



## Appendix A

Evan Phillips - 9710 0569  
File Ref: PAD22/0019

21 October 2022

Mr J Barsoum  
19 Bay Street Double Bay 2028

Dear Sir

**Pre-Application Discussion No. PAD22/0019**

**Proposal: Development of site to comprise childcare centre and medical centre**

**Property: 31 Koonya Circuit, Caringbah**

Council is committed to achieving quality built outcomes for the benefit of residents and the broader community. The Pre-Application (PAD) process is intended to assist in this goal and it is understood that the request for Council to finalise written advice, in lieu of a formal meeting is the preferred approach given time constraints and current status of application preparation for submission to Council.

The purpose of this letter is to provide a summary of issues identified and provide information that will assist you complete a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Development Control Plan 2015 (SSDCP2015).

The Site and Proposal:

The site the subject of the application is located on the corner of Koonya Circuit and Willarong Road at Caringbah. The site is known as 31 Koonya Circuit and 39 Willarong Road and is legally described as Lot 23 DP 800924 and Lot 22 DP 800924 respectively. It has a northern boundary to Koonya Circuit and an eastern boundary to Willarong Road of 43.88m and 43.29m respectively, resulting in a site area of 2258m<sup>2</sup>. Existing on the site at present is a two-storey commercial / retail building situated on the northern part of the site. The remainder of the site is utilised for at-grade car parking, with vehicle access to this parking area obtained via a driveway entry on Koonya Circuit.

Directly adjoining the site to the south is the Caringbah Super Centre (identified as 41-49 Willarong Road). The scope of works proposed extends beyond the boundaries of the two subject parcels of land. Access to the future development, will also be via the parcel to the south and any future DA must incorporate this land parcel into the site. Development surrounding the site on three sides (to the north, south and west) is commercial and light industrial in nature. To the east across Willarong Road is low density residential development.

The proposal seeks to change the use of the existing site, and to construct a 3 storey building with a medical centre on the ground floor and a centre based child care facility on the first and second floors (noting it is unclear whether the existing building is to be retained). 13 car parking spaces are located to the frontage of the site (Willarong Road) with access via both

Willarong Road and Koonya Circuit. Access to the child care centre (and associated parking) is proposed to be provided via the existing carparking area of the Caringbah Super Centre adjoining to the south. The proposal also seeks the lot amalgamation of Lot 22 and Lot 23 of DP800924.

#### Statutory Requirements

The site is located within Zone B5 Business Development under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed development incorporating a centre-based child care facility and a medical centre (being a type of health services facility) are permissible land uses within the zone with development consent.

SSLEP2015 indicates that the site is mapped as being within Class 5 on the Acid Sulfate Soils (ASS) map as well as being flood affected. These specific characteristics of the site will need to be taken into consideration when preparing your DA and further information is identified below in terms of what is required to address the flood affectation.

The primary development standards specified in SSLEP2015 Include:

- Maximum building height – 16m
- Maximum Floor Space Ratio – 1.5:1
- Minimum Landscape Area – 10%

#### Comments on the Proposal:

The following comments are provided in respect to the concept plans submitted with the application.

##### 1. Site Planning and Urban Design

The design of the development is in a conceptual phase with only basic floor plans provided to Council for consideration. The site planning strategy and adoption of the primary street setback to Willarong Road (i.e. the minimum 9m as required by SSDCP2015), whilst being the wider frontage, is considered to be appropriate given the character of the streetscape and nature of existing built form upon the site. A detailed analysis must be undertaken in support of a 3m setback to Koonya Circuit noting SSDCP2015 requires a transitional setback greater than 3m along part of a secondary frontage where a corner site adjoins a property with a 9m primary setback. The treatment of the site's frontages are further discussed in the landscape component of this letter.

The building is located on a prominent corner location with facades being highly visible from the public way. The building form needs to provide expressed external articulation and not just rely upon changes in materials and finishes to minimise visual intrusion of building bulk and scale to the streetscape.

The existing built form within the adjoining Caringbah Super Centre to the south is proposed to be relied upon for both land uses. How the development integrates with the existing built form will require resolution including appropriate entry treatment (including pedestrian access / wayfinding measures / business identification etc) along with any required modifications to the existing parking area. The scope of the Development Application must extend therefore beyond the subject 2 allotments and into the adjoining site

Reference should be made to Clause 6.15 of SSLEP 2015 in terms of the requirements for energy efficient and sustainable building techniques which is relevant for new commercial developments.

The proposed development is of a scale and nature which will require review by Council's Design Review Forum (DRF) following lodgement of the Development Application. A pre-DA appointment with the DRF is strongly encouraged prior to finalising the design of the

development to resolve the basic site planning and urban design approach to the development and to ensure an appropriate contextual fit for the development within the established streetscape and setting.

In addition to the above, the Caringbah Super Centre site has an extensive planning history. Any future DA must set out the planning framework for how a future approval may work. For example, modification to the Super Centre consents (DA16/0223 and MA18/0399) may be required in addition to the DA for the proposed new building.

## 2. Landscape Design

A minimum landscaped area requirement of 10% (SSLEP2015) applies to the site which should be provided at the street frontages within landscape strips as per SSDCP2015 (i.e. min 3m to front boundary / min 1.5m to side boundaries where in the front setback). Willarong Road is the boundary between the B5 Business zone and the neighbouring low density residential neighbourhood and a successful landscape design / strategy will be important to ameliorate impacts associated with the built form / open car parking area to the streetscape, soften the abrupt zone transition and to enhance neighbouring amenity. The retention of the two native trees (*Corymbia maculata* & *Eucalyptus robusta*) is also requested.

This area is also identified in SSDCP 2015 as a Greenweb Restoration Area and as such consideration must be given to appropriate planting within the site. A less rigid approach to landscape that reflects the local biodiversity and indigenous plant form and character of the Sutherland Shire is encouraged. This can be achieved through irregular spacing and intermixing of canopy trees and understorey species.

Landscape Plans must be prepared by a person eligible for membership with AILA (Australian Institute of Landscape Architects) or AILDM (Australian Institute of Landscape Designers and Managers). It is encouraged to engage someone with experience in designing children's play spaces for this element of the development.

## 3. Other Design

The construction must comply with the Building Code of Australia (BCA) and the Premises Standard. It is considered that Fire Hydrant coverage will be required. In order to ensure that the plans submitted with the DA are capable of achieving a Construction Certificate at the appropriate stage, it is important that the following reports are obtained; and that the recommendations from the reports are used in finalising the final DA plans.

- A BCA Report from an unrestricted registered certifier also addressing the connection between the subject site and adjoining Super Centre parking area.
- An Access Report from an Accredited Access consultant to ensure that the BCA/Premises Standard requirements can be met.
- Preliminary Hydraulic Advice from a suitably experienced Hydraulic Engineer for the provision of fire services to detail the following:
  - If a hydrant booster is required
  - What type and size will it be?
  - Location of the booster
  - Location of proposed emergency vehicle hardstand. Note: the handstand requirements will need to be considered in reference to the NSW Fire + Rescue document – see attached link  
[https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/guidelines\\_access\\_for\\_emergency\\_vehicles.pdf](https://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/guidelines_access_for_emergency_vehicles.pdf)

The fit-out of food preparation areas, sanitary and waste facilities etc must be fully detailed as these will be assessed by Council's Environmental Health Unit and will need to comply with the relevant legislative requirements and standards.

Consideration to the principle aims of Crime Prevention through Environmental Design (CPTED) contained within Draft SSDCP2015 should be given with regards to safety and security issues. Paths, entry gates and fencing around the perimeter of the site must be well visible and designed to be clearly legible from the public way. Adequate lighting must be also considered.

Any proposed signage shall be detailed and have regard to the relevant provisions of Chapter 35(6) of SSDCP2015 and State Environmental Planning Policy (Industry and Employment) 2021. Signage should be designed to promote the business without detracting from the character of the streetscape and surrounding area.

#### 4. Child Care Centre & Neighbourhood Amenity

State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP) is applicable to the development. It contains matters to be considered by consent authorities when assessing development applications for centre-based child care. This includes design criteria and 'cannot refuse' provisions, whereby a consent authority cannot refuse consent on the basis of design, should the proposal satisfy the SEPP.

The Child Care Planning Guideline (CCPG) has been developed to accompany the SEPP. This guideline aligns with the National Quality Framework for early education and care services and applicable Education and Care Services National Regulations. The guideline is to be used to inform the detailed centre design (e.g, internal space and provisions, ventilation and light, and outdoor environment etc), so as to achieve a high quality environment and to maximise safety, health and overall care for young children while being attractive, sympathetic to the streetscape, appropriate for the setting and have minimal adverse impacts on surrounding areas. Ultimately, should the proposal fail to comply with the space-per-child requirements when the Development Application is lodged, concurrence from the Regulatory Authority (i.e. Department of Education & Communities) must be granted.

The co-existence of a centre with adjoining low density residences can present an issue, as these uses can clash when co-located. Acoustic and visual privacy impacts on surrounding properties, as well as the potential for light spill, will need to be carefully addressed. A detailed acoustic assessment addressing noise (children / car parking area use) and an appropriate Plan of Management (POM) detailing the operational aspects of the land use must accompany any future application. Mitigation measures such as acoustic screening and operational restrictions must be detailed and incorporated into the design. The POM should detail the organisational structure of the child care centre e.g. staffing, hours of operation (including use of outdoor space), and all relevant management responses, procedures and actions relating to noise and amenity, waste management, safety and security.

An air quality assessment report prepared by a suitably qualified air quality professional addressing the requirements of Section 3.6 of the NSW Child Care Planning Guideline is required given the prominent corner position of the site, high volume of trucks passing the site (from surrounding land uses) and proximity to industrial land uses and Taren Point Road.

#### 5. Traffic and Parking

1 car space per 4 children is required in accordance with SSDCP2015. A minimum 31 spaces are required based on the 125 child care spaces indicated within the submitted statement. There are no prescribed parking rates for medical centres within the zone. The adoption of a 1 space per 30m<sup>2</sup> of gross floor area (based on the generation rates for the same land use across other parts of the Sutherland Shire) as indicated within the submission is appropriate. Based on 1300m<sup>2</sup> of GFA, a minimum 43 car spaces are required. A total of 74 spaces are therefore required in conjunction with the proposed development).

13 spaces at ground level within the site's frontage appear to be exclusive for use of the medical centre. The existing parking area within the Super Centre is proposed to also be



relied upon for both land uses including solely to satisfy the child care centre parking demand and to provide the pedestrian access. The scope of the Development Application must extend therefore beyond the subject 2 allotments and into the adjoining site as there are associated works within the parking area to fulfil the parking requirements including the provision of dedicated / safe pedestrian environments for users (including line marking, accessible parking, shared zones dedicated pick up / drop off etc)

The new driveway to Koonya Circuit is required to be a minimum 6 metres away from the tangent point in accordance AS2890.1. It is unclear how access from the parking facility at the Super Centre is provided to ensure sufficient and convenient parking is provided to satisfy its associated demand along with an appropriate connection to the entry court / lobby.

A detailed Traffic Report must be prepared which addresses SSDCP2015 and assesses the parking provision, parking area design and driveway width / entry and exit arrangements, as well as the suitability of this particular site and surrounding road and pedestrian routes (including cumulative impact of adjoining land uses). The existing Super Centre must maintain numeric compliance with the relevant parking generation rates, excluding any parking proposed / required to be dedicated / relied upon by both the medical and child care centre land uses. The report will also need to address the adequacy of the existing Super Centre facility (in terms of co-locating a sensitive land use with retail activities) and demonstrate that the development will not result in any adverse traffic, safety or amenity impacts to the locality and to persons attending the facilities including child care centre. Carparking spaces and layout to be designed in accordance with SSDCP chapter 36 and AS2890.1 and 2890.2

#### 6. Flood Planning

The land is identified as flood affected under the 2015 Gwawley Bay Catchment Floodplain Risk Management Study & Plan (FRMSP). Hence, the proposed development is subject to flood related development controls outlined in Chapter 40 of SSDCP 2015.

The FRMS&P defines flood behaviour at the subject lot to levels outlined in tables below.  
Table 1: Flood Level at the subject site in various storm event

<b>Flood Event</b>	<b>Minimum Flood Level (m AHD)</b>	<b>Maximum Flood Level (m AHD)</b>
<b>5% AEP</b>	6.86	9.11
<b>1% AEP*</b>	6.86	9.17
<b>PMF</b>	6.76	9.36

The Gwawley Bay FRMS suggested that 31 Koonya Circuit is affected by flooding during 1% AEP storm event and 39 Willarong Road is free from flooding during 1% AEP storm event. The flood risk at the site is defined as low, medium and high according to the FRMS. In its existing state, the site comprises a two (2) storey office and retail premises and the proposal is for the development of the site to comprise a childcare centre and a medical centre. It is evident that the development is resulting in an intensification of the use of flood affected land. This may cause unacceptable offsite flood impacts. Referring to Section 5.4 and 5.6 of Chapter 40 of the SSDCP 2015, the desired “freeboard” for all habitable areas is 500mm. The crest of the driveway providing access between the road and basement garages shall be a minimum of 200mm above the level of the 1% AEP flood.

According to SSDCP 2015, the medical centre and childcare centre are considered sensitive uses. Referring to Section 5.4 and 5.6 of Chapter 40 of the SSDCP 2015, a medical centre and childcare centre are not permissible in medium and high flood risk area. Hence detail flooding characteristics of the site must be analysed for the proposed development.

Additionally, considering potential flood risks at the site, the proposed development does not satisfy the following objectives of the Sutherland SSDCP 2015:

- reduce risk to human life and minimise damage to property caused by flooding.
- ensure that development is sited to minimise potential risk from flooding;
- ensure that, in the event of a flood, adequate access to affected properties is available for emergency service personnel and that safe egress is available for residents and employees; and
- prevent intensification of development on land that is subject to a medium risk of flood.

Hence, to support a development application the applicant must submit a flood impact assessment (FIA) prepared by a suitably qualified engineer with experience in undertaking flood risk management (FRM) consulting.

**The FIA must specifically address all the relevant flood related development controls outlined under Chapter 40.** Where required, the FIA must recommend design changes for compliance with the controls.

The FIA must include modelling and mapping of pre and post development conditions, an analysis of the results and recommendations to mitigate the flood impacts if required. If a mitigation measure is proposed, then the supporting modelling results of the proposed mitigation measures must be included in the FIA. The FIA shall be used to demonstrate that the proposed development complies with all the relevant flood related development controls outlined in the Chapter 40 of the SSDCP 2015.

Council's TUFLOW model for Gwawley Bay Catchment Floodplain Risk Management Study and Plan is available and can be obtained free of cost from the Council for the specific purpose of preparing the FIA for the proposed development. Once engaged, the consultant must enter into a licence agreement for the use of Council's flood model.

#### **Recommended Guidelines**

- The applicant must submit a flood impact assessment (FIA) as part of the DA based on the commentary provided above.
- The FIA must include modelling and mapping of pre and post-development conditions, analysis and discussion of the results such as flood extents, flood depths, flood hazards and flood velocities. Recommendations to mitigate flood impacts if required, including supporting modelling of the proposed mitigation measures should be included.
- A flood depth and velocity map must be prepared as part of the FIA. The depth and velocity map are important to visualise the flood extent and hazard map preparation.
- The FIA must specifically identify and address all applicable flood related development controls outlined in SSDCP 2015.
- All the proposed building and its component must be outside the extent of high risk and high hazard areas.
- Council's TUFLOW model must be used to undertake the assessment. Once engaged, the consultant must enter into a license agreement for the use of Council's flood model for the specific purpose of preparing the FIA for the proposed development.
- All the habitable area must be set at a level based on the maximum 1% AEP plus 500mm freeboard within the proposed building location to comply with DCP requirements. All the open car par must be located at or above 1% AEP level.
- Where a basement is proposed, then basement garages and car parking areas with floor level below the 5% AEP flood or more than 0.8m below the 1% AEP flood level, shall have a pump-out system, adequate warning systems, signage and exits.

#### **7. Stormwater Design**

A stormwater drainage design must be undertaken by a suitably qualified civil engineer and designed in accordance with Council's specification 2009 including Chapter 5.9 and Chapter

38 of the SSDCP 2015 (include OSD calculations, OSD and rainwater tank and associated treatment devices)

#### 8. Waste Management

Any future DA should include a detailed Waste Management Plan for each of the land uses within the development, detailing the following:

- Indicative waste generation rates, including type and volume.
- Number and type of bins proposed
- Detailed plan showing sufficient space for bin storage
- Details of ongoing management, maintenance and cleaning of all waste and recycling management facilities.
- Details of waste systems, such as garbage chutes or compactors.
- Waste collection procedure, including details of bin carting route/s and collection point.
- Waste vehicle access (swept path analysis) if required.

#### 9. Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are reaching, or have reached maximum capacity in some localities. Electricity substations are required on occasion to ensure sufficient power to buildings and NSW Fire have required substantial water tanks in some instances to meet flow requirements for sprinkler systems.

Infrastructure to support these requirements in the front boundary set back at the expense of landscaping or parking requirements is not likely to be acceptable. So you are encouraged to make enquiries and plan in advance.

#### Conclusion:

Council supports quality, well considered development and the comments provided are intended to help you work toward this outcome.

The plans submitted are conceptual in nature (being only basic floor plan layout details). The concerns raised relate primarily to the suitability of the site for sensitive land uses from a flood planning perspective, design of the development given the prominent corner location, the connectivity to the existing Super Centre, landscape treatment and parking provision / design. A pre-DA meeting with Council's DRF is recommended to enable further specialist design input. Coordination of the proposal with the prior planning approvals DA16/0223 (MA18/0399) also needs to be considered as the subject proposal reflects a different approach for continued redevelopment of the Centre.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

Council strongly recommends that you distribute this letter to all professionals within your design team including architects, landscape architects and engineers.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)). A "DA Guide" is available and an online tool called "Development Enquirer", which searches the applicable planning instruments for the planning controls relevant to your site and development.

Development applications can only be lodged through the NSW Planning Portal. When you are ready you will be required to set up a one-off registration in the Portal – go to [www.planningportal.nsw.gov.au/user/login](http://www.planningportal.nsw.gov.au/user/login)

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Evan Phillips (9710 0569) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

A handwritten signature in black ink that reads "L. Franks". The signature is written in a cursive, flowing style.

Lauren Franks  
Team Leader – Projects and Development Assessment