

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Childcare
Centre

368-376 Pittwater Rd

North Manly

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Statement of Environmental Effects

Proposed Childcare Centre

368-376 Pittwater Road, North Manly

Prepared under instructions from

Kids Club Early Childhood Learning Centres

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TABLE OF CONTENTS

1	Introduction	4
2	Site Analysis.....	6
2.1	Site Description and Location	6
2.2	Zoning and Key Environmental Considerations	8
3	Description of the Proposed Use	9
3.1	Details of the Proposed Use	9
3.2	Operational Characteristics – Child Care Centre	10
4	Statutory Planning Framework	11
4.1	Warringah Local Environmental Plan 2011	11
4.1.1	Zoning and Permissibility	11
4.1.2	Height of Buildings.....	11
4.1.3	Acid Sulfate Soils.....	15
4.1.4	Flood Planning	15
4.1.5	Development on Sloping Land.....	16
4.2	Warringah Development Control Plan 2011	16
4.3	State Environmental Planning Policy No.55 – Remediation of Land	28
4.4	State Environmental Planning Policy (Infrastructure) 2007	28
4.5	State Environmental Planning Policy No.71 (Coastal Protection).....	29
4.6	Matters for Consideration Pursuant to Section 79c(1) of the Environmental Planning and Assessment Act 1979 as Amended	29
4.6.1	The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations	29
4.6.2	The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.	29
4.6.3	The suitability of the site for the development	32
4.6.4	Any submissions received in accordance with this act or regulations	32
4.6.5	The public interest	32
5	Conclusion	33

1 Introduction

This statement has been prepared by BBF Town Planners on behalf of Kids Club Early Childhood Learning Centres Pty Ltd for the demolition of the existing site structures and the construction of a one hundred and thirty two (132) place, purpose built child care centre at 368-376 Pittwater Road, North Manly. The application also proposes the implementation of an enhanced site landscape regime.

This application represents a considered response to the comments provided in the Pre-Lodgement meeting held on the 1st October 2015, specifically in relation to traffic generation, parking and access, setbacks and flood risk. The design has been developed to maintain an appropriate spatial relationship with the residential properties to the north east. A dedicated ground floor car park, provision of screening and privacy fencing to the outdoor play areas and the implementation of the proposed enhanced landscape regime will ensure that the proposed child care centre use will maintain an appropriate residential acoustic environment, with the building form and associated use complimentary and compatible with surrounding development.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Site Survey prepared by Survey Plus;
- Architectural Plans including plans, sections, elevations, perspectives, shadow diagrams prepared by RFA Architects;
- BCA Letter prepared by Private Certifiers Australia;
- Environmental Site Investigation prepared by Geo-Environmental;
- Flood Risk Management Plan prepared by Paul Bekker;
- Acoustic Report prepared by Wilkinson Murray;
- Stormwater Management Plans prepared by Engineering Studio;
- Erosion and Sediment Control Plan prepared by Engineering Studio;
- Traffic and Parking Assessment prepared by Colston Budd Rogers & Kafes Pty Ltd;
- Operational Management Plan prepared by Kids Club Early Childhood Learning Centres;
- Estimated Cost of Works.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011
- State Environmental Planning Policy No. 55
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.71 Coastal Protection

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 79C of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed use.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

The site is identified as Lot 3 DP 653642, Lot 2 DP 653813 and Lot 1 DP 740129 No. 368-376 Pittwater Road, North Manly. The site is situated on the north eastern side of Pittwater Road at the intersection with Queenscliff Road and is irregular in shape, with a frontage of 43.825 metres to Pittwater Road, frontage of 31.435 metres to Queenscliff Road, north western boundary of 41.95 metres and south eastern boundary comprising 31.18 metres. The total site area is 1197sqm. The site is relatively flat, with a large excavated rock outcrop, approximately 9 metres high is situated towards the rear (north eastern boundary) of the site as depicted on the survey extract at **Figure 1** below.

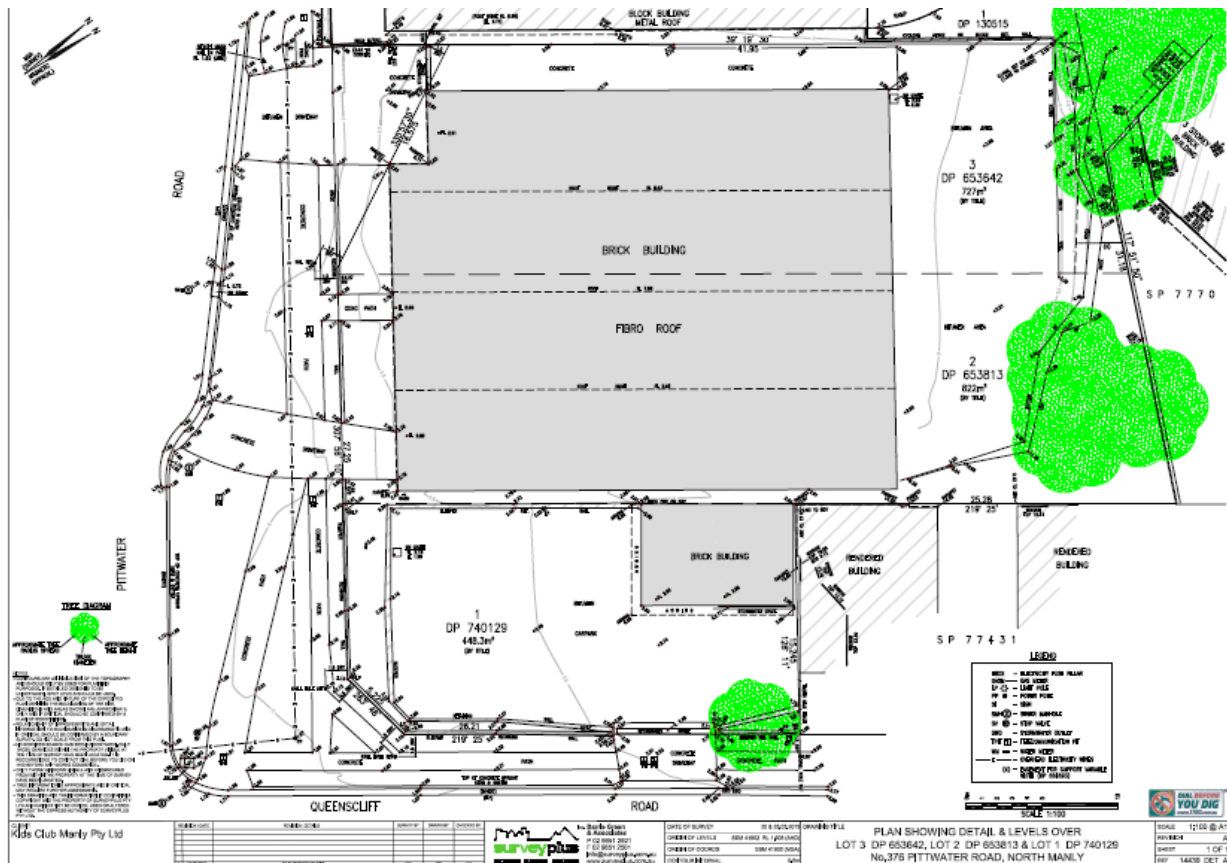


Figure 1: Site Survey prepared by Survey Plus



Figure 2: Site Location Map (Source Six Maps)

No.368 Pittwater Road (Lot 1) contains a single storey building, occupied by Budget Car and Truck Rental Centre, with a small office/garage building and paved parking area for the parking of vehicles. No.370-376 Pittwater Road (Lots 2 and 3) is occupied by a large single storey building with parking area at the rear, occupied by Mark Stewart Smash Repairs Pty Ltd. Vehicular driveway access for 368 Pittwater Road is taken via Queenscliff Road and No.370-376 (Lots 2 and 3) is via Pittwater Road.

Surrounding development is characterised predominately by a mix of commercial and residential land uses. Commercial development is situated directly to the north west and south east of the site, with residential flat buildings situated to the north and north east of the site on Queenscliff Road. The residential properties to the rear of the site (north east) are elevated and overlook the subject site.

The site is highly accessible by public transport, with bus stops located on both sides of Pittwater Road, within close walking distance of the site. The bus stops are serviced by a number of bus services, heading to Manly Wharf, City, Warringah Mall and to Mona Vale.

2.2 Zoning and Key Environmental Considerations

The subject property is zoned IN2 Light Industrial pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011) with child care centres separately defined and permissible with consent in the zone.

The key environmental considerations that have been identified through detailed site analysis are as follows:

- Built form impacts;
- Noise;
- Traffic generation/ car parking.
- Flood Risk Hazard (High Risk Flood Planning Precinct)
- Acid Sulfate Soils Class 5

The above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

3 Description of the Proposed Use

3.1 Details of the Proposed Use

The application proposes the demolition of the existing site structures and the construction of 132 place purpose built child care centre. The application also proposes the implementation of an enhanced site landscape regime, ground floor integrated car park and the installation of integrated acoustic attenuation measures.

The detail of the application is depicted on architectural plans A1001 to A5101, dated February 2017, prepared by RFA Architects.

Specifically, the application proposes the construction of a three (3) storey purpose built child care centre on the site, with ground floor level car park. The child care centre is accessed from Queenscliff Road via a new 2 way, driveway access and separate pedestrian pathway via Queenscliff Road. The two existing driveway crossings to Pittwater Road are to be extinguished.

The ground floor car park provides parking for 33 cars comprising 19 visitor and 14 staff carparking spaces, including 1 disabled space; a bin storage room; entry foyer, staff room, lounge area, pram store and laundry are all provided at this level. A staff courtyard is situated to the north eastern side of the building. Soft landscaping is provided to the perimeter of the building, with significant planting to the street frontages (Pittwater Road and Queenscliff Road).

The first floor contains activity rooms for pre-schoolers, toddlers and babies, cot rooms, W/C's, dining room, kitchen, reception/admin and outdoor play areas (un-roofed) for babies and toddlers/preschool.

The second floor contains an outdoor play space area (un-roofed) and arts and crafts undercover transitional area. A central void area runs through the centre of the building, adjacent to the stairwell. The perimeter of the outdoor play area will be landscaped and essentially comprises a 'green roof' with perimeter screening as detailed on the elevation plans.

Internal stair and lift access linking all 3 levels of the development, providing appropriately for accessibility.

The application requires the removal of one tree to the Queenscliff Road frontage as identified on the proposed landscape plan prepared by IScape Landscape Architecture. This tree is less than 5 metres in height, is not a protected species and can be removed without consent. The existing trees to the north eastern boundary will be retained and protected. The proposal will significantly improve and enhance the amount of soft landscaping across the site, with significant tree planting proposed to the street frontages.

All stormwater will be disposed of to the existing Council drainage pit located on Pittwater Road as detailed on the stormwater management plan prepared by Engineering Studio.

The application is accompanied by a schedule of colours, materials and finishes as detailed on drawing A6001 prepared by RFA Architects.

Signage will be provided in accordance with the applicable Exempt and Complying Development provisions or will be subject to a separate Development Application.

3.2 Operational Characteristics – Child Care Centre

The application is accompanied by an Operational Plan of Management prepared by Kids Club Early Childhood Learning Centres. Kids Club is a provider of high quality long day care within the Sydney area. The proposed 132 place child care centre will operate from 7am - 6:30pm (Monday - Friday), employing a total of 23 staff. The childcare numbers will be split across the facility as follows:

0-2 Years: 40 places

2-6 Years: 92 places

Total: 132 places

In the morning children will start to arrive between 7am and 9 am. Parents will be allocated a 10 minute drop off time in the morning and 15 minute pick up time in the afternoon. The timeframes for pick up and drop off will be agreed in the kids club parental contract. The contract will have a penalty clause in the agreed hours contract, to prevent any congestion occurring with the car park.

The structure of the daily routines is detailed in the operational management plan. The child care age groups will have routines which will involve both indoor and outdoor play and education activities.

Children in the nursery group (babies 0-2 year olds) spend majority of the indoors in routine activities such as eating, sleeping and nappy changing. Most of their playtime is conducted in the secure indoor environment. The toddlers and pre-school children (2-6 year olds) daily routines are planned and managed to be conducive to the environment and amenity of the neighbourhood.

In terms of the car parking demand/ traffic generation we note that a majority of children (approximately 90%) will be dropped off before 9am and collected after 4pm. The acceptability of the traffic/ car parking circumstance is detailed in the Traffic and Parking Assessment Report, prepared by Colston Budd Rogers & Kafes Pty Ltd.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

4.1.1 Zoning and Permissibility

The subject property is zoned IN2 Light Industrial pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011) with child care centres separately defined and permissible with consent in the zone.

The objectives of the IN2 Light Industrial Zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To maintain the industrial character of the land in landscaped settings.*

The proposal satisfies these objectives through the provision of a child care centre that will provide child care facilities, employment opportunities and services to meet the day to day needs of workers in the area. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Height of Buildings

Pursuant to clause 4.3 of PLEP 2014 the maximum building height for development on the land is 9 metres. Building Height is defined as follows:

building height (or ***height of building***) means:

- a) *In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- b) *In relation to the RL of a building – the vertical distances from the Australian Height Datum to the highest point of the building.*

Including plant and lift overruns, but existing communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ground level (existing) means the existing level of a site at any point.

The Flood Risk Report prepared by Beer Engineering confirms the Flood Planning Level (FPL) for this site is 3.70 A.H.D. The proposed building has been designed to the 3.70 FPL (as indicated on the proposed elevations and section drawings prepared by RFA Architects) and proposes a maximum building height of 9.66 metres to the ridge of the roof, which exceeds the maximum building height by 0.66 metres.

Clause 4.6 of WLEP 2011 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

This Clause applies to the Clause 4.3 Height of Buildings Development Standard.

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) states consent must not be granted for development that contravenes a development standard unless:

- a) the consent authority is satisfied that:*
 - i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b) the concurrence of the Secretary of State has been obtained.

Clause 4.6(5) states that in deciding whether to grant concurrence, the Secretary must consider:

- a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) the public benefit of maintaining the development standard, and*
- c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Zone and Zone Objectives

The subject property is Zoned IN2 Light Industrial pursuant to the Warringah Local Environmental Plan 2011 (WLEP 2011). Child Care Centres are defined in the WLEP as permitted land uses with consent. The stated objectives of the IN2 Light Industrial Zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To maintain the industrial character of the land in landscaped settings.*

The proposed development meets the relevant zone objectives given it provides for a child care centre development which increases the employment potential of the site, consistent with the objectives for the zone in encouraging employment uses and enhancing the viability of the centre, as well as providing a child care facility to meet the day to day needs of workers in the area.

There are no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

Height of Buildings Standard and Objectives

Pursuant to Clause 4.3 WLEP 2011 the height of any building on the land shall not exceed a height of 9m. The objectives of this clause are:

- a) to ensure that any buildings are compatible with the height and scale of surrounding and nearby development,
- b) to minimise visual impact, disruption of views, loss of privacy and solar access,

- c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Having regard to the stated objectives it is considered that strict compliance is both unreasonable and unnecessary for the following reasons:

- The non-compliance is limited to a minor exceedance of the 9 metre building height as it cuts through the top of the roof, with the vast majority of the building sitting comfortably within the height standard and the established streetscape.
- The height, bulk and scale of the building is entirely consistent with the built form characteristics established by surrounding development, given the sites prominent corner location and employment nature of the proposed development.
- Despite the variation proposed to the building height control the proposed building does not exceed the height of the rock outcrop to the north eastern boundary of the site;
- The top of the roof, which exceeds the maximum height limit does not result in any adverse impacts on the amenity of the adjoining, adjacent or properties within the sites visual catchment in terms of solar access, visual bulk, privacy and views.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* I am of the opinion that the impacts arising from the building height to neighbouring dwellings are acceptable and that most observers would not find the height of the proposed development offensive, jarring or unsympathetic in a streetscape context nor the built form characteristics of development within the sites visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.
- Having regard to the matter of *Veloshin v Randwick City Council [2007] NSWLEC 428* this is not a case where the difference between compliance and non-compliance is the difference between good and bad design. The development is considered to be of design merit, particularly when considered in its context.
- Having regard to *Four2Five Pty Ltd v Ashfield Council (2015) NSW LEC 1009* and clause 4.6 (3)(a) of SLEP 2012 I am of the opinion that compliance with the height of building standard at Clause 4.3 of PLEP 2014 is unreasonable and unnecessary in the circumstances of this application and the site given the relationship of the proposed height of the building to its neighboring sites; the absence of environmental impacts associated with the loss of view or sunlight access to neighboring dwellings.

Conclusions

Having regard to the Clause 4.6 variation provisions of the WLEP 2011 we have formed the considered opinion:

- that the site specific and contextually responsive development is consistent with the zone objectives, and
- that the site specific and contextually responsive development is consistent with the objectives of the building height standard, and
- that there are sufficient environmental planning and site specific urban design grounds to justify contravening the development standard, and
- that having regard to (a), (b) and (c) above that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and
- that given the design quality of the development, the sites prominent location and context and the developments ability to comply with the zone and building height standard objectives that approval would not be antipathetic to the public interest, and
- that contravention of the development standard does not raise any matter of significance for State or Regional environmental planning.

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a building height variation in this instance.

4.1.3 Acid Sulfate Soils

Pursuant to Clause 6.1 of the LEP, the site is located within Acid Sulfate Soils Area Class 5. Given that no substantial excavation works are proposed, which would affect the existing watertable, a Geotechnical Report is not considered to be necessary. Notwithstanding, a Stage 1 and 2 Environmental Site Investigation has been undertaken by Geo-Environmental Engineering and is submitted with the application documentation. The report identifies the existing ground conditions, the potential for contamination from past and present activities on the site and adjoining land, as well as a review of the environmental and physical setting in which the site lies, including geology, hydrology and topography.

4.1.4 Flood Planning

Pursuant to Clause 6.3 of the LEP, the site is identified by Council as being within a 'high risk flood planning precinct' and is flood affected for the 1 in 100 year storm event. The proposed building is affected by the PMF flood only to the very edge of the property adjoining Pittwater Road. The flood planning level has been determined to be set at RL5.7 (Probably Maximum Flood Level) and the habitable area of the building has designed accordingly.

A Flood Risk Management Plan has been prepared by Bekker Engineers and is included with the application documentation. The flood risk management plan details the measures to be taken to ensure that the risks to both the site buildings and occupants are minimised and managed in accordance with Council's DCP requirements.

It is the intention that a Flood Evacuation Procedure Plan will be prepared and kept by the owner and also on-site by the operator where it can be produced for action in case of a significant flood event.

4.1.5 Development on Sloping Land

Having regard to the clause 6.4 WLEP 2011, the site is mapped as 'Area A' on the Landslip Risk Map. No substantial excavation works are proposed and therefore no preliminary assessment of Geotechnical conditions is required.

4.2 Warringah Development Control Plan 2011

The Warringah DCP 2011 contains development controls for the design and construction of buildings and the development of land in Warringah. The proposed development has been assessed against the relevant provisions of Warringah DCP as outlined in the following table.

Control	Requirement	Proposed	Compliance
Side Boundary Setbacks DCP Controls B5 & B6	Mapped A Nil Side Boundary Setback – given the site comprises a corner allotment, the side boundary setbacks apply to the north western and north eastern boundaries of the site.	The development provides a varied setback to the north eastern side boundary, comprising a 8.480 metres to the edge of the staff room/lounge area. A setback of 620mm is proposed to the eastern boundary of the site.	Yes
Front Boundary Setbacks DCP Control B7 & B8	The front boundary setback is 4 metres to Pittwater Road and Queenscliff Road. <i>Objectives:</i> • <i>To create a sense of</i>	The proposal includes a landscaped front boundary setback of 4.205 metres to Pittwater Road and 4 metres to Queenscliff Road.	Yes

Control	Requirement	Proposed	Compliance
	<p><i>openness.</i></p> <ul style="list-style-type: none"> <i>•To maintain the visual continuity and pattern of buildings and landscape elements.</i> <i>•To protect and enhance the visual quality of streetscapes and public spaces.</i> <i>•To achieve reasonable view sharing.</i> 		
Rear Boundary Setback DCP Control B9	N/A Corner Allotment	N/A	N/A
Traffic, Access and Safety DCP Controls C2	<p>To minimise:</p> <ul style="list-style-type: none"> a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and f) the loss of “on street” kerbside parking. 	<p>A Traffic and Parking Assessment Report has been prepared by Colston Budd Rogers & Kafes.</p> <p>The traffic and parking report demonstrates that the proposed development has no unacceptable traffic implications. The proposed development will generate 85-90 vehicle trips during the peak periods, which will not have any noticeable or unacceptable effect on the road network serving the site.</p> <p>Colston Budd Rogers & Kafes note that low volumes of traffic</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>turn right out of Queenscliff Road onto Pittwater Road, with the majority of the traffic turning left. Notwithstanding, the traffic report considers that it is acceptable and safe for vehicles to turn right from Queenscliff Road, when gaps are created in the traffic stream by the traffic lights on Oliver Street.</p> <p>Vehicular access to the site is via a 5.8 metre wide driveway that will be located in approximately the same position as the existing driveway access on Queenscliff Road.</p>	
Parking Facilities DCP Control C3	<p>Application of the DCP Parking Rates yields the following requirements:</p> <p>1 space per 4 children =</p> <p>$132/4 = \text{Total } 33$ spaces</p>	<p>The proposed development will be served by a total of 33 car parking spaces which complies with the DCP car parking requirements.</p> <p>The off street parking is provided within a dedicated ground floor car park.</p> <p>The car park layout has been designed to allow for the appropriate manoeuvring of vehicles into and out of the site in a forward direction.</p>	Yes
Stormwater DCP Control C4	<p>To ensure the appropriate management of stormwater.</p>	<p>Please refer to Stormwater Drainage Plans prepared by Engineering Studio.</p> <p>All stormwater run-off from the</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>To minimise the quantity of stormwater run-off.</p> <p>To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.</p> <p>To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).</p>	<p>development is to be directed to the existing kerb inlet pit on Pittwater Road in accordance with Council specifications.</p>	
Erosion and Sedimentation DCP Control C5	<ul style="list-style-type: none"> •To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment. •To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands. •To prevent any reduction in water quality downstream of the development site. 	<p>Please refer to the erosion and sediment control plan prepared by Engineering Studio.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Demolition & Construction DCP Control C8	A demolition and waste management plan must be satisfactorily completed and submitted.	A demolition and waste management plan accompanies the application.	Yes
Waste Management DCP Control C9	Each development must include, or have access to Waste/Recycling Storage Rooms and Areas.	The proposal incorporates a dedicated commercial enclosed waste storage area within the ground floor of the development, which will be collected by a commercial contractor.	Yes
Noise DCP Control D3	Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses	<p>An acoustic report prepared by Wilkinson Murray accompanies the DA. The report provides an assessment of the potential noise impacts associated with the proposed development to the nearest residential receivers.</p> <p>The report considers that provided the mitigation measures are adhered to, the child care centre is expected to comply with the noise criteria for internal noise levels and impacts on surrounding receivers.</p> <p>A marginal non-compliance is predicted for traffic noise impacting the outdoor play areas. These exceedances are considered to be minor and can be managed</p>	Yes

Control	Requirement	Proposed	Compliance
		effectively by controlling the areas the children play.	
Electromagnetic Radiation DCP Control D4	Child Care Facilities located within 500m of a mobile phone base station are required to be accompanied by a report that demonstrates that the site is safe for use.	A report has been prepared by Brendon Woods which demonstrates that the calculated RFEME levels within the proposed childcare centre are well below the ARPANSA RPS3 General Public Exposure limits and complies with Councils DA requirements.	Yes
Access to Sunlight DCP Control D6	Pursuant to these provisions development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing: <ul style="list-style-type: none"> Development should avoid unreasonable overshadowing any public open space. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a 	Shadow diagrams have been prepared by RFA Architects and are submitted with the application documentation. The shadow diagrams demonstrate that there are no significant overshadowing impacts to residential neighbouring properties as a result of the proposed development.	Yes

Control	Requirement	Proposed	Compliance
	minimum of 3 hours of sunlight between 9am and 3pm on June 21.		
Views DCP Control D7	Development is to allow for the reasonable sharing of views, encourage innovative design solutions and ensure existing canopy trees have priority over views.	The proposed development will not impact on any established district views from surrounding residential properties on Queenscliff Road or Oliver Street.	Yes
Privacy DCP Control D8	Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	<p>The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining development through building design and orientation, the appropriate use and the inclusion of fixed privacy screen treatments where necessary.</p> <p>The use of integrated privacy attenuation measures and orientation play areas ensure that no direct overlooking opportunities will exist towards neighbouring properties. In this regard appropriate privacy and security will be maintained between adjoining developments.</p>	Yes

Control	Requirement	Proposed	Compliance
Building Bulk DCP Control D9	Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	<p>The development has been designed through detailed site context analysis to provide through a contextually responsive building form maintaining appropriate amenity to adjoining properties.</p> <p>The development has regard to the scale, proportion and line of visible facades with the highly articulated and modulated building form providing appropriate facade treatment and visual interest to the streetscape.</p> <p>The scale and footprint of the development are entirely consistent with that established by adjoining development within the North Manly locality.</p>	Yes
Building Colours and Materials DCP Control D10	Ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	<p>The proposed materials and finishes are indicated on the plans prepared by RFA Architects.</p> <p>The materials and finishes are considered to be sympathetic to the existing dwelling and in the style of the surrounding development and complementary to natural environment.</p>	Yes
Roofs	Roofs are to be designed to complement	The development incorporates a skillion roof form. Service	Yes

Control	Requirement	Proposed	Compliance
DCP Policy D11	the local skyline.	and plant equipment and lift overruns have been integrated into the built form.	
Glare and Reflection DCP Policy D12	Ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	The proposed window glazing and roof finishes will not give rise to any unacceptable glare or reflection.	Yes
Accessibility DCP Policy D18	To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.	<p>The proposed development has been designed to ensure a convenient, comfortable and safe access for all people including wheelchair and pram accessibility.</p> <p>A letter from Private Certifiers Australia confirms that the proposal is capable of complying with the relevant requirements of the Building Code of Australia in relation to fire safety and accessibility.</p>	Yes
Safety and Security DCP Policy D20	<p>Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>2. Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> <p>3. There is to be</p>	The design of the development enables casual observation of the street frontages. The entry foyer and reception at the ground level is easily identifiable from Queenscliff Road. The opportunity for seclusion within the approaches to the site is minimised as a consequence.	Yes

Control	Requirement	Proposed	Compliance
	<p>adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings are to be from public streets wherever possible.</p> <p>6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of</p>		

Control	Requirement	Proposed	Compliance
	Planning).		
Retaining Unique Environmental Features DCP Policy E6	<p>Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.</p> <p>Development should respond to these features through location of structures, outlook, design and materials.</p>	<p>A large exposed rock outcrop is located to the north eastern boundary of the site. The proposed development will not impact on the area of the significant rock overhang at the north eastern boundary of the site.</p> <p>On this basis, the proposal retains and protects the distinctive environmental features of the site and complies with the requirements of this control.</p>	Yes
Private Property Tree Management DCP Policy E1	<p>Development is to be situated and designed to minimise the impact on remnant native vegetation including canopy trees and understorey vegetation on remnant native ground cover species.</p>	<p>One tree to the Queenscliff Road frontage is required to be removed. This tree is less than 5 metres in height and is not a protected species. On this basis the tree does not require consent for removal. Landscaping, including tree planting is proposed to be significantly enhanced throughout the site, particularly to the street frontages.</p>	Yes
Landslip Risk DCP Policy E10	<p>The site is identified as falling within Landslip Risk Area A.</p> <p>The applicant must demonstrate that:</p>	<p>No substantial excavation works are proposed, that would affect the stability of the site.</p>	Yes

Control	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> The proposed development is justified in terms of geotechnical stability; and The proposed development will be carried out in accordance with good engineering practice. 		
Flood Prone Land DCP Policy E11	The site is located within a high risk flood planning precinct' and is flood affected for the 1 in 100 year storm event.	<p>The proposed building is affected by the PMF flood only to the very edge of the property adjoining Pittwater Road. The flood planning level has been determined to be set at RL5.7 (Probably Maximum Flood Level) and the habitable area of the building has designed accordingly.</p> <p>A flood risk management plan has been prepared by Bekker Engineers and is included with the application documentation. The flood risk management plan details the measures to be taken to ensure that the risks to both the site buildings and occupants are minimised and managed in accordance with Council's DCP requirements.</p> <p>It is the intention that a Flood Evacuation Procedure Plan will be prepared and kept by</p>	Yes

Control	Requirement	Proposed	Compliance
		the owner and also on-site by the operator where it can be produced for action in case of a significant flood event	

4.3 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land.

Based on the findings of the Stage 1 and 2 Environmental Site Investigation report prepared by Geo-Environmental Engineering, it was concluded that there is localised PAH contaminated fill material in the vicinity present and on this basis a further assessment in the form of a risk assessment will be required, prior to determining whether remediation of the site is required. This issue is not considered to affect the suitability of the site for the proposed use or pose a significant constraint to the proposed development.

4.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007, Clause 101 applies to the proposed development, given that the development fronts a Classified Road (Pittwater Road).

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

- c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development removes the existing driveway crossovers to Pittwater Road (Classified Road) and proposes to take access from Queenscliff Road only. An Acoustic Report prepared by Wilkinson Murray, assesses the impact of traffic noise on the proposed development and recommends a number of mitigation measures, such as laminated glazing and acoustic balustrades to the play areas to reduce the impact of traffic noise on the indoor acoustic environment and external play areas.

4.5 State Environmental Planning Policy No.71 (Coastal Protection)

Whilst the site is identified as falling within the coastal zone pursuant to SEPP 71, the site is not located on land that is situated adjacent to a public foreshore or area of environmental significance, nor is the proposal considered to be significant coastal development. On this basis the proposal is consistent with the aims and objectives of the SEPP 71.

4.6 Matters for Consideration Pursuant to Section 79c(1) of the Environmental Planning and Assessment Act 1979 as Amended

The following matters are to be taken into consideration when assessing an application pursuant to section 79C of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

4.6.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

The proposed use is permissible and consistent with the intent of the planning controls as they are reasonably applied to the proposed use on this particular site.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 79C of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

4.6.2 The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposal will not to adversely affect the character and amenity of the locality. These matters have been addressed in detail within the report.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

The proposed use is considered to be compatible with surrounding land uses in the locality and will not adversely affect the visual or acoustic amenity of the neighbouring properties.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

These issues have been addressed in detail within this report.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

The site is adequately serviced by water, electricity, sewage connections.

Flora and Fauna

The development will have no adverse flora or fauna impacts as detailed within the body of this report.

Waste Collection

Normal commercial waste collection will apply.

Natural hazards

The site is located within a flood risk hazard zone. Matters pertaining to flooding are detailed within the body of this report and accompanying flood risk assessment.

Economic Impact in the locality

The proposed child care centre use will provide permanent employment generation with short term employment opportunities during construction.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations and site attributes including:*
 - *size, shape and design of allotments*
 - *The proportion of site covered by buildings*
 - *the position of buildings*
 - *the size (bulk, height, mass), form, appearance and design of buildings*
 - *the amount, location, design, use and management of private and communal open space*
 - *Landscaping*

These matters have been addressed in detail in the body of this report.

- ii) *How would the development affect the health and safety of the occupants in terms of:*
 - *lighting, ventilation and insulation*
 - *building fire risk – prevention and suppression*
 - *building materials and finishes*
 - *a common wall structure and design*
 - *access and facilities for the disabled*

- *likely compliance with the Building Code of Australia*

The proposed development will be able comply with the provisions of the Building Code of Australia as detailed in the accompany Compliance Statement prepared by Private Certifiers Australia. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

- i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

4.6.3 The suitability of the site for the development

- *Does the proposal fit in the locality?*
- *Are the constraints posed by adjacent development prohibitive?*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *Are utilities and services available to the site adequate for the development?*
- *Are the site attributes conducive to development?*

The adjacent development does not impose any insurmountable development constraints.

The site is well located with regards to utility services and public transport. There will be no excessive levels of transport demand created.

4.6.4 Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

4.6.5 The public interest

It is considered that the development is of good design and will meet a clear demand for child care services within the Avalon Beach precinct. The development is consistent with the adopted planning regime. Approval would not be antipathetic to the public interest.

5 Conclusion

This statement demonstrates that the development is permissible with consent and generally compliant with the applicable statutory planning regime as it relates to this form of development on this particular site.

The development has been designed to maintain building form and an appropriate spatial relationship with the neighbouring residential properties. The provision of integrated privacy screens and fencing to the outdoor play areas and the implementation of the proposed landscape regime will ensure that the proposed child care centre use will maintain an appropriate residential acoustic environment with the building form and associated use complimentary and compatible with surrounding development.

Particular attention has been given to ensuring that the development not only responds to its immediate built form context, and the form of development anticipated within the North Manly locality, but importantly to ensure that appropriate residential amenity is maintained to the neighbouring residential properties to the north east of the site.

Whilst the proposal requires the consent authority to give favourable consideration to a minor variation to the building height control, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the attainment of an appropriate contextual fit and general paucity of streetscape.

Having given due consideration to the matters pursuant to Section 79C of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.