend by the TfNSW guide to traffic generating developments i.e 1 space for every 4 children. A 58-space centre would therefore require parking for 15 vehicles. Even if we look at the parking on the basis of a 20-child increase, there is still a requirement to provide an additional 5 spaces. This would be on top of the 7 required to support the existing centre i.e a total of at least 12 parking spaces would be required to support the increase in childcare places to 58. There is concern regarding the shortfall in parking with only 6 off-street spaces proposed to be provided and the potential for on-street parking congestion to result from the increase. It is also noted that the existing garage which could provide an additional two off-street spaces is being converted to storage. Finally, the inevitable spill over of parking activity onto the street will raise a concern regarding the safety implications of children being loaded/unloaded from vehicles at kerbside adjacent to relatively high volumes of traffic on North Avalon Road.

The PLM traffic report has not adequately addressed the shortfall in parking supply. Additional thorough analysis of parking demands on a first principles basis will be needed to address the parking shortfall and demonstrate that the proposed parking will be adequate to support the increase in places:

The following information would be required:

- The numbers of full-time equivalent staff to support the existing 38 place centre.
- The numbers of additional full time equivalent staff required to support the 58-place centre.
- The break-up of ages of the children proposed at the existing and proposed 58 place centre.
- A discussion of the number of drop-offs / pick-ups per hour and the estimated "dwell times" by parents of children of various ages. Parents of babies or special needs children may for instance stay for longer than the average 6.8 minutes mentioned in the TfNSW guidelines to settle their child(ren).
- A discussion of the proportion of families with siblings at the centre.
- A discussion of any carpooling or parents who may walk their children to/from the centre.



Specialist Advice

- The driving behaviours of parents and staff (do staff walk to work or use public transport?) and a proposed break up of how the off-street parking spaces will be utilised. How many for staff? how many for parents?
- On-street parking occupancy data on North Avalon Road between Catalina Crescent and Tasman Road during drop off and pick up periods under existing conditions and with the additional 20 children and staff added.
(noting in the report that much of the above information only provides a snapshot any may change over time)

The traffic report should also provide data on the following:

- Traffic volume and speed data (based upon a seven-day tube count) for North Avalon Road in front of the centre.
- Turning movement data to/from the driveway under the existing and proposed development scenario.

Comments on existing parking plans

It is noted that the applicant proposes one of the six spaces to be accessible. This is supported however, as noted by the applicant's traffic consultant the accessible space is not compliant with current standards. It should be designed to be consistent with the dimensions and design requirements of AS/NZS2890.6

There is also concern about the potential for congestion within the carpark during drop-off and pick-up periods. It is noted that the applicants' traffic consultant has recommended widening of the driveway so that passing of an inbound and outbound vehicle on the driveway can occur. The PLM plans show a 7.5m gap between the existing driveway at the driveway serving No. 11. This is an awkward length as it is not quite long enough for two vehicles to park so would inevitably lead to vehicles parking across one or both driveways. Widening of the driveway at kerbside by say 1.5m would still leave enough kerb space between the two driveways for one vehicle to park on-street and would assist with improving ingress/egress to the site, reducing the incidence of vehicles having to prop on the road to wait for the driveway to clear.

There is however still concern that there is no space for a vehicle to wait off-street while another vehicle exits a parking space. With parking taking place on both sides of the parking aisle, vehicles will frequently be reversing back from opposing sides in conflict with each other. It is considered that parking would be less congested and there would be less vehicle to vehicle conflict if parking were confined primarily to a single row of parking. It may be feasible to have five spaces on the eastern side of the site with only the accessible parking space located on the southern side of the parking aisle. Alternatively, parking could be aligned side by side along the southern edge of the parking area.

Development Engineering

Vehicular Access



Specialist Advice

Vehicular access and parking design in accordance AS/NZS 2890.1:2004 and Councils Works Specification. Parking space dimensions in accordance with User Class 3 (Minimum 2.6 metre width)

On-site detention

On-site detention is not required as the site is flood affected.

Environmental Health

The proposal also includes but not limited to:

Renovation of external courtyard to Child Care Outdoor play area.

- Existing Potential decking to be removed and replaced with new in configuration applicable to Outdoor play area.

New on-site parking area.

- Provision of 6 new parking spaces in the front yard adjacent to North Avalon Road.

Noise

Given the zoning is primarily for residential purposes, Environmental Health would require an Acoustic Report be submitted with the Development Application.

The acoustic report is to address potential noise impacts from the following but not limited to:

- Potential noise impacts from the increase in children attending the centre
- noise impacts from the increase of vehicle movements
- Potential noise impacts from the outdoor play area

The acoustic consultant is to provide an acoustic report considering the *Association of Australasian Acoustical Consultants "Guideline for Child Care Centre Acoustic Assessment Version 2.0"* and provide noise control mitigation measures that can be implemented into the development to control the potential noise increase.

Landscape Assessment

The proposed provision of 6 new parking spaces on site impacts the landscape setting of the property.

The front of the property supports existing native and other trees and should the parking spaces be incorporated, all or the majority of the existing trees are impacted and likely to require removal.

Refusal of on-site parking will preserve the existing trees.



Specialist Advice

It is noted that the pre-lodgement plans include garden bed areas at the site perimeters however the allocated garden areas would not support any replacement tree planting equal to the existing trees and only small trees may be established.

It is unknown if the area nominated as 'turf area and garden area' is located to potentially retain any existing trees and development application plans shall superimpose Survey information on the plans. This area however is sufficient to support one replacement tree planting.

Development Application (landscape) requirements:

A Landscape Plan is required to demonstrate that the proposed development satisfies the relevant DCP clauses, including:

C1.1 Landscaping

- A range of shrubs and canopy trees shall be retained or proposed to soften the built form
- Canopy tree planting shall be locally native species
- Generally, at least 2 canopy trees in the front yard (and this may require increase to the landscape garden areas within the front of the property)

Landscape Plans shall be submitted in accordance with Council's DA Lodgement Requirements.

B4.22 Preservation of Trees and Bushland Vegetation

An Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.

The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones).

The Arboricultural Impact Assessment shall be submitted in accordance with Council's DA Lodgement Requirements.

Landscape Concerns

Loss of trees that provide a high amenity value, within the front of the property for parking spaces.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal (all owners consent / company consent must be provided in writing)
- Statement of Environmental Effects (including addressing Chapter 3 Part 3.3 of SEPP (Transport and Infrastructure) 2021, as applicable)
- Survey Plan (Boundary survey)
- Scaled and dimensioned plans:



<ul style="list-style-type: none">○ Site Plan (should be consistent with open space required by;○ Floor Plans;○ Elevations; and○ Sections.● Cost of works estimate/ Quote● Survey Plan (Boundary Identification Survey)● Site Analysis Plan● Traffic and parking study (including swept paths and street parking / traffic analysis● Demolition Plan● Details of ancillary site works Landscape plan, fencing changes, new signage and the like.● Operational Plan of Management (including Acoustic / noise management)● BCA / Fire Safety report● Excavation and fill Plan● Waste Management Plan (Construction & Demolition)● Driveway Design Plan (if any change is proposed to the driveway)● Erosion and Sediment Control Plan / Soil and Water Management Plan (new stormwater connections e.g. parking area runoff)● Stormwater Management Diagram. <p>IMPORTANT NOTE FOR DA LODGEMENT</p> <p>Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.</p> <p>https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf</p> <p>The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.</p>
--

Concluding Comments
<p>These notes are in response to a pre-lodgement meeting held on 25 July 2024 to discuss alterations and additions to a childcare centre, including increased enrolment capacity at No.9 North Avalon Road, Avalon. The notes reference the plans prepared by Richard Smith, dated 20.6.2024.</p> <p>The proposal will become almost entirely reliant on on-street parking as a business operation, with the existing residential use extinguished, including garage parking spaces changed to storage. Originally the approved childcare centre was able to provide parking in a landscaped setting and demonstrated minimal impact on the streetscape in the approved arrangement, with a dwelling element retained. It appears that a number of car spaces have been blocked off or become unusable over time due to operations not maintaining appropriate compliance with the approved consent plans that currently apply to the land.</p>



Concluding Comments

Childcare centres in any location have limitations on capacity which is a combination of factors including, but not limited to, the ability to provide adequate on-site parking (for staff and parents cars), landscaped open space, streetscape setting, noise management, interface with adjacent uses and the like. In low-density residential areas, it is expected that childcare centres will also be relatively low intensity operations (derived by lower capacity and consequently less traffic, less parking, less noise and the like) given the surrounding environment will be predominantly dwelling houses within a landscaped setting.

By comparison other medium to large size childcare centres are generally in more urbanised / commercialised built-up environments, unless the property is significantly larger such as in a semi-rural environment with wide landscaped buffers to surrounding acreage.

In conclusion, the proposal to increase the childcare centre on the site is not supported as the proposal seeks to reduce the approved parking provision while simultaneously increasing childcare operational capacity. The change is disproportionate and requires significant loss of the existing landscaped carparking spaces in the front setback with no net parking gain to offset the increased enrolment capacity sought. Therefore, the proposal is overly dependant on the public domain to operate effectively resulting in boarder external amenity impacts to neighbours, street parking and sets an undesirable development control precedent for similar uses elsewhere.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.