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STATEMENT OF ENVIRONMENTAL EFFECTS

**SECTION 96 MODIFICATION No. 2
DEVELOPMENT APPLICATION CONSENT DA2013/1422
MODIFICATION CONSENT 2014/0301**

**Demolition of Existing Buildings &
Construction of a New Childcare Centre
7-9 Federal Parade Brookvale NSW 2100**

31 MARCH 2016

Applicant: Zaki Property Pty Ltd

Statement
Prepared By: MM Atelier Architects

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1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a modification application under Section 96 (1A) of the Environmental Planning and Assessment Act 1979 for the DA approved Childcare Centre at 7-9 Federal Parade Brookvale.

This modification application is submitted on behalf of Applicant Zaki Property Pty Ltd.

The original consent DA2013/1422 was for the demolition of the existing commercial buildings and for Demolition and the Construction of a three storey plus carpark Childcare Centre and associated landscaping.

The determination with conditions was issued by Warringah Council on 11 July 2014.

A Section 96 (2) was lodged for the deletion of the pool, modifications to the car park, additional lift and minor internal changes. Consent (MOD 2014/0301) was granted by Warringah Council on 20 March 2015.

This modification application (Section 96 1(A)) is for the amendment of Condition No. 57 in the original DA2013/1422 to increase the number of child enrolments from 165 children to 212 children.

We have reviewed the minimum area requirements, facility needs, waste management, BCA and Traffic requirements needed to support the increase in numbers and are satisfied that this centre can easily support the increase in child numbers.

The purpose of this Statement is to assist Warringah Council in considering and assessing the application to modify the original development consent having regard to relevant planning and environmental matters for consideration under Section 96 (1A) of the Environmental Planning and Assessment Act, 1979. It is considered that the proposal is a modification involving minimal environmental impacts and is consistent with the approved development application.

2.0 DESCRIPTION OF PROPOSED AMENDMENTS

The proposed modification to the approved development is shown in the following documents:

- Architectural plans prepared by MM Atelier Architects drawing numbers:
S96-2-10 Revision A - Notification Plan
S96-2-11 Revision A - Carpark Floor Plan
S96-2-12 Revision A - Ground Floor Plan
S96-2-13 Revision A - Level 1 Plan
S96-2-14 Revision A - Level 2 Plan
S96-2-31 Revision A - Elevations
- Traffic Engineering letter by Tartec dated 4 February 2016 - 2015518/1.docx
- BCA Compliance Assessment by BCA Vision dated 30 March 2016
- Waste Management Plan dated 23 March 2016

This Section 96 (1A) is for the modification of Condition No. 57 of DA Approval 2013/1422 to increase the child numbers from 165 to 212. The Childcare Centre as approved in MOD2014/0301 with some minor modifications is adequate to support and facilitate the increase in child numbers as demonstrated below.

Play Area Requirements

The previously approved Section 96 (MOD204/0301) facilitates the increase in child numbers with regards to the minimum play areas required.

The minimum play areas required in Childcare Centres is as follows:

- Internal Play area = 3.25m² per child
- External Play Area = 7m² per child

We have provided the following areas that satisfy the minimum play area requirements :

Play Room	No. of children	Area Required (m ²)	Area Provided (m ²)	Compliance
Playroom 1	25	81.25	81.80	Complies
Playroom 2	25	81.25	81.70	Complies
Playroom 3	12	39.00	42.50	Complies
Playroom 4	16	52.00	53.00	Complies
Playroom 5	16	52.00	57.60	Complies
Playroom 6	16	52.00	52.40	Complies
Playroom 7	18	58.50	59.30	Complies
Playroom 8	16	52.00	56.00	Complies
Playroom 9	16	52.00	54.00	Complies
Playroom 10	12	39.00	39.00	Complies
Playroom 11	20	65.00	65.00	Complies
Playroom 12	20	65.00	66.00	Complies
Total External Play Area	212	1484	1508	Complies

We have assessed the size and quantity of the storerooms, nappy change rooms, bottle prep rooms, staff facilities and number of toilets etc. and they all satisfy and are in compliance with the increased number of children enrolments.

Traffic Requirements

According to Warringah Council DCP 2011, for every 4 children - 1 car space is required, therefore 212 children will require 53 car spaces. 53 car spaces has been provided in the approved Section 96 MOD2014/0301, therefore compliance is achieved.

We have also provided an assessment from our Traffic Engineer with regards to Traffic Flow - refer Appendix.

Bulk & Scale

Modification to Condition 57 does not change the building footprint or building bulk. There is no change to the appearance of building.

There are some minor internal changes relating to the additional ambulant toilet required on Level 1 & 2 to comply with requirements identified in the BCA assessment. The additional toilets have been clouded on the architectural drawings. A complete BCA assessment has been included in the Appendix.

The other change we have included in these drawings is the introduction of an external stair on the ground floor near the lifts. The levels here have been modified to ensure that surface water doesn't drain towards the main pedestrian entry door to the building. Disabled access and circulation is still maintained throughout the building.

Centre Capacity

As currently designed the Childcare Centre has sufficient capacity to support the increase in child enrolment numbers.

The increase in child spaces will benefit the community with the high demand of childcare places needed in the Warringah area.

BCA Compliance

As part of this application we have assessed the BCA compliance in increasing the child enrolment numbers.

This assessment identified the need to introduce an ambulant toilet on Level 1 & 2, which has been shown on the architectural drawings. Please refer to the Appendix for the BCA compliance assessment.

One (1) non conformance has been identified (BCA Clause Cl. D1.7c). This relates to the fire exit located near the main entrance on the ground floor. Because the level over this exit is within the 3m height clearance (approx 2.8m) there is a minor non-compliance. We will be obtaining a Fire Engineered solution for this item. This non conformance will be addressed at CC Stage.

Other than this, the increase in child numbers conforms to the BCA.

3.0 PLANNING CONTROLS THAT APPLY TO THE SITE

❖ Warringah Local Environmental Plan 2011

The principal planning control for the site at present is the Warringah Local Environmental Plan 2011 (WLEP2011) and is within the B5 Business Development Zone.

Clause 109B of the Environmental Planning and Assessment Act 1979 refers to modification of existing consents which is as follows:

Nothing in an environmental planning instrument prohibits, or requires further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force.

This section:

- (a) applies to consents lawfully granted before or after the commencement of this Act, and*
- (b) does not prevent the lapsing, revocation or modification, in accordance with this Act, of a consent, and*
- (c) has effect despite anything to the contrary in section 107 or 109.*
- (3) This section is taken to have commenced on the commencement of this Act*

- **Comment**

It is considered that as the proposal has a current consent, and the modifications as proposed are consistent with the original approved childcare centre with no change to the external bulk and scale of the building, Council can consider the application as a modification to the original consent.

❖ Warringah Development Control Plan 2011

The parts of the WDCP 2011 are considered relevant to the application.

Part B - Built Form Controls

The proposal does not significantly alter the existing overall approved built form with the modification application

The current built form controls identified in the Warringah Development Control Plan 2011 should be considered with the modification application, however the modification to Condition 57 does not change the appearance of the building (bulk or scale). Therefore this modification is still in keeping with the original DA Consent. The minor change with the introduction of the external stair will ensure no surface water enters the main entrance of the building whilst still maintaining disabled access to the site.

Part C - Siting Factors

This section of the DCP refers to matters that have to be considered for developments and the relevant sections that would relate to the proposal are as follows:

C3 - Parking Facilities

The proposal looks to increase the children numbers from 165 to 212. 212 children require the provision of 53 car spaces, as provided in this scheme.

It is considered that the modification proposal will comply with the car parking provisions as indicated in Appendix 1 of the WDCP 2011. Refer Traffic Report included in this submission.

Vehicular access and circulation of the carpark will remain as per the approved MOD2014/0301.

C4 - Stormwater

No change to approved stormwater design.

C7 - Excavation

No change to approved excavation.

C9 - Waste Management

The waste management plan has been amended and re-submitted as part of this application to acknowledge the deletion of the pool tenancy (approved in the original DA) and to recognize the adjusted areas and waste generation of the singular tenancy.

The deletion of the pool tenancy will allow the childcare centre sole access and use of the garbage room which will aid in facilitating the increase in child numbers. As mentioned below we have also increased the garbage room slightly to facilitate an extra bin.

Other than this modification the location and servicing of the garbage room will remain as per the approved MOD2014/0301.

Part D - Design

The relevant sections of Part D that would relate to the proposal are as follows:

D1 - Landscaped Open space

No change to approved DA.

D2 - Private open space

Minimum area requirements per child for both external and internal areas are still maintained.

D3 - Noise

There is no change to the Acoustic Treatment approved in the original DA.

The increase in child numbers should not affect the acoustic assessment as not all the children will be in the outdoor play area at the same time. Programming of classes in the outdoor play areas will be similar to the number of children assessed in the original acoustic report approved by Council.

D6 - Access to sunlight

No change to approved DA.

D7 - Views

No change to approved DA.

D8 - Privacy

No change to approved DA.

D9 - Building Bulk

No change to approved DA.

D10 - Building Colours & Materials

No change to approved DA.

D11 - Roofs

No change to approved DA.

D12 - Glare and reflection

No change to approved DA.

D14 - Site Facilities

The garbage room has been increased from 13.8m² to 14.6m² to facilitate an extra bin to 11 bins (compared to the 10bins shown on the approved plans). This is to absorb the increase in waste that may be generated from the increase in child numbers.

D18 - Accessibility

No change to the approved DA. The proposed external stair to the north of the lift still maintains access for people with a disability to the site.

The two 'accessible' car spaces in the car park are maintained in accordance with AS2890.6-2009: Off-street parking for people with disabilities.

Part E - The Natural Environment

No change to the approved DA.

4.0 PLANNING MATTERS FOR CONSIDERATION

Council must have regard to Sections 79 C and 96 (1A) of the Environmental Planning and Assessment Act 1979 before the proposed modifications can be granted as a consent.

❖ Section 79 C

The extent which the proposed development complies with the B5 Business Development Zone requirements of the Warringah Local Environmental Plan 2011, and the relevant parts of the Warringah Development Control Plan 2011 has been discussed in the preceding section of this statement.

The likely Impacts of the Development

The alterations are considered not to be of such significance to have any detrimental impact on the locality or amenity of adjoining properties.

Suitability of the site

There is no change to the use of the land to what was approved in the DA Consent.

Impact on the Built Environment

The proposed changes will have minimal impact on the built environment.

Social Impact

The modification as proposed retains the character of the locality. It should not alter the amenity of the adjoining properties.

Public Interest

The proposal is not considered to be in conflict with the Warringah Local Environmental Plan 2011, and generally meets with the principles and aims of the Development Control Plan 2011 and approval of the proposal would be in the Public Interest.

❖ Section 96 (1A)

The relevant parts of Section 96 that are to be considered are as follows:

(a) Proposed modification is of minimal environmental impact

The proposed modification does not change the overall design of the approved Childcare Centre, but has an impact on the operation and management of the centre. The centre as approved has sufficient capacity to increase its child numbers to 212 children, still satisfying all relevant code requirements. Based on this, our assessment is that this change will have a minimal environmental impact.

(b) - Substantially the same development

The proposed modifications do not significantly alter the overall development in regard to the site that related to the original consent.

The modifications proposed are predominantly internal layout changes. These changes will be consistent with the originally approved development, being a childcare centre (within the required setbacks and height limits) with associated car parking and landscaping. The building extents, bulk and scale are similar if not the same as the approved scheme.

Council being the consent authority is to be satisfied that the consent as proposed to be modified is substantially the same development as that for which consent was originally granted.

It is considered that the proposed changes do not significantly alter the built form as originally approved and would be deemed to be substantially the same development as that approved under Development Consent DA2013/1422 and MOD2014/0301.

(c) – Consultation with the Minister, Public Authority or Approval Body

The application does not require referral to the relevant minister or public authority as Council is the consent authority in respect of the proposed modification. In addition the proposal has no regional or state significance.

(d) – Notification and Environmental Planning Instruments

The extent to which the proposed modified development complies with the Warringah Local Environmental Plan 2000, Warringah Local Environmental Plan 2011 has been reviewed and it is considered that it is consistent with the approved built form of the DA approved Childcare Centre.

The application will require notification as required by Councils policy however it is considered that any submissions made following such notification should not give rise to any concerns as it is substantially the same development as mentioned above.

5.0 CONCLUSION

Having regard to the relevant matters for consideration under Sections 79C and 96(1A) of the Environmental Planning and Assessment Act, 1979 it is concluded that the proposed modifications as identified on the submitted plans with the application warrants the granting of development consent.

It is recommended to Council that the modifications (identified within the submitted Architectural Plans, Traffic & BCA Report) are consistent with the original intent of the DA approved childcare centre.

The childcare centre as designed has enough capacity to increase its child numbers to satisfy Council regulations, Building Code requirements and Child care centre provisions with minimal impact on its surrounds.

Therefore there does not appear to be any reason in regard to the proposed amendments that should not be supported by Council and consent could be granted to the Section 96 1(A) Modification application as submitted.

APPENDIX