

Application No: PLM2015/0102

Meeting Date: 1 October 2015

Property 368-374 Pittwater Road NORTH MANLY

Proposal: Childcare Centre

Attendees for Council: Nick England – Planner
Steve Findlay – Planning Assessment Manager
Catriona Shirley – Natural Environment unit
Mary Shimon – Environmental Health
Rezvan Saket – Traffic
Duncan Howley – Flooding (via conference call)

Attendees for applicant: Ross Fleming; Corey Stone; Brett Patrick; Robert Ferguson

General Comments:

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.





Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of the proposal against the Warringah Local Environment Plan 2011

The fundamentals	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Child care centre
Zone:	IN2 Light Industrial
Permitted with Consent or Prohibited:	Permitted with consent

Objectives of the Zone
The objectives of the IN2 Light Industrial zone are as follows: • <i>To provide a wide range of light industrial, warehouse and related land uses.</i> • <i>To encourage employment opportunities and to support the viability of centres.</i> • <i>To minimise any adverse effect of industry on other land uses.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i> • <i>To support and protect industrial land for industrial uses.</i> • <i>To maintain the industrial character of the land in landscaped settings.</i> <u>Comment:</u> It is considered that the development, as presented, satisfies these objectives.

Principal Development Standards:			
Standard	Permitted	Proposed	Comment
Height of Buildings: Note: Building heights under WLEP 2011 are taken from existing ground level.	9m	No elevations, sections or perspectives were provided of the proposed development.	The maximum height permitted on the site will be affected by the requirement to manage potential flood risks on the site. Whilst some variation to the height could be justified to manage this risk, the extent of the variation permitted will be dependent on managing the impact on the adjoining residential properties to the north of the site (views).

Part 5 Miscellaneous Provisions	
Provision	Comment
5.5 Development within the coastal zone	The land is located within land specified under the NSW Coastal Policy. As the proposal is located on land that is significantly developed and not directly adjacent any public foreshore or area of environmental significance, the proposal is generally consistent with this clause.



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Part 6 Relevant Additional Local Provisions	
Provision	Comment
6.1 Acid Sulfate Soils	The land is mapped as being subject to Class 5 acid sulfate soils. Existing information demonstrates that the land is below 5m Australian Height Datum and is located within 400m of adjoining Class 4 land. In this regard, an acid sulfate soils management plan in accordance with the <i>Acid Sulfate Soils Manual</i> should be provided with any application.
6.3 Flood Planning	The land is identified as being potentially subject to 1 in 100 Year Annual Recurrence Interval (ARI) flooding. Sufficient information will need to be provided with any application in this regard, which is discussed in section of these notes pertinent to Part E11 – Flood Prone Land of WDCP 2011.
6.4 Development on Sloping Land	The site is mapped as Area “A” on the Landslip Risk Map of WLEP 2011. Therefore, no preliminary assessment of geotechnical conditions will be required. In the event that any substantial excavation is to be proposed, a geotechnical engineers report is required.

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration of the proposal against the Warringah Development Control Plan 2011

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
B5 & B6. Side Boundary Setbacks	Nil – the side setbacks are considered to apply to the north-western and north-eastern boundaries as the site is a corner allotment.	North-western: 1m North-eastern: 1.75m – 12.1m 0.4m (car spaces)	The car spaces adjoining the property at No.157 Queenscliff should be deleted to provide a 2m landscaped setback to provide a better streetscape response to Queenscliff Road.
B7 & B8. Front Boundary Setbacks	4m (applies to both Pittwater Road and Queenscliff Road)	Pittwater Road: 5.9m (building) 2m (play areas) Queenscliff Road: 1m (parking)	The parking spaces located within the front setback to Queenscliff Road should not be located within the front setback area. Given the significant area of the site, full compliance with the minimum



Warringah Development Control Plan			
		spaces) 4.6m (building)	setback should be provided, with this area set aside as landscaped open space. The play areas as part of the proposal are technical non-compliances with the Requirement No.2 of Part B7 which permits no structures in the front setback. However, if the play area can incorporate sufficient landscaping which will permit the propagation of vegetation and contain no permanent physical works in the area 4m from the boundary, then the play area could be provided in the proposed location.
B9 & B10. Rear Boundary Setbacks	Merit assessment – however as the site is a corner allotment, application of this requirement is not considered necessary.	N/A	N/A
Part C: Siting Factors			
Control	Comment		
C2. Traffic, Access and Safety	Council's Traffic Engineer has advised that the proposal is likely to have an adverse impact on the efficiency of the local road network, in particular: - the non-signalised "T" intersection of Pittwater Road and Queenscliff Road; - the signalised intersection of Pittwater Road and Oliver Street. Any traffic and parking report provided with the application must include a detailed analysis of these intersections and demonstrate that there is adequate capacity in these road networks to accommodate the proposed development. Council will seek comments from the Roads and Maritime Service (RMS) on the proposal based on these intersections being located on a classified road.		
C3. Parking Facilities	Based on the 132 children proposed, a total of 33 car spaces are required. 35 spaces are provided as part of the proposed development, which demonstrates a compliance with the Part C3. In regard to the internal design of the proposal, Council's Traffic Engineer has advised the following:		



Warringah Development Control Plan	
	• The provision of “stack” parking modules for all car spaces (irrespective of whether for staff or customers) is not supported. • The “dog-leg” internal traffic aisle is not appropriate as the majority of parking is for short-term (pick-up and drop-off). The sightlines and turning radius/space are not adequate at this point. • The two (2) parallel parking spaces on the driveway would cause delays adjacent the access point to the site during peak periods.
C4. Stormwater	Council’s Development Engineer has advised the following in respect to the management of stormwater on the site: • Development site is affected by the 1 in 100 year ARI flooding. Temporary detention of stormwater runoff from the development will not alleviate flooding in this catchment and therefore the development will not be required to provide onsite stormwater detention system. • Stormwater runoff from the development is to be collected and discharged to the public stormwater drainage system in Pittwater Road.
Part D: Design	
Control	Comment
D3. Noise	An Acoustic Report is to be provided with any application. The report is to focus on the potential impacts of the proposal on the adjoining residential properties to the north-east and east of the site. The report must also detail: • Compliance with the NSW EPA Industrial Noise Policy (noise assessment to be undertaken from the most affected residential property); and • The operational aspects of the proposed land use to ensure no offensive noise as defined under the Protection of the Environment Operations Act 1997 (including deliveries, waste removal and any other business operation).
D7. Views	No elevations, sections or perspectives were provided as part of the documentation provided with the application; hence there is insufficient information to determine whether the proposal can comply with the view sharing requirements of this part. The adjoining residential properties at Queenscliff Road and Oliver Street potentially enjoy district views to the south. Any future development is to ensure that no unreasonable loss of views will occur to adjoining residential properties.
D8. Privacy	Insufficient information has been provided to determine if the proposal complies with this part of WDCP 2011.



Warringah Development Control Plan	
D9. Building Bulk	Insufficient information has been provided to determine if the proposal complies with this part of WDCP 2011.
D18. Accessibility	An Access Report to demonstrate compliance with all the requirements of Part D18 is to be provided with any application.
D23. Signs	Full details of any business identification signage should be provided with any application.
Part E: The Natural Environment	
Control	Comment
E10. Landslip Risk	The site is mapped as Area "A" on the Landslip Risk Map of WLEP 2011. Therefore, no preliminary assessment of geotechnical conditions will be required. However, in the event that any substantial excavation is to be proposed, particularly adjoining other buildings or the road reserve, a geotechnical engineers report is required.
E11. Flood Prone Land	Council's Floodplain Management Officer has advised the following: <i>"The property is identified as being subject to flooding in the 1 in 100 year event and is therefore subject to flood related development controls for the purposes of vulnerable development as detailed in Part E11 of the DCP. The property is in the High Risk Flood Planning Precinct and would therefore be required to address the controls under this category. This information is taken from the Manly Lagoon Flood Study, 2013.</i> <i>Conditions for 368-374 Pittwater Road, North Manly:</i> <i>• The property is located within the 1 in 100 year flood event and will be required to submit a Flood Risk Assessment Report with the Development Application; the guidelines for undertaking this are attached.</i> <i>• The minimum floor level of habitable child care centre functions must be set at or above the Probable Maximum Flood level of 5.7m AHD.</i> <i>• Activity rooms and dining rooms would be considered a habitable function and would not be supported below the Probable Maximum Flood level of 5.7m AHD.</i> <i>• The development must provide an appropriate area to shelter in place above the Probable Maximum Flood level of 5.7m AHD.</i> <i>• The development must ensure that it does not negatively impact flooding for neighbouring properties in a Probable Maximum Flood event.</i> <i>• The development must produce no net loss of flood storage.</i> <i>Movement prevention devices must be provided in the car park."</i> As discussed at the meeting, the required floor level to address the Probable Maximum Flood will necessitate the majority of the floor space



Warringah Development Control Plan	
	to be located at a substantial height above the existing ground level of the site. Based on the existing information on Council records, this could necessitate that the floor levels be in excess of 3m above the existing ground level. You are advised to discuss the matter with or Flooding Engineer, Duncan Howley further and resolve the flooding issue prior to lodging a DA.

Other Relevant Environmental Planning Instruments/SEPPs
You are advised that the following Environmental Planning Instruments apply to the development: • SEPP No. 55 – Remediation of Land; A preliminary investigation of the land, carried out in accordance with the relevant contaminated land planning guidelines, must be provided with any application. The report must demonstrate that the land is suitable for the proposed child care centre land use. • SEPP No. 64 – Advertising and Signage (if required); • SEPP No. 71 – Coastal Protection; • SEPP (Infrastructure) 2007; and • Warringah Local Environment Plan 2011.

Relevant Council Policies
You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au: • Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140 • Stormwater drainage for low level properties PDS-POL 135 • Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130 • Common vehicular access to multiple properties: LAP-PL 310 • Vehicle access to all roadside development: LAP-PL 315 • Waste PL 850

Required Documentation
• All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000; • All information as required on the Development Application form checklist; • Site Survey (prepared by a registered Surveyor); • Statement of Environmental Effects addressing: ○ Section 79C of EPA Act, ○ All relevant sections of WLEP 2011, including demonstrating consistency with the IN2 Light Industrial zone and the compliance with the Height of Buildings Development Standard. ○ All relevant sections of WDCP 2011; ○ Other relevant Environmental Planning Instruments.



Required Documentation

- Flood Risk Assessment report to address all relevant matters on WLEP 2011 and WDCP 2011.
- Geotechnical report (if excavation required)
- Preliminary Site Contamination Assessment;
- Access Report;
- BCA Report;
- Traffic and Parking Report;
- Shadow diagrams
- Photo montages;
- Landscape Plan showing the layout of the landscaping within the front setbacks;
- Waste Management Plan;
- Stormwater Management Plan;
- Erosion and Sedimentation Plan;
- Colour and Materials Schedule;
- Lighting Plan (including Lux Diagrams) if necessary;
- Signage Plan (if required);
- Cost Summary Report, if the cost of works exceeds \$100,000. This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.

Concluding Comments

These Minutes are in response to a pre-lodgement meeting held on 1 October 2015 to discuss a child care centre at Nos.368-376 Pittwater Road, North Manly. The Minutes reference preliminary plans prepared by rfa architects, dated May 2015.

Before Council can be in a position to support the application, the following matters will need to be addressed:

1. Flood Risk

All floor areas must be set at a minimum RL of 5.7m AHD, to address the Probable Maximum Flood (PMF) event. The ground floor plans provided with the application are likely to not comply with this requirement.

2. Traffic Generation

Adequate information to demonstrate that there will be no adverse impact on the existing operation of the local road network, in particular to the intersections of Pittwater Road with Queenscliff Road and Oliver Street. Particular concern is with the non-signalised intersection of Pittwater Road and Queenscliff Road.

3. On-site Parking and Access

The internal access ways and parking areas should be re-designed to eliminate stacked and parallel parking spaces and provide straight access ways with clear sight lines.

4. Front Setback

A 4m setback is to be provided on both frontages of the site. No parking or other structures (apart from driveways) should be located in the front setback area.



Concluding Comments

5. Side Setback

A 2m wide setback, adequately landscaped should be provided on the boundary adjoining the property at No.157 Queenscliff Road.

6. Building Height

Any variation to the Height of Buildings standard under WLEP 2011 is contingent on addressing any potential amenity impacts on adjoining residential properties.

7. Lot Consolidation

The lots comprising the site should be consolidated. To be addressed in the SEE.

Based upon the above comments you are advised to satisfactorily address the matters raised in these minutes prior to lodging a development application.

Other Matters

- **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online. www.warringah.nsw.gov.au

- **Monitoring DA progress after lodgement**

Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au