

Wollongong Local Planning Panel Assessment Report | 13 July 2021

WLPP No.	Item No. 3
DA No.	DA-2021/286
Proposal	Business premises - demolition of existing carpark, construction of a 117 place child care centre and parking for 82 cars
Property	44-46 Hopetoun Street Woonona Lot 1000 DP 1169057
Applicant	Zaki Property
Responsible Team	Development Assessment and Certification - City Wide Team (KR)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is contentious development as it subject to more than ten (10) unique submissions by way of objection.

It is noted the application is currently the subject of an appeal against a Deemed Refusal in the NSW Land and Environment Court.

Proposal

The proposal seeks consent for demolition of an existing carpark, construction of a 117 place child care centre and parking for 82 cars.

Permissibility

The site is zoned B2 Local Centre pursuant to the Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a child care centre and car park and is permissible in the zone with development consent. Demolition is permitted pursuant to Clause 2.7 of the WLEP 2009.

Consultation

The proposal was exhibited in accordance with the Community Participation Plan 2019 and received 111 submissions which are discussed at Attachment 1.

The proposal has been referred to Council's Stormwater, Landscape, Traffic, Heritage and Strategic Officers and found to be unsatisfactory and additional information requested. The proposal was referred to Council's Environment, Community Safety and Contributions Officer with conditionally satisfactory referral advice provided in each instance.

Main Issues

The main issues are:

- Flooding and stormwater
- Traffic, vehicular and pedestrian access and parking shortfall
- No. of storeys, siting and built form
- Impact on character of the area
- Impact on significance of adjacent heritage items
- Impact on residential amenity – visual impact, overlooking and overshadowing

- Scale of child centre/No. of children
- Suitability of the site
- Poor internal amenity of proposed child care centre – solar access and ventilation and internal child care centre requirements
- Safety and security / lack of passive surveillance
- Impact on existing trees and inadequate landscaping.

RECOMMENDATION

It is recommended that DA-2021/286 be **Refused**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- State Environmental Planning Policy (Koala Habitat Protection) 2020
- SEPP (Educational Establishments and Child Care Facilities) 2017

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2020 (section 7.12 of EP&A Act 1979)
- Wollongong Community Participation Plan 2019
- Child Care Planning Guideline

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of existing at-grade carpark.
- Construction of a 117 place child care centre and carpark. The child care centre is designed with an undercroft carpark to be used for the child care centre as well as the existing Medical Centre building. The proposed child care centre building is three storeys in height and comprises the following:
 - Ground floor – Undercroft carpark with 43 parking spaces, 3 motorcycle spaces and 5 bicycle spaces. Ramp to Level 1. Bin room and lift access. Existing carpark next to Medical Centre will be redesigned to increase number of spaces to 13.
 - First floor – 26 parking spaces. Entry, waiting area/reception, playrooms 1 and 2, cot room, WC, kitchenettes and outdoor play area with 1.5m high fence.
 - Second floor – Playrooms 3, 4 and 5 and outdoor play area (on rooftop of first floor). Managers office, staff room, kitchen, laundry, WC and storage rooms.
 - Proposed car parking total 82 space including 3 disabled spaces. Proposed parking ratio:
 - Child care centre – 18 staff and 20 visitors
 - Medical Centre – 8 staff and 36 visitors
 - Total approximately 2,160sqm gross floor area (includes 1510sqm existing Medical Centre and 650sqm proposed child care centre) Applicant FSR calculated at 0.59:1 and height 12m.
 - Child care centre proposes 117 places with the following ratio:
 - 27 x 0-2 year olds
 - 30 x 2-3 year olds
 - 60 x 3-5 year olds

- Staff proposed for child care centre - 19
- Proposed hours of operation 7am to 6pm Monday to Friday.
- Site landscaping.
- One tree is proposed to be removed.
- The following will remain as per existing:
 - Existing Medical Centre building.
 - Existing driveway and pedestrian access off Hopetoun Street.
 - Existing emergency vehicle bay.
- The SEE states that the proposal does not seek consent for any signage.

1.3 BACKGROUND

PL-2020/167 120 place child care centre with basement parking.

Summary of meeting notes:

'Council's Stormwater Engineer has provided advice that a child care centre is categorised as a Critical Utility in accordance with Appendix A: Land Use Categories of Chapter E13 and is therefore unlikely to be supported within the floodplain unless it can be clearly demonstrated that the objectives of Chapter E13 will be satisfied.

The site is zoned B2 Local Centre and located adjacent to the R2 Low Density Residential Zone. It is an infill site surrounded by one and two storey residential properties and two heritage items. Council raised significant concerns with the proposed undercroft/elevated design as it is considered to be incompatible with the character of the area and likely to impact on residential amenity. Council's Heritage Officer also raised significant concerns regarding the bulk of the building and visual impact on the setting of the heritage items.

The proposal does not comply with the maximum 2 storey height limit in Chapter B4 WDCP 2009.

The Child Care Centre DCP states that child care centres should be single storey and only staff and ancillary facilities provided on any first floor level. The proposed design over multiple levels is not ideal for a child care centre.

For these reasons Council would recommend the proposal be redesigned so that the child care centre is at ground level with either a larger basement level or 2 levels of basement parking.

Any proposal would need to incorporate landscaping to soften the built form and protect the amenity of the neighbourhood.

The proposal should address the issues raised by Council referral groups below'.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.4 SITE DESCRIPTION

The site is located at 44-46 Hopetoun Street Woonona and the title reference is Lot 1000 DP 1169057.

The site is irregular in shape and relatively flat with a crossfall of 3m from Hopetoun Street to rear (from SW to NE).

Adjoining development is as follows:

- North: Fire station and community housing development operated by the Housing Trust.
- East: Scout Hall and residential property No. 42 Hopetoun Street

- South: Residential properties and Fernwood Gym
- West: Heritage items – Former Bulli Police Station and Court House change of use to residential

The locality is characterised by low density residential properties on the edge of Woonona Town Centre.



Figure 1: Aerial photograph with Heritage items

Property constraints

Council records identify the land as being impacted by the following constraints:

- Flooding
- Heritage – Adjacent to Courthouse and Police Station #9526 and opposite the former Vista Theatre #61008.

There is an easement to drain water over existing lines of pipes near the northern site boundary.

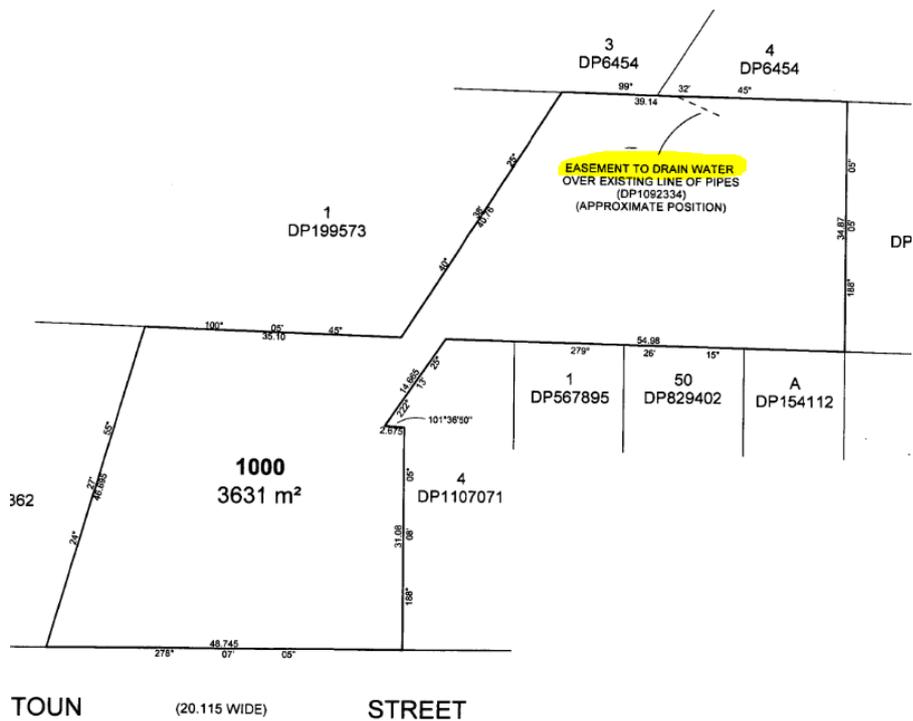


Figure 2: Deposited Plan

1.5 SUBMISSIONS

The application was notified in accordance with Council’s Community Participation Plan 2019. 111 submissions were received and the issues identified are listed below. Further details and commentary is provided in Attachment 1.

- Heritage
- Impact on streetscape/character of the area
- Traffic, Access and Parking
- Suitability of the site
- Amenity impact to neighbouring properties
- Contamination /Remediation
- Flooding
- Non-compliance with WLEP / WDCP
- Economic impact
- Safety and Security

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Stormwater Engineer

Council’s Stormwater Engineer has reviewed the application and provided an unsatisfactory referral and requested the following additional information:

- *The development proposes a child care centre, categorised as ‘Critical Utilities’ in Appendix A: Land Use Categories in Chapter E13 of the Wollongong DCP2009, within a Medium Flood Risk Precinct. This proposal is contrary to the prescriptive controls in Schedule 8: Prescriptive Controls – Collins Creek Floodplain, in Appendix C of Chapter E13.*
- *The proposed child care centre does not have reliable access during a Probable Maximum Flood (PMF) event, and does not satisfy Objective 6.4.1(b) of Chapter E13:*

*To require developments with high sensitivity to flood risk (e.g. critical public utilities) be sited and designed such that they are subject to no or minimal risk from flooding and have reliable access
In the context of this objective Council considers the proposed use (i.e. child care centre) to have a high sensitivity to flood risk.*

In relation to this matter, Council also considers that the proposal does not satisfy a number of other relevant objectives and performance criteria in Chapter E13, relating to flood risk, risk to life, and driveway areas.

- *The flood study by Rienco Consulting submitted in support of the development proposal indicates increased flood levels and velocities on other land as a result of the development. Council considers that the predicted flood level and velocity increases do not meet the prescriptive controls in Section 6.4.3 of Chapter E13, and do not satisfy a number of relevant objectives and performance criteria in Chapter E13 and Clause 7.3 of the Wollongong LEP2009. Council also notes that flood impact mapping has not been provided for the 20 % AEP flood, which is required by Council's DCP.*
- *The proposed building encroaches over a significant common stormwater line (piped watercourse). This proposal does not satisfy the requirements of Section 9.4.3 of Chapter E14 of the Wollongong DCP2009. Council does not support the encroachment of the proposed building over the stormwater pipe.*

Landscape Architect

Council's Landscape Officer has reviewed the application and provided an unsatisfactory referral and requested the following additional information:

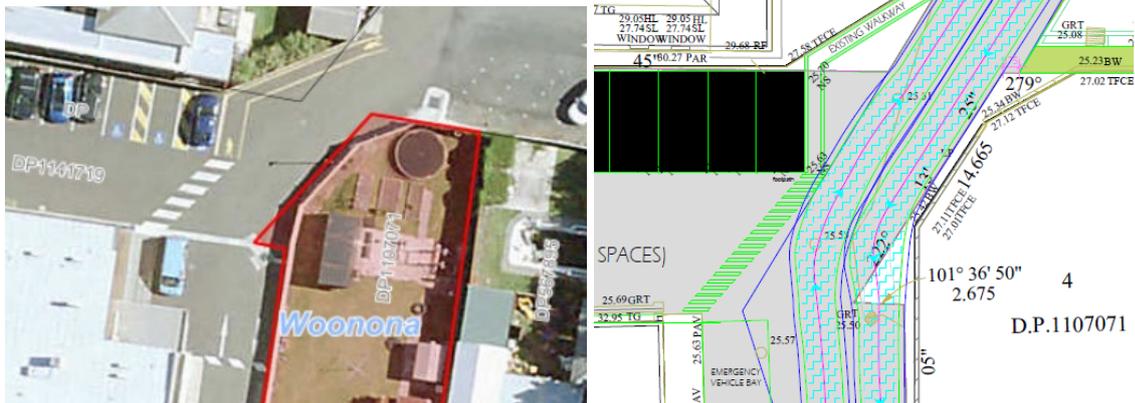
- *This application has been assessed against relevant chapters of the Wollongong City Council DCP2009 with respect to Landscaping and is not supported in its current form due to the following reasons.*
- *The main issues are separation of pedestrians from vehicular traffic, inadequate buffer between the development site and the neighbouring R2 zone parcels, conflict with existing trees numbered T6 and T7, no existing or proposed levels on the landscape plan, no retaining walls indicated to resolve boundary level discrepancies, no stormwater plan to check compatibility with Landscape Plans.*
- *The development does not include separated pedestrian access into and throughout the site. This is an unacceptable conflict and risk and is not supported.*
- *A landscape buffer is to be provided along the boundaries to mitigate impact on the neighbouring residential area. Landscape buffer to be minimum 3m wide, due to the proposed height and visual impact of the building. The landscape buffer can be reduced along the boundary with 42 Hopetoun Street to minimum 1.5m. And also adjacent to 329-331 Princes highway to minimum 1.5m, subject to Heritage advise and controls.*
- *The zero-boundary building alignment adjacent to the scout hall is not supported. Please note above point.*
- *Measurements were taken onsite to measure the distance from the existing fence to trees six and seven, and the diameter of the tree trunks. These trees are located within the subject site and the neighbouring property. The survey by Geoff Swalwell is inaccurate in this matter. The development is to be redesigned so that the trees are not removed or adversely impacted by the development.*
- *The landscape plan is to include existing and proposed levels, and is to demonstrate that all boundary level discrepancies are resolved. Retaining walls are to be shown on the landscape plan, with levels on the top and the bottom of the walls. All proposed retaining walls are to be engineer designed and of masonry construction.*
- *The compatibility of the Stormwater Plans and the Landscape Plans could not be checked. Stormwater Plans have not been submitted.*

- The arboriculture impact assessment and the site survey is to be amended to include the row of trees on the neighbouring property (327 Princes Highway) adjacent to the northwest corner of the site.

Traffic Engineer

Council's Traffic Officer has reviewed the application and provided an unsatisfactory referral and requested the following additional information:

- The mix of car parking needs to be adjusted to ensure that the proposed child care centre has 39 identified car parking spaces (19 staff spaces and 20 visitor spaces) rather than 38 as listed in Table 5.1 of the Traffic Impacts Assessment (TIA). The correct mix of proposed car parking spaces will need to be linemarked/signposted to ensure that they are easily identified and that staff and visitors park in the correct locations.
- As per Clause 7.7 (3) of Chapter E3 of the DCP, small car spaces will only be permitted where the total quantum of required standard sized car parking spaces has already been provided.
- It is acknowledged that the traffic surveys in the TIA were done during current Covid times, and that these surveys may show less traffic on the roads than the non-pandemic scenario. In view of this the applicant will need to carry out additional sensitivity testing of the expected background traffic (plus growth) to ensure that the future traffic impacts are properly considered.
- The Hopetoun Street driveway crossover needs to be shown widened to 6 metres to provide for unhindered two-way access into the site.
- Traffic calming is required within the site. The applicant needs to provide details of this.
- The vehicle paths of travel are shown crossing the corner of Lot 4 DP 1107071 (42 Hopetoun Street). Owners consent and rights of access would be required to permit the use of this land for access and manoeuvring.



- The existing pedestrian walkway to the rear portion of the site identified for redevelopment is located partially within Lot 1 DP 199573 (329-331 Princes Highway). Owners consent and rights of access would be required to permit the use of this land for access and manoeuvring. Without this land, pedestrian access would be restricted and would need to be addressed by the applicant. The applicant will need to clarify how non-driving visitors with prams and small children will access the child care centre safely.



- *The applicant needs to provide a secure bicycle enclosure for the 5 bicycle spaces. These facilities need to be provided as 'Class B' bicycle facilities with a self-closing door and combination lock. This facility needs to provide adequate manoeuvring space for users to move their bicycles in and out of the enclosure and lock their bicycles to the bicycle racks provided. Weather protection needs to be provided if the facility is located outdoors. The proposed bicycle parking does not comply with these requirements.*

Heritage Officer

Council's Heritage Officer has reviewed the application and provided an unsatisfactory referral.

- *Amended plans that provide for a two storey design with basement carparking, that is not visible from the Princes Highway;*
- *Schedule of eternal colours and materials;*
- *Photomontage and visual analysis from key viewpoints along the Princes Highway.*

Strategic Planning

Council's Strategic Planning Officer has reviewed the application and given an unsatisfactory referral and has raised the following concerns:

The subject application is sited on a lot impacted by a planned 6m wide rear lane. This is noted in Wollongong DCP Chapter B4 7.4 Woonona Town Centre.

The proposed development is setback 6m from the western boundary. However, whilst this would provide for the required lane, it does not provide any width for landscape screening, or a pedestrian access path.

This, and brief general comments, are covered in the notes below.

Pedestrian Access

There is no clear demarcation for pedestrian movement on either the Ground Floor (DA-04) or Landscape (L-01) plans. This does not meet the requirements of The Child care Planning Guideline C7 which states that:

"On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours."

And C36:

“separate pedestrian and vehicle entries from the street for parents, children and visitors”

Safe and clear access for pedestrians is to be provided to the entry of the Child care centre. This must be separate from vehicle paths and allow for two prams to pass each other. The inclusion of this element will require an increased building setback from the western boundary.

Landscaping

No landscaping has been provided to the western boundary.

Screen planting is required to the western boundary to assist in mitigating the impacts of the bulk and scale of the proposal on the adjacent heritage listed buildings.

A planting bed of an appropriate width to take tall screening plants is required along the western boundary. The inclusion of this element will necessitate an increased building setback from the western boundary.

General Comments

It is noted that the height of this development exceeds the two-storey limit required by B4 7.4.2 (3). This has detrimental impacts on the adjacent heritage items, which should take precedence on the Princes Highway street frontage.

It is also noted that the building setbacks are minimal. The unusual geometry of this lot means that it interfaces with a number of rear and side boundaries in both the B2 and R2 zone. It is recommended that the development observe generous setbacks where interfacing with residential lots, especially on upper levels.

The current arrangement of the building, its position on the site, and its height and width, present several detrimental impacts on neighbouring properties. These include overshadowing, over-looking, noise impacts, and visual intrusion.

It is recommended that this application be refused in its current form.

Design Expert

Council’s Design Expert has reviewed the application and provided an unsatisfactory referral and has raised the following concerns:

- *Generally, the proposal is not in keeping with the character of the Woonona Town Centre or the neighbouring development, including a number of heritage items to which the proposed design has an oppositional relationship.*
- *The bulk and height of the proposed building dominates the site and does not consider the future character of the laneway and has numerous adverse impacts on neighbouring residential properties, severely limiting solar access to private open spaces and creating privacy impacts.*
- *Solar access and natural ventilation are limited in the proposed design (no solar access diagrams provided – shadow diagrams show only overshadowing to neighbours). This is in contrast to good passive environmental design principles as well as the Child Care Planning Guideline.*
- *Additionally, pedestrian and vehicular access are both hindered by the small accessway between the two halves of the site, providing neither safe access for pedestrians nor smooth movement for two lanes of cars, particularly during congested periods of pick up/drop off for the child care centre.*

- *The proposed design removes passive surveillance of the site from neighbours and creates multiple areas which are in contrast to Crime Prevention Through Environmental Design principles, particularly at night.*

Environment Officer

Council's Environment Officer has reviewed the application and provided a satisfactory referral.

Community Safety

Council's Community Services Officer has reviewed the application and provided a satisfactory referral. Conditions of consent were recommended.

Contributions

Council's Contributions Officer has reviewed the application and provided a satisfactory referral. Conditions of consent were recommended.

1.6.2 EXTERNAL CONSULTATION

TransportforNSW

Council referred the application to TFNSW for advice and a satisfactory response was received on 7 June 2021 with no objections raised and no conditions of consent identified.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

Only one tree is proposed to be removed. The proposal does not trigger the requirement for a biodiversity offset scheme.

The site is not identified as being of high biodiversity value on the Biodiversity Values Map.

Council's Environment Officer is satisfied with the proposal.

2.2 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.2.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is—*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Council's Environment Officer has reviewed the preliminary Site Investigation (PSI) and Detail Site Investigation (DSI) combined report prepared by Reditus Consulting dated 25 January 2021. Council's Environment Officer concurs with the findings and recommendations of the PSI and DSI report and that the proposal is considered to satisfy Clause 7 matters for consideration and is conditionally satisfactory subject to Unexpected Find Protocols and Validation Report.

Certification has also been provided from the Consultant, as provided below, to satisfy Council that the proposal satisfies Clause 7 of SEPP 55.

Based on the above, Reditus considers that the site is suitable for the proposed development (as a child care centre on level 1, with ground level car parking). No further contaminated land site assessment or remediation is required.

Mr Lee Douglass, an EIANZ Certified Environmental Practitioner – Site Contamination Specialist (CEnvP-SCS, No SC40974), considers that the consent authority may be satisfied that the required considerations of Clause 7 of SEPP55 are satisfied for the following reasons:

- The combined PSI/DSI completed on the development site has adequately characterised the site to define the nature, extent and degree of contamination, and has suitability assessed the potential risk posed by contaminants to health and the environment. As such, Clause 7(1)(a) of SEPP55 has been successfully achieved.
- The results of the combined PSI/DSI have determined that the land is suitable in its contaminated state for the purposes for which the development is proposed to be carried out (as a childcare centre). As such, Clause 7(1)(b) of SEPP55 has been successfully achieved.
- The results of the combined PSI/DSI have determined that remediation of the site is not required to render the site suitable for the proposed development. As such, Clause 7(1)(c) of SEPP55 has been successfully achieved.

2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area.

The subject site is not mapped as being within the Site Investigation Area for Koala Plans of Management pursuant to the SEPP Maps. This mapping is provided as a tool for Council in developing Koala Plans of Management and does not apply to the development application process. Council does not have an approved Koala Plan of Management for the land at the time of preparing this report, and as such, no further consideration of this SEPP is required.

2.2.3 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

Part 3 Early education and care facilities—specific development controls

22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

(1) This clause applies to development for the purpose of a centre-based child care facility if:

- (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*
- (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

The proposal complies with the minimum indoor and outdoor space requirements therefore concurrence of Regulatory Authority is not required.

23 Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development

Council has taken into consideration the Child Care Planning Guideline, NSW Government dated August 2017. See Attachment 2.

25 Centre-based child care facility—non-discretionary development standards

(2) *The following are non-discretionary development standards for the purposes of section S4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:*

(a) *location—the development may be located at any distance from an existing or proposed early education and care facility,*

(b) *indoor or outdoor space*

(i) *for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the [Education and Care Services National Regulations](#) applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or*

(ii) *for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the [Children \(Education and Care Services\) Supplementary Provisions Regulation 2012](#) applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,*

(c) *site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,*

(d) *colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*

Noted.

26 Centre-based child care facility—development control plans

(1) *A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:*

(a) *operational or management plans or arrangements (including hours of operation),*

(b) *demonstrated need or demand for child care services,*

(c) *proximity of facility to other early childhood education and care facilities,*

(d) *any matter relating to development for the purpose of a centre-based child care facility contained in:*

(i) *the design principles set out in Part 2 of the Child Care Planning Guideline, or*

(ii) *the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

(2) *This clause applies regardless of when the development control plan was made.*

Noted.

2.2.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
- (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B2 Local Centre.

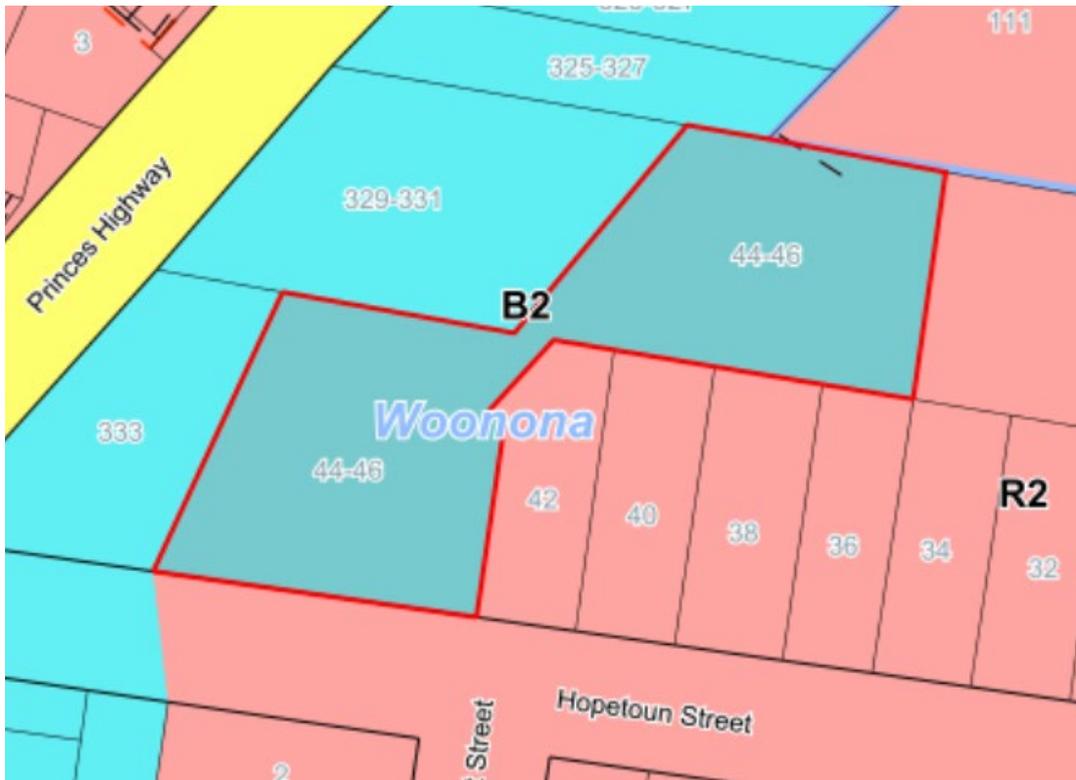


Figure 3: Zoning Map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.*

The proposal is satisfactory with regard to the above objectives. The proposed child care centre provides a business that services the community and provides employment opportunities.

The land use table permits the following uses in the zone.

Advertising structures; Amusement centres; Boarding houses; **Car parks; Centre-based child care facilities;** Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Home businesses; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies

The proposal is categorised as a car park and centre-based child care facilities as defined above and is permissible in the zone with development consent.

Clause 2.7 Demolition requires development consent

The proposal involves demolition of the existing carpark. Demolition is permitted with consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 10.8m does not exceed the maximum of 12m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 1.5:1

Site area: 3,631m²

Existing medical centre: 1,694m²

Proposed Child care Centre:

Ground Floor: 38m²

Level 1: 342.96m²

Level 2: 1,144.98m²

Total GFA: 1,694 + 1,144.98 = 3,219.94m²

(Note: includes outdoor play areas as fence is over 1.4m high and excludes required parking and lift tower)

FSR: $3219.94/3,631\text{m}^2 = \mathbf{0.88:1}$ complies

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

The proposed development has been considered with regard to potential heritage impacts as required under Clause 5.10 of the Wollongong LEP 2009. This Clause requires Council to consider the impact of a proposed development on the heritage significance on land in the vicinity of the proposed development. The subject site is located adjacent to a local heritage item known as the Courthouse and Police Station #9526 and opposite the former Vista Theatre #61008.



Figure 4: Heritage Items

A Heritage Impact Statement prepared by Heritage 21 has been submitted as required by this Clause.

Council's Heritage Officer has assessed the proposal and has raised significant concerns as outlined below:

The three storey form is non-compliant with the two storey limit set out in Chapter 7.4.2 Woonona Town Centre of Chapter B4: Development in Business Zones and will have a significant visual impact on the setting of the Former Court House and Police station. The proposal will be highly visible from Princes Highway and form a backdrop to the heritage items and impact on the heritage significance of these items.

The Heritage Impact Statement focuses on the colour scheme and articulation of the western façade as the key design response to mitigate the substantial visual impacts of the proposal. However it is noted that no schedule of external colours and materials has been provided, only the elevations that show a perspective of the western façade.

The subdued colour scheme and steel cladding is generally supported by Council's Heritage Officer however cannot be purported to alleviate the substantial visual impacts shown in the perspectives below. The HIS also notes this façade is articulated through brown down forms, however this is not apparent from the elevations, it appears to be an expanse of grey form. Additionally although the HIS emphasises this as the key façade in terms of potential impact, it is also the highest part of the proposed built form and encompasses a fourth storey element. There is no discussion on this approach to the design.

Further the white façade appears to be highly visible, this may be due to the prepositive of the drawing and no photomontage has been provided.



Council's Heritage Officer further notes that there have been a large number of objections to the proposal, including the owner of the adjacent heritage items on the western side - the former Court House and Police station. The submission raises a number of matters, including visual and amenity impact on the setting of their property. The following illustration of the proposed height was provided in their submission which provides useful scale of the proposed height.



Council's Heritage Officer requested additional information as detailed in Section 1.6.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development site is already serviced by electricity, water and sewage services. A Section 73 Certificate would be required from Sydney Water for a new commercial building.

Clause 7.3 Flood planning area

The site is flood affected. Council's Stormwater Engineer has assessed the proposal and advised the following:

Based on the flood study by Rienco, the site is a combination of high and medium flood precincts, with the majority of the site being medium FRP.

As per Appendix A: Land Use Categories, the development is categorised as 'Critical Utilities' for the purpose of applying the flood planning controls in Chapter E13.

The proposal does not satisfy the prescriptive controls in Chapter E13, because Critical Utilities are classified as an unsuitable land use within the Medium Flood and High Flood Risk Precinct (as per Schedule 8: Prescriptive Controls – Collins Creek Floodplain, in Appendix C of Chapter E13).

The proposal does not satisfy a number of objectives and performance criteria in Chapter E13 relating to flood risk, risk to life, reliable access, driveway areas, and flood impacts, and most notably objective 6.4.1(b):

To require developments with high sensitivity to flood risk (e.g. critical public utilities) be sited and designed such that they are subject to no or minimal risk from flooding and have reliable access

In relation to the reliable access, Council's DCP requires (for Critical Utilities within a Low Flood Risk Precinct), reliable access to be provided during a Probable Maximum Flood (PMF) event. The sites access traverses a significant flow path where water depths increase during a PMF event. This proposal does not satisfy the requirements for 'reliable access' as defined in Chapter E13:

Reliable access during a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where water depths increase.

The flood study submitted in support of the proposal also indicates significant flood level and velocity increases on other land as a result of the proposal, which are contrary to the controls, objectives, and performance criteria in Chapter E13 and therefore considered unacceptable.

In light of the above, the proposal cannot be supported from a floodplain management perspective. Council's Stormwater Engineer requested additional information as detailed in Section 1.6.

Clause 7.6 Earthworks

The proposal comprises earthworks to prepare the site for development. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

Clause 7.13 Certain land within business zones

The proposal does not provide active use at ground floor level beyond car parking and access.

2.3 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.4 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Issue (e.g. setbacks)

(a) The control being varied;

7.2 Location and Site Selection

Any new child care centre will not be permitted within a 500 metre radius from any service station.

(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and

The site is within 500m to two services stations, the Shell at Bulli (350m) and BP at Woonona (488m).

The variation is sought by the applicant on the grounds that:

- The site is zoned B2 Local Centre and a child care centre is permitted in the WLEP which is higher order than a DCP.
- The site is well distanced away not to have any impacts.
- The proposal is infill development and commensurate with a town centre environment of which service stations typically occur.
- There are other examples of child care centres in the area within 500m of service stations.

(c) Demonstrate how the objectives are met with the proposed variations; and

The objectives of the clause are to impose minimum separation distances between any new child care centre and range of land uses which may cause potential adverse health or safety risks to young children, through the application of the “precautionary principle”. The site is located within 350m and 488m from two service stations respectively. Although the proposal does not strictly comply with the minimum 500m as required by Council’s DCP, the SEPP only requires services stations to not be ‘in proximity’. The proposal is not considered to be in proximity to any service stations and therefore meets the requirement of the SEPP. The SEPP overrides the DCP.

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

The sites location within 350m and 488m of service stations is not considered to pose significant adverse health and safety risks to your children compared to a centre that is located more than 500m from a service station. The variation could be supported.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking the proposal is not considered to be consistent with the principles of Ecologically Sustainable Development. The proposal has not satisfied this Chapter as the proposal has not addressed solar access in the building design and is therefore likely to rely on artificial lights and mechanical air conditioning which is contrary to the requirements of this Chapter.

CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

The development is located in a business zone and as such this chapter is applicable to the development. An assessment against the relevant sections is outlined below.

2 Objectives

The development is considered consistent with the objectives of development in business zones.

7 Planning requirements for development in the town centres

Woonona Town Centre

1. It is noted the Woonona retail centre functions as a large neighbourhood centre serving a predominantly residential area to the east and west of the Princes Highway. The role and function of this centre is focussed on providing daily convenience goods and services and only limited capacity to meet weekly shopping needs. The Woonona retail centre includes a free standing IGA supermarket and a McDonalds fast food restaurant.

2. The proposal is located within the confines of the existing Woonona business precinct as required by this Chapter.

Clause 7.4.2 Precinct 1 Controls

Maximum Floor Space Ratio (FSR) and Maximum Building Height

2. Maximum FSR - 1.5:1 – Complies see Clause 4.4 WLEP 2009.

3. Maximum Building Height (Max. Number of Storeys) - 2 storeys as per Figure 5 below – Does not comply. No variation has been requested by the applicant. The exceedance in number of storeys is not supported as it would have a detrimental impact on character of the area, amenity of adjoining residents and significance of adjacent heritage items.

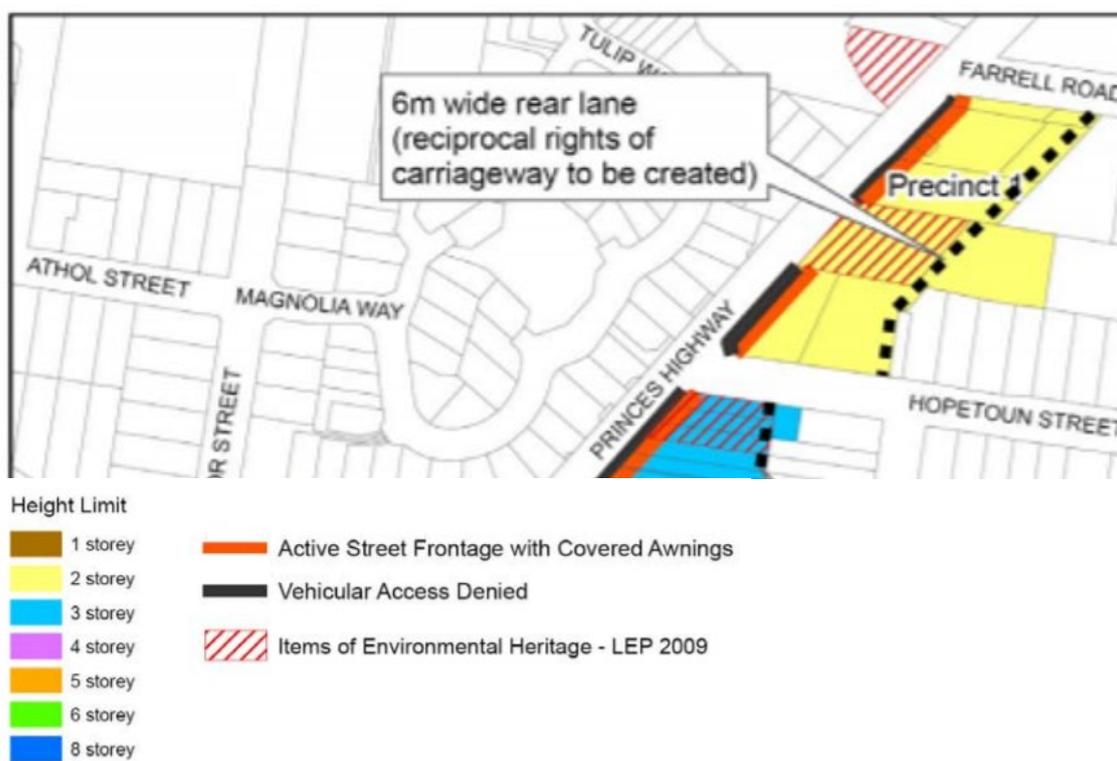


Figure 5: Excerpt from Chapter B4 Woonona Town Centre

Side and Rear Setbacks

5. The ground floor and first floor levels of any new building upon the site may incorporate a zero side setback and a minimum 6 metre rear setback.

The proposal does not comply with the minimum 6m rear setback. No variation has been requested by the applicant. The proposal is only setback 2m from the rear boundary (northern boundary). The

northern boundary adjoins residential properties and a 6m rear setback would have been more appropriate in this case as it would have minimal impact on the amenity of the adjoining properties. The variation is not supported.

Car Parking and Access

6. Any car parking areas for development within this precinct shall be provided with direct vehicular access from either Farrell Road or Hopetoun Street. Direct vehicular access to the Princes Highway will not be supported, except where alternative access arrangements are not physically capable of being provided from either Farrell Road or Hopetoun Street.

Direct vehicular access is provided from Hopetoun Street as per existing.

9 General design requirements for retail and business premises developments

Control	Comment	Compliance
<u>9.1 Objectives</u>	The proposal is inconsistent with the following objectives: <i>(f) To ensure new retail or business premise buildings are consistent with the predominant built form character of the locality, in terms of built form and external appearance.</i>	No
<u>9.2.1 Floor Configuration</u>	No concerns raised in relation to the floor configuration.	Yes
<u>9.2.2 Building Appearance</u>	The proposal is not considered to continue the predominant built form character of the locality. The building layers base, middle and top are inconsistent with those in surrounding area. The base being an undercroft carpark and middle being two levels of child care centre and top being a flat roof with a minor parapet roof feature. The external building materials and finishes are not considered to be sympathetic to the existing fabric and character of buildings in the area. A schedule of proposed external building materials and finishes has not been submitted with the application.	No
<u>9.2.3 Building Alignment</u>	The building does not have direct street frontage. No active uses are provided at ground level as the ground level comprises an undercroft carpark and ramp and lift entry to more active uses on level 1 and 2.	No

Control	Comment	Compliance
<u>9.2.4 Active Street Frontages</u>	The proposal does not provide active uses at ground level.	No
<u>9.2.5 Urban Design / Streetscape Appearance</u>	<p>The siting, form, height and external appearance of the proposal is not considered to be sympathetic with adjoining buildings.</p> <p>The parapet height of the proposal exceeds that of any surrounding buildings.</p> <p>The proposal is not considered to provide a highly articulated facades, particularly the façade facing the residential area.</p> <p>The proposal does not provide an active street frontage.</p> <p>No external finishes board was submitted.</p>	No
<u>9.2.6 Pedestrian Access</u>	<p>The proposal does not provide clear sightlines from one end to the other due to the shape of the lot and narrow pinchpoint in the driveway area which is likely to pose a safety issue for pedestrians.</p> <p>The proposal does not demonstrate safe pedestrian access which is particularly important in this case as the carpark provides parking for both the proposed child care centre and the existing Medical Centre which is likely to be used by parents with young children in prams and aged, frail or ill patients of the existing Medical Centre.</p>	No
<u>9.2.7 Awnings</u>	Not applicable.	N/A
<u>9.2.8 Public Domain – Footpath Paving</u>	Not applicable.	N/A
<u>9.2.9 Solar access and overshadowing</u>	<p>The submitted shadow diagrams demonstrate the proposal would overshadow the adjoining residential properties to the south all times per day in mid winter to the detriment of the amenity of the neighbouring properties.</p> <p>The proposal does not maximise solar access into the proposed child care centre.</p>	No

Control	Comment	Compliance
<u>9.2.10 Shower and Change Facilities & Parenting Facilities in Large Business Premises / Commercial Office Buildings</u>	Not applicable.	N/A
<u>9.2.11 Advertising Signage</u> See SEPP 64 and Chapter C1	See states that no signage is proposed.	N/A
<u>9.2.12 Wind Impact Assessment</u>	Not applicable.	N/A
<u>9.2.13 Access, Car parking and Servicing</u>	See Chapter E3.	No
<u>9.2.14 Access for People with a Disability</u>	See Chapter E1.	Yes
<u>9.2.15 Land Consolidation</u>	The land is already consolidated into one lot.	N/A

CHAPTER C5: CHILD CARE CENTRES

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>												
<p><u>7.1 Maximum Capacity of Centre and Staffing Levels</u></p> <ul style="list-style-type: none"> • In non-residential zones Council may accept more than 49 children. • Council is unlikely to support more than 90 children. • Recommends no more than: <ul style="list-style-type: none"> ○ 30 x 0-2 yrs and ○ 60 x 2-6 yrs. 	<p>117 children is considered excessive given the site is adjacent to a residential area.</p> <p>Proposed age breakdown:</p> <p>27 x 0-2 yrs 30 x 2-3 yrs and 60 x 2-5 yrs</p> <p>Minimum staffing requirements as per Childs Services Regulation 2004:</p> <table border="1" data-bbox="523 663 1128 875"> <thead> <tr> <th></th> <th>Required</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>0-2 yrs</td> <td>1:5 = 27/5 or 5.4</td> <td>7 complies</td> </tr> <tr> <td>2-3 yrs</td> <td>1:8 = 30/8 or 3.75</td> <td>6 complies</td> </tr> <tr> <td>3-5 yrs</td> <td>1:10 = 60/10 or 6</td> <td>6 complies</td> </tr> </tbody> </table>		Required	Proposed	0-2 yrs	1:5 = 27/5 or 5.4	7 complies	2-3 yrs	1:8 = 30/8 or 3.75	6 complies	3-5 yrs	1:10 = 60/10 or 6	6 complies	<p>No of number of children is considered excessive. No variation has been requested by the applicant.</p>
	Required	Proposed												
0-2 yrs	1:5 = 27/5 or 5.4	7 complies												
2-3 yrs	1:8 = 30/8 or 3.75	6 complies												
3-5 yrs	1:10 = 60/10 or 6	6 complies												

Controls/objectives	Comment	Compliance
<p data-bbox="204 208 564 271"><u>7.2 Location and Site Selection</u></p> <p data-bbox="204 293 564 358">Child care not permitted within:</p> <ul data-bbox="252 383 564 1534" style="list-style-type: none"> <li data-bbox="252 383 564 448">• 90m of any main road. <li data-bbox="252 472 564 537">• 500m of any service station. <li data-bbox="252 562 564 660">• 400m of any telecommunications facility <li data-bbox="252 685 564 784">• 500m of industry/certain activities <li data-bbox="252 808 564 1019">• Contaminated land unless the applicant is to submit Contamination Report and Remediation Report. <li data-bbox="252 1043 564 1209">• 150m of approved medical clinic or facility providing drug and and/or drug counselling services. <li data-bbox="252 1234 564 1332">• 150m of sex services premises or gun shop. <li data-bbox="252 1357 564 1534">• Any mixed use development where the centre is independent of other uses in the building. 	<p data-bbox="587 208 1203 488">The proposal is located within 90m of the Princes Highway which is a classified road, within 500m of two petrol stations, adjacent to automotive mechanic and medical clinic providing drug and and/or drug counselling services. Only the variation to proximity to service stations has been requested as part of this application – See Chapter A1 WDCP.</p> <p data-bbox="587 512 1203 750">The proposal is not considered part of a mixed use building as the Medical Centre uses is within a detached separate building. Although it is an important consideration in this case as the proposed parking and pedestrian access is shared between both buildings and this is a matter that not been adequately addressed in the application.</p>	No

7.3 Building Design, Appearance and Neighbourhood Character

FSR/Height:

The proposal complies with maximum FSR and height controls in WLEP 2009.

No. of storeys:

Child care centres should be single storey in height. Three storeys proposed. Upper levels may only be used for staff facilities. Does not comply.

For any two storey building, child proof barriers at the bottom of the stairs will be a required to prevent any child entering the stairway. May be conditioned.

Rear Setback:

A minimum 3 metre rear setback is required for any outdoor play area, off the common property boundary with any adjoining residential property, in order to maintain the amenity and privacy of the adjoining property occupants. The rear boundary is considered to be the northern boundary. A 2m setback is proposed which does not comply.

Side Setback:

No minimum side setback requirements for a child care centre in B2 Local Centre Zone.

It is noted: A minimum 2m side setback is required in a residential zone or B4 Mixed Use zone, except where no openings minimum 900mm.

Design and appearance:

The proposal is adjacent to a residential zone and this clause should be assessed on its merit.

'The building should be designed so that it is consistent with the prevailing streetscape character of the surrounding locality in terms of its scale, building form / massing, height and external appearance. The roof design of a building should also be compatible with surrounding properties with respect to height, pitch, building materials and colour. On merit, the scale, building form / massing, height and external appearance is inconsistent with the prevailing street character,

No external finishes board has been submitted as required.

The proposal does not incorporate architectural elements to help articulate facades and minimise large expanses of blank walls (maximum 30% on any street elevation).

The front door and at least two windows to a building must face the street. Not possible as the proposal does not have street frontage.

No child care centre is not single storey in height.

Does not comply with 3m rear setback.

Design inconsistent with streetscape character.

No variation has been requested by the applicant.

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	<p>The street number of a building must be visible from the street (daylight and at night) and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.</p> <p>The built form is not considered compatible with the area and the proposal is likely to have an adverse impact on residential amenity.</p>	

7.4 Indoor Areas

The building is not designed to optimise solar access and natural ventilation as required. The development has not been oriented to face north, significantly impacting the ability to gain solar access. No Solar Access diagrams have been submitted to demonstrate adequate solar access to the internal play areas.

Playrooms 1 and 2 on Level 1, and their associated outdoor area, are likely to receive almost no solar access due to their wholly covered area, proposed vine planting, and close siting to the fence. This is in contrast to the 30% solar access requirement for these areas.

The indoor areas comply with the Regulations minimum 3.25sqm per child.

	Required	Proposed
0-2 yrs:	27 x 3.25 = 87.75sqm	Playroom 1 & 2 88.7sqm complies
2-3 yrs:	30 x 3.25 = 97.5sqm	Playroom 3 & 4 99.77sqm complies
3-5 yrs:	60 x 3.25 = 195sqm	Playroom 5 & 6 198.7sqm complies

Note: Calculations above excludes door swing.

For the purposes of this calculation, the unencumbered indoor play space area excludes hallways, door swing areas, cot rooms, kitchen, toilet or shower areas located in the building, staff and administration areas or other ancillary storage facilities. The applicants calculations on the floor plan included the door swing however these have been excluded from the calculations in the table above and still comply.

Child care centre over 40 children must provide different play area for 0-2, 2-3 and 3-5 yrs. Complies.

Staff rooms are provided. However there does not appear to be a room available for meetings with parents.

Sleeping rooms provided as required. One cot per child 0-2 yrs is required with maximum 6 cots per room. Two sleeping rooms proposed with 5 cots in one room and 6 cots in another. 11 cots proposed for 27 x 0-2 yrs in two separate rooms. Does not comply.

Toilets and washing facilities provided however number of toilets it is not considered sufficient for the proposed number of children. 0-2 yrs only one toilet proposed. 2-3 yrs only two toilets proposed. 3-5 years four toilet proposed. That is 7 toilets for 117 children.

No proposal does not optimise solar access to internal areas.

There is no room for parent teacher meetings.

Insufficient cots and toilets for the number of children.

No variation has been requested by the applicant.

7.5 Outdoor Areas

Minimum 7sqm outdoor area required per child.

	Required	Proposed
0-2 yrs:	27 x 7= 189sqm	190sqm complies
2-3 yrs:	30 x 7= 210sqm	643sqm (combined) complies
3-5 yrs:	60 x 7= 420sqm	

A range of outdoor areas, active and passive, are provided as required.

Shading of the outdoor area is provided as required.

Outdoor areas are located safe away from the main entrance, roads and integrated for ease of access to the internal area with clear sightlines.

The outdoor play area on Level 1 is oriented north however it is entirely covered by Level 2 therefore is unlikely to receive adequate solar access. Outdoor area on Level 2 solar access is satisfactory.

The outdoor play areas are located in close proximity to neighbouring residential properties. The proposal is likely to result in overlooking from the outdoor play areas to the adjacent residential properties particularly on the northern and southern sides as the outdoor areas are only located 2m and 3m respectively from these boundaries. Concerns have been raised from residents in relation to noise from the outdoor play areas however Council’s Environment Officer has assessed the Acoustic Report and is satisfied the proposal complies with noise guidelines.

No, solar access to Level 1 outdoor area and overlooking to neighbouring residents from outdoor play areas

7.6 Car Parking, Access and Pedestrian Safety

See Chapter E3. Council’s Traffic Officer has raised significant concerns in relation to the design of the accessway as it does not provide two way paths of travel or pedestrian access, shortfall of parking and incorrect ratio of parking, the accuracy of the traffic survey as it was undertaken during Covid which is likely to underestimate traffic generation, encroachment of pedestrian access and vehicular access into adjoining properties, and bicycle storage.

No significant traffic issues raised

7.7 Signage and Outdoor Lighting

No signage proposed.

N/A

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.8 Swimming Pools</u>	Not applicable.	N/A
<u>7.9 Fencing and Gates</u>	The outdoor play area is fenced with a 1.5m high fence. The height is considered appropriate.	Yes
<u>7.10 Landscaping and Vegetation</u>	Council's Landscape Officer has requested additional information in relation to the arborist Report, conflict with T6 and T7, siting and lack of boundary landscaping, lack of separation of pedestrian and access and traffic, levels/ retaining walls.	No significant landscape issues raised
<u>7.11 Stormwater Drainage</u>	See Chapter E3. The proposed building encroaches over a significant common stormwater line (piped watercourse). This proposal does not satisfy the requirements of Section 9.4.3 of Chapter E14 of the Wollongong DCP2009. Council does not support the encroachment of the proposed building over the stormwater pipe.	No significant stormwater issues raised
<u>7.12 Soil Erosion and Sediment Control Measures</u>	No concerns as relates to soil erosion and sediment control as these matters could be conditioned.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.13 Visual and Acoustic Privacy</u>	<p>The elevated nature of the proposal with its undercroft parking design is likely to result in overlooking from Level 1 and 2 and have a negative impact on the visual privacy of adjacent residents on southern and northern side/rear boundaries.</p> <p>South: The south facing playroom windows and outdoor play area on Level 2 are elevated above the southern neighbouring properties and only setback 3m from the southern boundary which is likely to result in overlooking to neighbouring properties to the south.</p> <p>North: Outdoor play areas on both Level 1 and 2 are only setback 2m from the northern boundary and likely to overlook the northern neighbouring properties.</p> <p>The proposed 6m setback to the western boundary is considered appropriate to minimise overlooking to residents on western side.</p> <p>Council's Environment Officer has assessed the submitted Acoustic Report and raised no concerns.</p>	No the proposal is likely to result in overlooking to southern and northern neighbouring properties
<u>7.14 Accessibility & Mobility for People With A Disability</u>	No concerns as relates to accessibility.	Yes
<u>7.15 Safety and Security</u>	<p>The objective of this clause is to ensure that building design and facilities are safe and secure for children, staff and other users.</p> <p>Child care centres are to provide natural surveillance of access points and are to incorporate windows on the front façade to ensure visibility and natural surveillance. The undercroft design is not considered to provide natural surveillance to the street or carpark area.</p> <p>Entry to the child care centre is limited to one secure point as required. However the location on the first floor limits passive surveillance. The undercroft carpark design may present safety and security issues particularly at night. Concerns are also raised in relation to the safety of pedestrians in relation to separation of pedestrian and vehicular traffic.</p>	No natural surveillance and undercroft parking design poses safety and security issues

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.16</u> <u>Emergency</u> <u>Evacuation</u>	An Emergency Evacuation Plan has been submitted as required by this Chapter. The plans does not address evacuation during a flood.	No Emergency Evacuation does not address evacuation during a flood event
<u>7.17</u> <u>Hours of Operation</u>	A site adjoining a residential area hours of operation should be limited to 7am to 6pm Monday to Friday. Proposed hours of operation 7am to 6pm Monday to Friday complies.	Yes
<u>7.18</u> <u>Waste</u> <u>Management</u>	A suitable waste and recycling facility is required to be provided. The application proposes on site waste collection via a private contractor outside opening hours to minimise any pedestrian and vehicular conflicts. Waste bins will be stored in the ground floor waste room and a turning bay is provided to ensure waste vehicles can enter and exit the site in a forward direction. Council's Traffic Officer has not raised any concerns in relation to waste management.	Yes

CHAPTER D1 – CHARACTER STATEMENTS

Woonona

The proposal is considered to be consistent with the existing and desired future character for the locality.

The Woonona retail and business centre functions as a large neighbourhood centre serving a predominantly residential area to the east and west of the Princes Highway. The role and function of this centre will continued to be focussed on providing daily convenience goods and services and only limited capacity to meet weekly shopping needs. Any new retail or business development in Woonona shall be contained within the confines of the existing business precinct.

The proposal would provide a service that meets the day to day needs of residents of Woonona. The proposal is within the confines of the existing business precinct.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

No concerns as relates to this Chapter.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The building is not designed to maximise passive surveillance as the proposed child care centre is located to the rear of the site, vehicular and pedestrian access involves a blind corner, entrance at ground level is via ramp and lifts while the reception is on Level 1. Undercroft parking design poses safety and security issues particularly at night.

There is concern that the spaces below the childcare centre could become unsafe at night, due to the reduced visibility of the area. While the existing carpark is passively observed from nearby residents, the proposed centre severely obscures views of this area, provide multiple areas for concealment in contrast to CPTED principles.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was submitted with the proposal however traffic surveys were undertaken during Covid which may underestimate traffic generation compared to non-Covid times. Council's Traffic Officer has requested the applicant carry out additional sensitivity testing of the expected background traffic (plus growth) to ensure that the future traffic impacts are properly considered.

7 Parking demand and servicing requirements

The proposal has a shortfall of 14 parking spaces and 2 motorbike spaces as shown in the table below.

7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

Child Care Centre	Required	Proposed	Compliance
1 space for each member of staff present at any one time	19	18	No, 1 staff space short
plus 1 visitor space per 6 children	117/6 = 19.5	19	No, 1 visitor space short
plus 1 space as per Off Street Parking for People with Disabilities	+ 1 disabled	+ 1 disabled provided for CC visitors	Yes
plus 1 bicycle space per 200m ²	4	5	Yes
1 motor cycle space per 25 car parking spaces	3	3	Yes
Small Rigid Vehicle - Medium Rigid Vehicle	SRV	Height clearance for small rigid vehicle not achieved however applicant intends to utilise rear loading refuse collection vehicle. Traffic Officer satisfied.	Yes
2 large spaces (3.2m x 5.5m) for parents requiring the use of strollers	2	2	Yes

Medical Centre:	<i>Required</i>	<i>Proposed</i>	<i>Compliance</i>
	<p>DA-2011/165/A for change of use to medical centre required 51 spaces including 2 disabled, 2 motorbike and 1 bicycle space.</p> <p>Proposal includes 8 medical Centre staff parking space 36 for medical centre visitors - total 44 spaces. Therefore 7 shortfall. Also Council's Traffic Officer advised that 5 of the Medical Centre staff parking spaces are provided as small spaces which cannot be included.</p> <p>1 bicycle space is required – complies.</p> <p>Two (2) motorbike parking spaces are required – does not comply.</p> <p>It is noted DA-2011/165/A also required a 88B right of carriageway to maintain access for Lot 1 DP199573 and Lot 3 6424 (adj heritage items). This right of carriageway was not been registered.</p>		<p>No, 12 visitor spaces short</p> <p>No, two (2) motor bike spaces short</p>

7.2 Disabled Access and Parking

The required disabled parking spaces are provided.

7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

Bicycle parking is provided as required. A shower is provided for staff on Level 1.

7.4 Waiver or Reduction of Parking Spaces

The proposal does not involve a waiver for required parking.

7.5 Car Parking Credits for Existing Development

Not applicable.

8 Vehicular access

The proposal does not provide compliant two way vehicle traffic wholly within the site. The driveway does not comply with AS 2890.2.

9 Loading / unloading facilities and service vehicle manoeuvring

The application proposes on site waste collection via a private contractor using a rear loading RCV as the proposal does not provide the required headheight clearance for a small rigid vehicle. Council's Traffic Officer has assessed the proposal and is satisfied.

10 Pedestrian access

The proposal is unsatisfactory with regard to pedestrian access into the site. Pedestrian access currently encroaches into the neighbouring property 329-331 Princes Highway where the driveway narrows in at a pinchpoint. There is no compliant separate pedestrian and vehicular access between the child care centre/carpark and the medical centre. This is unacceptable particularly for a child care

centre where there will small children and parents with prams and medical centre where they may be ill or frail patients.

11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas

Unsatisfactory see Chapter E2.

CHAPTER E6: LANDSCAPING

A Landscape Plan has been submitted as required by this Chapter. However the proposal does not meet the requirements of this Chapter. Council's Landscape Officer has raised a number of issues in relation to arborist Report, conflict with T6 and T7, siting and lack of boundary landscaping, lack of separation of pedestrian and access and traffic, levels/ retaining walls.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter. The proposal involves demolition of the carpark and a demolition plan has accordingly been provided. Suitable waste storage and servicing arrangements have been provided as follows:

- Waste room on ground floor.
- On site waste collection by a private contractor.
- Turning bay provided.
- Waste to be collected outside normal operating hours of child care centre.

CHAPTER E11 HERITAGE CONSERVATION

See Clause 5.10 WLEP. The proposal is inconsistent with this Chapter.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being located within a high medium low flood risk uncategorised precinct. A flood study and concept stormwater plan have been provided. Council's stormwater engineer has reviewed the proposal and has raised significant concerns as discussed in Clause 7.3 of WLEP 2009.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to existing stormwater system which consists of connecting into the existing drainage pipe that traverses the site. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and has raised significant issues in relation to proposed building encroachment over a significant common stormwater line (piped watercourse). This proposal does not satisfy the requirements of Section 9.4.3 of Chapter E14 of the Wollongong DCP2009. Council does not support the encroachment of the proposed building over the stormwater pipe.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The proposal is inconsistent with this Chapter. Council's Landscape Officer has raised concerns in relation to conflict with Tree 6 and 7 as identified in the Arborist Report requesting that the development be redesigned so that the trees are not removed or adversely impacted by the development.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves minor earthworks to prepare the site for development. The proposed earthworks is considered to satisfy this Chapter.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

See SEPP 55.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

A Site Waste Management Plan has been submitted as required by this Chapter.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

No concerns as relates sediment and erosion control measures to be in place during works.

2.4.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$3,513,116,00 and a levy is not applicable under this plan as the threshold value is \$100,000.

2.5 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.6 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions of consent can be recommended with regard to demolition.

2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The proposal is not considered to be context with the setting of the area.

This development is located in a highly sensitive area surrounded by two heritage items and low-density residential development. The three storey proposal does not comply with the two storey height limit in Woonona Town Centre Precinct 1 and there has been no attempt to design a structure that is compatible with surrounding development. The large mass will be highly visible from Farrell Road and the Princes Highway, becoming the dominant backdrop for the heritage listed courthouse and police station buildings.

The site is also flood affected and as such has necessitated elevating the development above ground level. This design approach along with the proposed scale of the child care centre with its 117 places and the need to accommodate parking for both the child care centre and Medical Centre has resulted in a large bulky building that takes up much of the site with little regard for the amenity of neighbouring properties.

The RL of the parapet is 35.92, approximately 11m above ground level, while the tallest neighbouring structure is the parapet to Hopetoun St which has an RL of 34.19, approximately 7m above ground level. While the proposed design is compliant in height it is highly inconsistent with neighbouring development in terms of height and is likely to create privacy, visual and overshadowing issues to neighbouring dwellings. Boundary setbacks are insufficient to mitigate amenity impacts to neighbouring developments, which are likely to have their rear yards dominated by the 3-storey structure.

Access, Transport and Traffic:

Traffic, access and parking issues raised by Council's Traffic Officer – see WDCP Chapter E3.

Public Domain:

The proposal would have an adverse impact on the public domain. The proposed three storey building would be highly visible when viewed from the public domain particularly when viewed as a backdrop to the adjacent heritage items.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities could be extended to service the proposal.

Heritage:

The proposal is likely to impact on the significance of adjacent heritage items – see Clause 5.10 WLEP.

Other land resources:

The proposal is not considered to contribute to orderly development of the site.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The proposal is not expected to have any negative impact on soils.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

Council's Landscape Officer has raised concerns in regards to conflict with Tree 6 and 7 and does not support their removal.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is envisaged to have unreasonable energy consumption. The proposal has not addressed solar access and ventilation and is therefore likely to rely on artificial lights and mechanical air conditioning.

Noise and vibration:

An Acoustic Report has been submitted and assessed by Council's Environment Officer and found to be satisfactory. A condition could be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

Council records list the site as medium and high flood affected. See WLEP Clause 7.3.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

See WDCP Chapter E2.

Social Impact:

The proposal is expected to impact on the amenity of neighbouring properties by way of overlooking, overshadowing and visual impact.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards. A variation has been considered and supported in relation to the requirement in Chapter C5 WDCP 2009 for a child care centre not to be within 500m of a service station. The proposal results in a number of other variations to the development controls in the WDCP which have not been addressed in the application as detailed in this report.

A condition could be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction:

Conditions of consent could be recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is expected to have negative cumulative impacts on the amenity of the area.

2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is not considered to be suitable for the proposed development.

Does the proposal fit in the locality?

The proposal does not fit in with the locality. The site is in the vicinity of heritage items and surrounded by low density residential properties. The proposed built form is expected to have adverse impacts on the amenity of the locality and adjoining properties.

Are the site attributes conducive to development?

The site attributes are not conducive to the development.

- The site is located in a high and medium flood risk precinct. A proposed child care centre is considered to be a critical utility and is considered to be unsuitable use in the medium and high flood risk precinct and is not supported from a floodplain management perspective as relates to flood risk, risk to life, reliable access, driveway areas and flood impacts.
- The site has an unusual shape comprising of two linked rectangular portions, one occupied by the existing Medical Centre and the other the proposed child care centre. It is noted the majority of the required parking for the Medical Centre will be provided within the proposed child care centre building. Where the two portions of the site connect the site narrows in to a pinchpoint which restricts the ability to provide compliant two way traffic flow and separate pedestrian access.

2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

See Attachment 1.

2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is expected to have adverse impacts on the environment and the character and amenity of the locality. The proposal does not satisfy the applicable planning controls. Council's Stormwater, Landscape, Traffic, Heritage and Strategic Planning Officers have raised significant issues with the application and a significant number of submissions were received following notification. The issues raised warrant a redesign. The proposal is not considered to be in the public interest.

3 CONCLUSION

This application has been assessed as unsatisfactory having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal cannot be supported in its current form.

Significant matters remain unresolved and the application is currently the subject of an Appeal against Deemed Refusal lodged with the NSW Land and Environment Court.

4 RECOMMENDATION

It is recommended that DA-2021/286 be **Refused** for the following reasons:

- 1 Pursuant to the provisions of Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 in relation to inconsistency with the Child care Planning Guideline.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Wollongong Local Environmental Plan 2009 with respect to Clause 7.3 Flood Planning Area and Clause 5.10 Heritage Conservation.
- 3 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong Development Control Plan 2009 in respect to:
 - Chapter A2 Ecologically Sustainable Development
 - Chapter B4 Development in Business Zones
 - Chapter C5 Child care Centres
 - Chapter E2 Crime Prevention Through Environmental Design
 - Chapter E3 Car Parking Access Servicing Loading Facilities
 - Chapter E6 Landscaping
 - Chapter E11 Heritage Conservation
 - Chapter E13 Floodplain Management
 - Chapter E14 Stormwater Management
 - Chapter E17 Preservation and Management of Trees and Vegetation
- 4 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development fails to demonstrate that the likely impacts will not be adverse.

- 5 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development fails to demonstrate the site is suitable.
- 6 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for public submissions, the development is unsuitable with respect to flooding, traffic and parking, heritage, height, bulk and scale, site suitability, character of the area, neighbourhood amenity, compliance with child care centre requirements and safety and security.
- 7 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

ATTACHMENTS

- 1 Submissions
- 2 Child Centre Guideline
- 3 Plans and Shadow Diagrams

Attachment 1: Submissions

<i>Issue</i>	<i>Comment</i>
<p>Heritage</p> <ul style="list-style-type: none"> • Visual impact/detracts from heritage buildings. • Advertising signs will be visible from the Princes Highway and will detract from heritage buildings. • No testing has been undertaken to see if the site has Aboriginal cultural significance. 	<p>Council’s Heritage Officer objects to the proposal as it would be highly visible and form the backdrop of the adjacent heritage items and have an adverse impact on the significance of the heritage items.</p> <p>Council’s Heritage Officer has not raised any issues in relation to Aboriginal heritage matters.</p>
<p>Impact on streetscape/character of the area</p> <ul style="list-style-type: none"> • Height, bulk and scale and contemporary design is out of character with neighbouring properties – would tower over adjacent one and two storey detached dwellings. • Three storeys high - two storey limit in Woonona Town Centre. • Heritage precinct. • The proposed three storey building will be highly visible from both Hopetoun Street and Princes Highway. The submitted perspectives are not accurate. • Overdevelopment of the site. 	<p>The proposed built form, height and siting is likely to impact on the character of the area.</p>
<p>Traffic, Access and Parking</p> <ul style="list-style-type: none"> • The carpark is always full and cars already park in nearby residential streets. Insufficient parking is proposed which will exacerbate existing parking problems. • Street parking is inadequate – cars often block residential driveways. • Original DA for the Medical Centre required 51 spaces however only 42 are provided. This does not take into account the 13 additional rooms in the building occupied by other businesses. • Traffic Survey in Traffic Report is inaccurate. It only identifies one business within the existing building – Medical Centre however there are many other businesses within the building including Woonona Medical Practice, Southern IML pathology, BAIMED physiotherapy, Skin Revival Clinic, Woonona Radiology and a Chiropractor. The Medical Centre also has a dietician, psychologists, podiatrist and visiting medical specialists. The calculations underestimate the number of staff within the existing building and therefore underestimates the parking demand. 1 in 3 staff to parking ratio is also too low. GP’s and nurses also do home visits and need quick access to their cars and therefore need to park near the building, not in nearby streets. • Fernwood has no designated carpark. 	<p>Council’s Traffic Officer has raised a number of non-compliances relating to the inability to provide two way traffic flow and separate pedestrian access, encroachments into the neighbouring properties, traffic surveys being undertaken during Covid times and shortfall of parking spaces and motorbike spaces and other issues as detailed in this report.</p>

- Patients will find it harder to access health care – many patients are sick, elderly and have disabilities or poor mobility or young parents with prams.
- Patients at Medical Centre often complaint they were late as they couldn't find a parking spot.
- Concerns about the narrow driveway access and safety for children.
- Single driveway not wide enough for vehicles to pass. Single narrow lane access will causing queuing onto Hopetoun Street.
- Pedestrian walkways would need to be fenced off which will narrow roadway.
- Poor pedestrian access from the back carpark to the Medical Centre or to access the child care centre. Small children with their parents will need to navigate the narrow driveway and pedestrian pathway.
- Drop off and pick up times unlikely to be staggered as stated by the developer.
- Access for waste service vehicles.
- Access for emergency vehicles.
- People often park in the emergency parking bay at the Medical Centre and when an ambulance is called Staff need to ensure the space is vacated so the ambulance can park.
- Site boundary is incorrectly shown as the access encroaches onto adjoining properties No. 42 Hopetoun Street and heritage buildings on the Princes Highway which would further narrow the driveway and likely conflicts between vehicles and pedestrian access.
- Pedestrian pathways are inadequate. They utilise land on adjacent properties.
- Scouts has occupied the site adjacent since 1940's. Members use the access and carpark for drop offs and pick ups. There are currently 70 members – 100 pre-Covid who utilise the carpark between 7-9pm on Tuesday nights. Will the carpark be available for Scouts. - Tuesdays between 5-9pm Scouts use the hall to the east of the proposed building. This will create further traffic congestion at this time. Scouts have a boat shed with a garage door that opens out onto the carpark. This was approved in a 2003 DA through the subject site. There is a separate access from Pittman Lane however over the years multi dwelling and units developments have been built on the laneway and it is narrow and only suitable for one way traffic therefore it is safer for members to utilise the Hopetoun Street access. The proposal could affect access to the Scout hall and result in loss of membership which would have significant impact on youth services in Bulli. To provide parking on the Scout site would result in reduction of green space which the children use.
- Parking demand will impact on neighbouring businesses as parking on street is already at capacity. Proposal will ruin access to other businesses in the area.
- Will impact on pedestrian accessibility and parking availability on nearby streets. Elderly and people with disabilities will not be able to park close to the gym, hairdresser or medical centre.
- Impacts during construction.

<ul style="list-style-type: none"> • Cars often queue at the Princes Highway/Hopetoun Street intersection to head north especially in peak hour. The proposal will make this worse. • Intersection Princes Highway and Hopetoun Street is dangerous. • Traffic counts were undertaken during the pandemic and do not reflect normal demand. • Poor visibility exiting the driveway onto Hopetoun Street. Will be chaos on bin collection day. • The proposal is providing insufficient parking. • There are several near misses everyday due to car entering and leaving the Medical Centre. • Drop off and pick up are usually concentrated at peak times in the morning and afternoon period. These times co-incide with opening and closing times of medical centre and residents leaving and returning from work, gym classes at Fernwood. The accumulation of traffic in a residential street is unreasonable. • Impacts during construction. • Blind corner at the bottleneck is dangerous. • Major issues in Hopetoun Street on Thursday mornings when garbage bins are collected. • Adjacent mechanic business Hopetoun Street is the designated brake testing street – extra cars will create a safety issue. • The road is too narrow and street parking is limited. • The cul de sac is often blocked by cars parked and limits vehicles turning. • There are already illegal u-turns in Forrest Street/Hopetoun Street intersection and many near misses in the street. 	
<p>Suitability of the site</p> <ul style="list-style-type: none"> • This block of land is not suitable for such a large child care centre. • Hopetoun Street is narrow and street parking is limited – this street is not suitable for extra traffic. • Site is earmarked for future laneway – building would have a nil setback to proposed future laneway. • The site is within 90m of an arterial road. • The proposal is within 500m of 3 petrol stations. • The site is at the interface of a residential area. • Site is next to an automotive repairs business. • Medical Centre offers drug and alcohol services to patients some on parole and other patients that are high risk to children. • Housing Trust operates an adjacent complex with 25 tenants that are either elderly, terminally ill or have physical or mental disabilities. Noise from 117 children, vehicles, air conditioning units and construction noise will worsen anyone with mental conditions. 	<p>The site is not considered suitable for the development.</p> <p>The proposal does not adequately address the future laneway as it has a nil setback and no provision for pedestrian access.</p> <p>A variation has been considered and supported in relation to site being within 500m of two service stations.</p> <p>The proposal does not address its proximity to the arterial road, automotive business or adjacent medical centre that treats patients with drug and alcohol problems.</p>
<p>Amenity impact to neighbouring properties</p> <ul style="list-style-type: none"> • Loss of views to escarpment • Visual impact 	

<ul style="list-style-type: none"> • Overshadowing • Loss of northerly breeze • Privacy – Large windows overlook residential properties • Noise – rooftop play space and traffic • Excessive traffic • Odours - exhaust fumes. • Safety of objects being thrown from rooftop. Vehicular entry is only 1m from the house at 42 Hopetoun Street – will present a safety risk. • Garbage trucks access – noise, pollution, safety hazard • Hours of operation are inconsistent throughout the submitted reports. • There will be no parking available during construction. • Loss of amenity to Scout Hall – proximity of building. Loss of access to garage and carpark. The proposal places a stairwell in front of the garage door. • Noise Report states that the heritage buildings adjacent are commercial buildings however they are used for residential. 	<p>The proposal does not address loss of views from adjoining residential properties towards the escarpment.</p> <p>The proposed 3 storey building is likely to have an adverse impact on visual amenity when viewed from the adjoining properties.</p> <p>The submitted shadow diagrams demonstrate overshadowing to the southern neighbouring properties at all times of the day during mid winter.</p> <p>The side facing windows and outdoor area with its 1.5m high fencing is likely to result in overlooking to the adjoining residential properties.</p> <p>The additional traffic generation and insufficient parking is likely to affect the amenity of the area.</p> <p>Council’s Environment Officer has assessed the submitted Acoustic Report and has not raised any issues in relation to noise associated with the proximity to neighbouring properties particularly in relation to the propose outdoor play areas.</p>
<p>Contamination /Remediation</p> <ul style="list-style-type: none"> • Safety of adjoining residential properties from removal of potentially contaminated soil. • Need to clarify how much fill is to be removed, imported/how many heavy machinery movements daily, hours of operation, noise etc. 	<p>Council’s Environment Officer has assessed the proposal and not raised any issues in relation to contamination subject to conditions for Unexpected Finds Protocol and Validation Report.</p>
<p>Flooding –</p> <ul style="list-style-type: none"> • Site is located in a medium risk precinct and is unsuitable for a child care centre. • No evacuation is possible during a flood event. 	<p>Council’s Stormwater Engineer has raised significant concerns in relation to suitability of the proposed child care centre on a site with medium to high flood risk as detailed in this report.</p>
<p>Non-compliance with WLEP / WDCP:</p> <p>WLEP:</p> <p>Floor Space Ratio</p> <ul style="list-style-type: none"> • Outer walls to play area are over 1.4m and therefore need to be included in FSR. • The unusual site characteristics mean that the accessway can be included in the FSR calculations. 	<p>The FSR has included all outdoor play area as the walls are over 1.4m and the proposal complies as detailed in this report.</p>

<p>Chapter C5 Child Care Centres</p> <ul style="list-style-type: none"> • Child care centres should be single storey or maximum two storeys in height. • Service station is located within 350m from the site. • Workers Club within 140m – alcohol and gambling. • Medical centre offer drug and alcohol services including methadone service. • Adjacent property to the north is not a residential seniors living, it is a housing complex for vulnerable adults – some with drug and alcohol addictions, psychiatric and gambling issues. • Play area on rooftop is dangerous. • Play area on top will project noise over residential area. • Play area on roofspace is unsuitable for children they need a natural garden environment. • Does not comply with maximum 49 children in a residential area. The proposal is also over the 90 children limit. • Non-compliance with natural lighting for indoor play area. <p>Chapter B4 Development in Business Zones</p> <ul style="list-style-type: none"> • Maximum two storey limit in Woonona town centre. 	<p>The accessway may be included in the site area for the purposes of FSR calculations.</p> <p>The proposal does not comply with single storey height limit.</p> <p>A variation to proximity to service stations has been considered and supported as detailed in this report.</p> <p>The proposal does not address its proximity to the arterial road, automotive business or adjacent medical centre that treats patients with drug and alcohol problems.</p> <p>Rooftop play area is not considered dangerous as such as it is fenced with 1.5m high fence however a single storey child care centre is considered more appropriate as the play areas would be at ground level.</p> <p>The Landscape Plan details a natural garden environment on the proposed rooftop terrace. No concerns are raised in relation to the design of the outdoor areas.</p> <p>No concerns regarding noise of rooftop play areas as discussed in this report.</p> <p>No. of children is considered excessive.</p> <p>Solar access to internal play areas does not comply.</p> <p>Proposal does not comply with two storey height limit in Woonona town centre.</p>
<p>Economic impact</p> <p>There is already a family day care in Hopetoun Street and many other child care centres in Woonona – Little and Loud, Balls Paddock and Little People Early Learning. There is no justification to opening another large child care centre in Woonona.</p> <p>The proposal will impact on the operations of the business within the existing building during construction as well as ongoing as the businesses will lose customers and patients if they can no longer find a parking space.</p>	<p>The SEPP does not restrict child care centre in proximity to existing child care centres.</p> <p>Council’s Traffic Officer has raised concerns in relation to traffic and parking as detailed in this report.</p>
<p>Safety and Security</p>	<p>Noted.</p>

Proposed undercroft parking will have limited surveillance at night – Will invite graffiti, vandalism and anti-social behaviour.	
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Attachment 2: Child Care Guideline

3. Matters for consideration

<i>Requirement</i>	<i>Comment</i>	<i>Compliance</i>
3.1 Site selection and location		
<p><i>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</i></p> <p>C1: For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity. <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> • potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • the potential impact of the facility on the viability of existing commercial or industrial uses. 	<p>The site is located adjacent to residential properties on all boundaries.</p> <p>A large number of submissions have been received with concerns raised in regards to amenity.</p> <p>The height and siting of the proposal is not considered appropriate in the residential context. The proposal would result in overlooking to the neighbouring properties. Minimal landscaping is provided along site boundaries to screen the development from view from neighbouring properties and minimise overlooking.</p> <p>Council’s Environment Officer has assessed the Acoustic Report and is satisfied. Provided the recommended mitigation measures are implemented the proposal will meet the acceptable noise level requirements.</p> <p>Council’s Traffic Officer has requested additional information on traffic matters. It is likely the proposal will result in significant additional traffic which will have an adverse impact on the amenity of residents at No. 42 Hopetoun Street. The Traffic Report estimates the child care centre will generate nearly 100 trips each peak. This is likely to have a cumulative impact on top of vehicle trips associated with the existing Medical Centre.</p> <p>The site is in proximity to uses which are considered incompatible – automotive repairs business, Medical Centre, group home and low density residential properties.</p>	<p>No</p>

	<p>Insufficient information has been submitted on traffic matters.</p> <p>No concerns as relates to economic impact. It is noted there are several other child care centres in Woonona however the SEPP does not restrict a child care centre in proximity to existing centres.</p>	
<p>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use</p> <p>C2: When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	<p>The proposal is not considered compatible with the surrounding uses which are predominately residential.</p> <p>The site is located in a medium and high flood risk precinct and a child care centre is a critical utility and is unsuitable for the medium and high flood precinct.</p> <p>No concerns - See SEPP 55.</p> <p>The site is not considered suitable for the proposed scale of the development for the following reasons:</p> <ul style="list-style-type: none"> • The site is irregular shaped and the proposed child care centre is accessed via an existing driveway that narrows to single lane only. Insufficient information has been submitted to demonstrate adequate pedestrian and vehicular access has been provided. • The site has no street frontage and therefore no passive surveillance. • The site shares a number of boundaries with residential properties and two heritage items. The scale of the proposal is 	<p>No</p>

<ul style="list-style-type: none"> • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>considered inappropriate in the context.</p> <ul style="list-style-type: none"> • The site is flood affected which has resulted in an elevated design with undercroft parking and a large child care centre over two levels above resulting in three storey development which does not comply with two storey height limit in Woonona TC and is out of character with the area. <p>Insufficient information has been submitted on traffic matters.</p> <p>The proposal is adjacent to a Medical Centre that treats some patients with drug and alcohol dependence. This has not been addressed.</p>	
<p><i>Objective: To ensure that sites for child care facilities are appropriately located</i></p> <p>C3:</p> <p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The proposal is not located adjacent to any compatible uses.</p> <p>The proposal is located with a business zone with access to public transport (buses).</p> <p>The site is located within walking distance to Woonona and Bulli Town Centres.</p>	<p>No</p>

Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards

C4:

A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- proximity to: - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses

The site is located in proximity to an automotive repairs business. This has not been addressed in the application.

3.2 Local character, streetscape and the public domain interface

Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape

C5: The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that respond to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity

The proposal is not considered to have been designed in character with the locality and existing streetscape. The height and elevated design with undercroft parking towers over the adjacent one and two storey residential properties and would be highly visible from the surrounding properties. The proposal be highly visible as a backdrop of the two adjoining heritage items.

No

The proposal does not reflect the built form of the surrounding low density residential area.

The built form, scale, materials and colours are considered out of character with the area.

The proposal does not provide sufficient opportunity to screen the proposal from neighbouring properties or to screen the backdrop of the heritage items.

<ul style="list-style-type: none"> integrate car parking into the building and site landscaping design in residential areas 		
<p>Objective: To ensure clear delineation between the child care facility and public spaces</p> <p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing. <p>C7: On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p> <p>C8: Where development adjoins public parks, open space or bushland...</p>	<p>No details have been provided on fencing.</p> <p>Infill site – No street frontage limits opportunity for passive surveillance to street.</p> <p>Existing fencing and landscaping to remain.</p> <p>Noted.</p> <p>Not applicable.</p>	<p>No</p>
<p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>3.3 Building orientation, envelope and design</p>		
<p>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p> <p>C11: Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <p>- facing doors and windows away from private open space, living rooms and</p>	<p>The design does not afford visual privacy or minimise overlooking to adjoining residential properties. The building is likely to be highly visible from adjoining properties. There are side facing windows and play areas only setback 3m</p>	<p>No</p>

<p>bedrooms in adjoining residential properties</p> <ul style="list-style-type: none"> - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>from the boundary which would overlook adjoining properties.</p> <p>No concerns are raised in regards to noise as Council's Environment Officer is satisfied with the submitted Acoustic Report.</p> <p>The design does maximise solar access to all internal play areas.</p> <p>The proposal would overshadow the southern neighbouring properties at all times of day in mid winter as shown in the submitted shadow diagrams. See Attachment 3.</p> <p>The outdoor play area is located on a rooftop. 1.5m high fences are proposed which may provide some protection however there is limited outdoor area provided that would be protected in inclement weather and as a result children would only have the opportunity to play indoors. There is opportunity to provide café blinds to the roofed portion of the outdoor area so that a portion of the outdoor area can still be utilised in inclement weather.</p>	
<p><i>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised</i></p> <p>C12: The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance 	<p>Three storey height is inconsistent with surrounding properties and does not respond to the character of the area. The proposal does not comply with two storey height limit in Woonona TC.</p> <p>Setbacks are considered insufficient for a residential area.</p>	<p>No</p> <p>No</p>

<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</p> <p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p> <p>C14: On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>Not applicable. No street frontage.</p>	<p>N/A</p>
<p>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character</p> <p>C15: The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	<p>The proposal does not respond to character of the surrounding low density residential area and is unsympathetic to the adjoining heritage buildings.</p> <p>Proposed landscaping is insufficient.</p>	<p>No</p>
<p>Objective: To ensure that buildings are designed to create safe environments for all users</p>		

<p>C16: Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The proposal has more than one point of entry – from ground floor carpark and first floor carpark. The reception is provided on Level 1.</p> <p>The layout may create some confusion for patients and visitors of the Medical Centre building and result in patients and visitors having to traverse the site from the new carpark to the Medical Centre building. Issues have been raised in submissions as well as Council’s Traffic Officer and Landscape Officer in regard to the safety of the pedestrian paths and vehicular access particularly at the pinchpoint between the Medical Centre and proposed child care centre buildings.</p>	No
<p><i>Objective: To ensure that child care facilities are designed to be accessible by all potential users</i></p>	<p>No concerns are raised in relation to accessibility. The proposal is designed with a ramp and lift access from the carpark to main reception and each subsequent floor.</p>	Yes
<p>C17: Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>The multi-storey design is not considered ideal for a child care centre.</p>	No

<p><u>3.4 Landscaping</u></p> <p>Objective: To provide landscape design that contributes to the streetscape and amenity</p> <p>C18:Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. <p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas 	<p>There is inadequate landscaping proposed along the boundary. Council’s Landscape Officer has assessed the proposal and is not satisfied.</p>	<p>No</p>
<p><u>3.5 Visual and acoustic privacy</u></p> <p>Objective: To protect the privacy and security of children attending the facility</p> <p>C20:Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces. C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>There is concern that the spaces below the childcare centre could become unsafe at night, due to the reduced visibility of the area. While the existing carpark is passively observed from nearby residents, the proposed centre severely obscures views of this area, provide multiple areas for concealment in contrast to CPTED principles.</p>	<p>No</p>

	<p>There are no overlooking concerns into the proposed centre.</p>	
<p>Objective: To minimise impacts on privacy of adjoining properties</p> <p>C22: Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>The site adjoins residential properties on the northern and southern sides. The proposal is considered to have inadequate setbacks to the boundaries to residential properties. The proposal has minimal screening to boundaries.</p> <p>Southern side:</p> <p>The south facing carpark is likely to overlook neighbouring properties on the southern side. Windows on upper level is less likely to result in adverse privacy impacts to neighbouring properties on the southern side as Level 1 is elevated approximately 5m above the adjoining properties. Ground levels in the adjacent residential properties to the south are at RL 25-26m and Level 1 is located at RL31.1.</p> <p>Northern side:</p> <p>The site adjoins a residential facility on the northern side. The building is setback only 2m in part and increases in setback to approximately 6m towards the rear. The 2m setback is considered insufficient to protect residential amenity.</p>	<p>No</p>
<p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments</p> <p>C23: A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property 	<p>Council's Environment Officer has assessed the submitted Acoustic Report and not raised any concerns.</p>	<p>Satisfactory</p>

<p>contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</p> <ul style="list-style-type: none"> • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 		
<p><u>3.6 Noise and air pollution</u></p>		
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels</p> <p>C25: Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>The proposal is located within close proximity (within 56m) to the Princes Highway however it is separated by existing buildings to the west at 329-331 Princes Highway. The building has been designed with outdoor play areas and major openings oriented east away from the noise and air pollution source. Council’s Environment Officer has not raised any concerns as it is considered there is sufficient buffer distance and the play areas are oriented east away from the source of air pollution.</p>	<p>Satisfactory</p>
<p>C26:An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 	<p>Not applicable</p>	<p>N/A</p>

<ul style="list-style-type: none"> • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 		
<p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C27: Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>C28: A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	<p>As above.</p> <p>It would be preferable for landscaping to be provided between the western boundary and the proposal to act as a filter for air pollution and provide a screen to the main road beyond.</p>	<p>Satisfactory</p>
<p><u>3.7 Hours of operation</u></p>		
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments</p> <p>C29: Hours of operation within areas where the predominant land use is</p>	<p>Hours of operation in a residential should be limited to 7am to 7pm.</p>	<p>Yes</p>

<p>residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>C30: Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>Proposed hours of operation Monday to Friday 7am to 6pm is considered satisfactory.</p>	
<p><u>3.8 Traffic, parking and pedestrian circulation</u></p>		
<p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre</p>	<p>C31: Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the rates specified in Clause 31.</p> <p>C32:</p> <p>In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p> <p>C33:</p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	<p>No</p>
	<p>The proposal does not meet minimum access and parking requirements - See Chapter E3.</p> <p>The proposal does not intend to utilise on street parking however the proposal has a shortfall of parking and therefore the proposal is likely to result in overspill onto the street. It is noted on street parking in Hopetoun Street is limited.</p> <p>A Traffic and Parking Study was submitted however the surveys were undertaken during Covid and therefore may not be an accurate representation of existing traffic conditions. Council's Traffic Officer has requested additional information.</p> <p>Submissions received raised concerns regarding traffic and parking.</p>	<p>No</p>

Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows

C34: Alternate Vehicular access should be provided where child care facilities are on sites fronting:

- a classified road
- roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to:
- the prevailing traffic conditions
- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic.

C35:

Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.

Objective: To provide a safe and connected environment for pedestrians both on and around the site

C36:

The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings included within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre

The proposal does not propose access onto a classified road.

Yes

Not applicable.

N/A

Insufficient detail is provided in regards to pedestrian access between the Medical Centre and carpark in the undercroft of the proposed Child Care Centre. Council's Landscape Officer has raised issues with the lack of separate / defined pedestrian access.

No

Existing pedestrian access currently encroaches onto the adjoining property 329-331 Princes Highway (heritage listed Court House and Police Station) as shown in the excerpt from the aerial photo below. A submission has been received from the neighbouring property objecting to any encroachment as part of the current proposal.

entrance physically separated from any truck circulation or parking areas

- vehicles can enter and leave the site in a forward direction. C37 Mixed use developments should include:

- driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks

- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site

- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

C38:

Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance and play areas

- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards

- include wheelchair and pram accessible parking.

The driveway narrows in to a pinchpoint as it enters the portion of the site proposed for the child care centre. Insufficient details have been provided to demonstrate there is adequate width available to ensure separate vehicular and pedestrian access can be provided between the carpark and Medical Centre.



The carpark is designed to ensure vehicles can enter and exit in a forward direction.

The majority of the car spaces dedicated to the visitors of the child care centre are located in close proximity to the entrance to the child care centre on Level 1. However 10 spaces allocated to child care visitors are located on the ground level and would require lift access to the entrance on Level 1. It would be more appropriate for child care centre staff parking located on Level 1 to be relocated on ground level and provide all child care centre visitor parking on Level 1. If the visitor spaces on Level 1 are taken there is a turning bay provided however it would result in visitors reversing / turning in close proximity to the entrance of the centre which would pose a safety issue for parents and children entering and exiting the centre.



4. Applying the National Regulations to development proposals

4.1 Indoor space requirements

Minimum of 3.25m² of unencumbered indoor space per child.

Play room	Req.	Proposed	Yes
1	14 x 3.25 = 45.6sqm	45.6sqm	
2	13 x 3.25 = 44.65sqm	44.65sqm	
3	15 x 3.25 = 50.89sqm	50.89sqm	
4	15 x 3.25 = 50.89sqm	48.89sqm	
5	25 x 3.25 = 81.25sqm	84.92sqm	
6	35 x 3.25 = 113.75sqm	115.02sqm	

4.2 Laundry and hygiene facilities

Laundry required.

A laundry is provided as required.

Yes

<p><u>4.3 Toilet and hygiene facilities</u></p>		
<p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p>	<p>No concerns are raised.</p>	<p>Satisfactory</p>
<p><u>4.4 Ventilation and natural light</u></p>		
<p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p>	<p>The ceiling heights are low, and the proposed playrooms are not proportional to the 2.5 x ceiling height as suggested within the Child Care Planning Guideline (Regulation 110). Currently ceiling height is approximately 2.6-2.7m (when structural elements and room for servicing is removed from the floor to floor level of 3m). This would allow for a room depth of maximum 6.5-6.75m from a window. Playroom 5 has a depth of approximately 12.75m, almost twice this depth, while Playrooms 2 and 4 reach depths of approximately 11m. This combined with the awkward orientation of the site drastically reduces solar access to the internal areas during winter, solely relying on artificial lighting which is discouraged in the Child Care Planning Guideline.</p> <p>While Solar Access diagrams have not been provided, the development has not been oriented with playroom and outdoor areas facing north, significantly impacting their ability to gain solar access. Additionally, Playrooms 1 and 2, and their associated outdoor area, are likely to receive almost no solar access due to their wholly covered area, proposed vine planting, and close siting to the fence. This is in contrast to the</p>	<p>No</p>

	30% solar access requirement for these areas.	
<u>4.5 Administrative space</u>		
Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	There is a Mangers room and staff room that would provided for the operations of the Centre however there is no room provided that would be suitable for meeting with parents/carers.	No
<u>4.6 Nappy change facilities</u>		
Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.	No concerns are raised.	Satisfactory
<u>4.7 Premises designed to facilitate supervision</u>		
Regulation 115 Education and Care Services National Regulations A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.	No concerns are raised.	Satisfactory
<u>4.8 Emergency and evacuation procedures</u>		
Regulations 97 and 168 Education and Care Services National Regulations	An Emergency and Evacuation Plan was submitted with the application. The applicant has stated that an Operational	Yes

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service.

Management Plan would be submitted prior to CC. The Emergency and Evacuation Plan is generally satisfactory however the site is flood affected and the application has not addressed evacuation during a flood event. A child care centre is a critical utility. Council's Stormwater Engineer has raised significant concerns in regards to the lack of reliable access during a flood event which would impede the ability to evacuate the centre safely.

4.9 Outdoor space requirements

Minimum 7sqm per child.

Age	Req.	Proposed
0-2 yrs	27 x 7 = 189sqm	190sqm complies
3-5 yrs	75 x 7 = 525sqm	643sqm complies

Yes

4.10 Natural environment

Regulation 113 Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment

The outdoor play areas are located on a rooftop setting however they have been designed to replicate natural play environment with the use of artificial turf, sand, vege gardens, creekbed. Council's Landscape Officer has assessed the proposal and did not raise any issues with the outdoor play areas.

Yes

4.11 Shade

Regulation 114 Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun

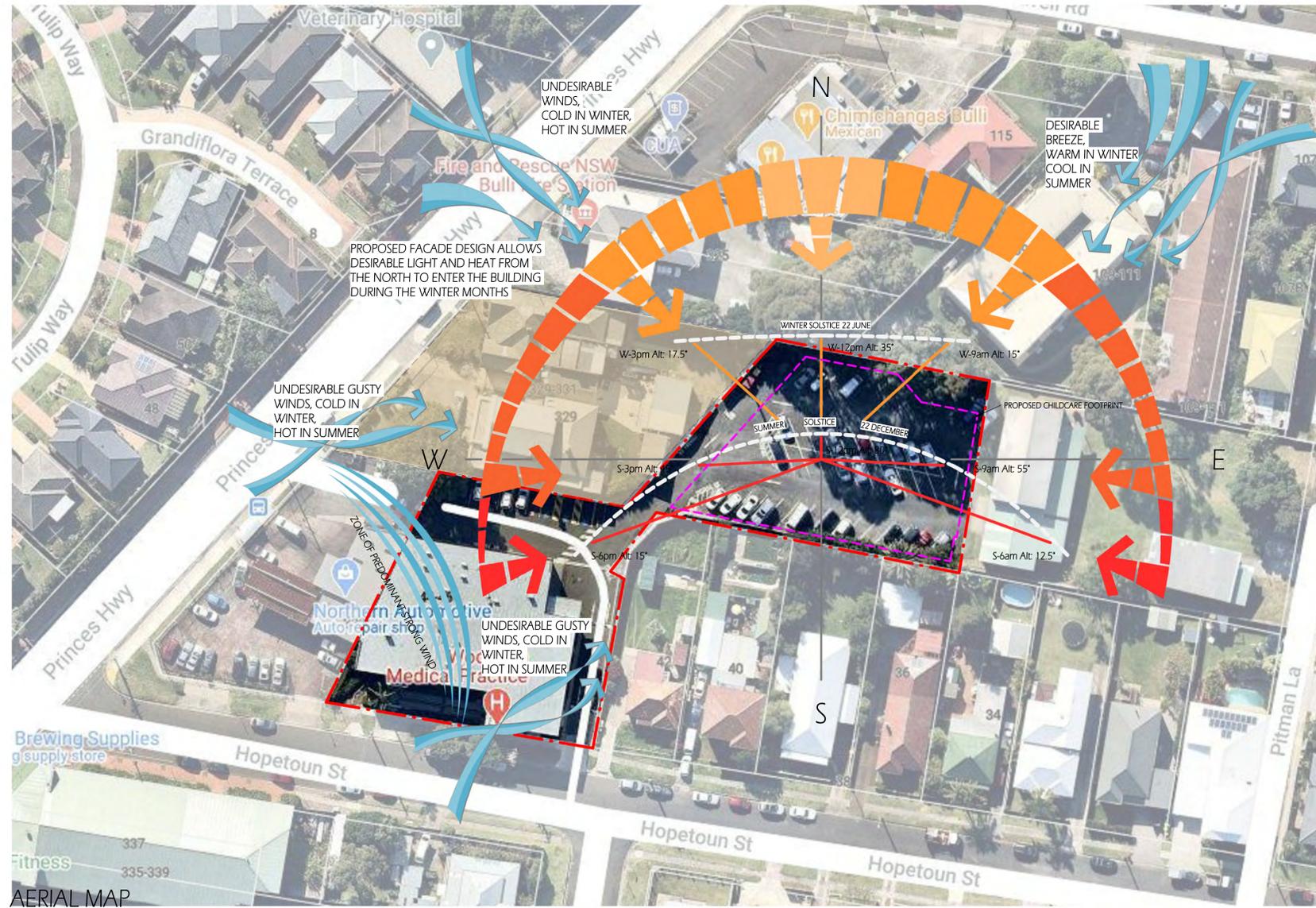
Outdoor areas are provided with strategically placed shade sails to protect children from the sun.

Yes

4.12 Fencing

Regulation 104 Education and Care Services National Regulations

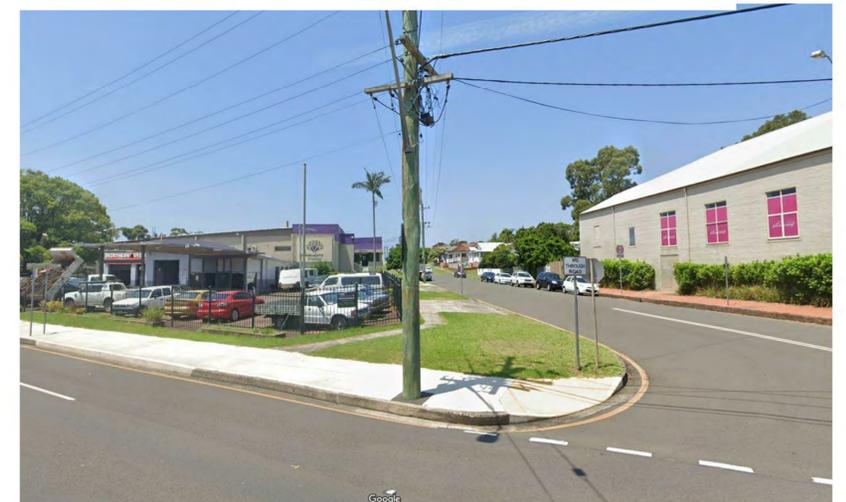
<p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p>	<p>The outdoor play areas are provided with a 1.5m high fence which is considered satisfactory.</p>	<p>Yes</p>
<p><u>4.13 Soil assessment</u></p>		
<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>No concerns – see SEPP 55.</p>	<p>Yes</p>



46 - 48 HOPETOUN ST



46 - 48 HOPETOUN ST



CORNER OF PRINCES HWY AND HOPETOUN ST

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2 Rowe Street
Eastwood, NSW 2122
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PROJECT STATUS:

Development Application

Rustom Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT NAME

Proposed Childcare Development

44-46 HOPETOUN STREET
WOONONA, NSW 2517

LGA:

SHEET TITLE:

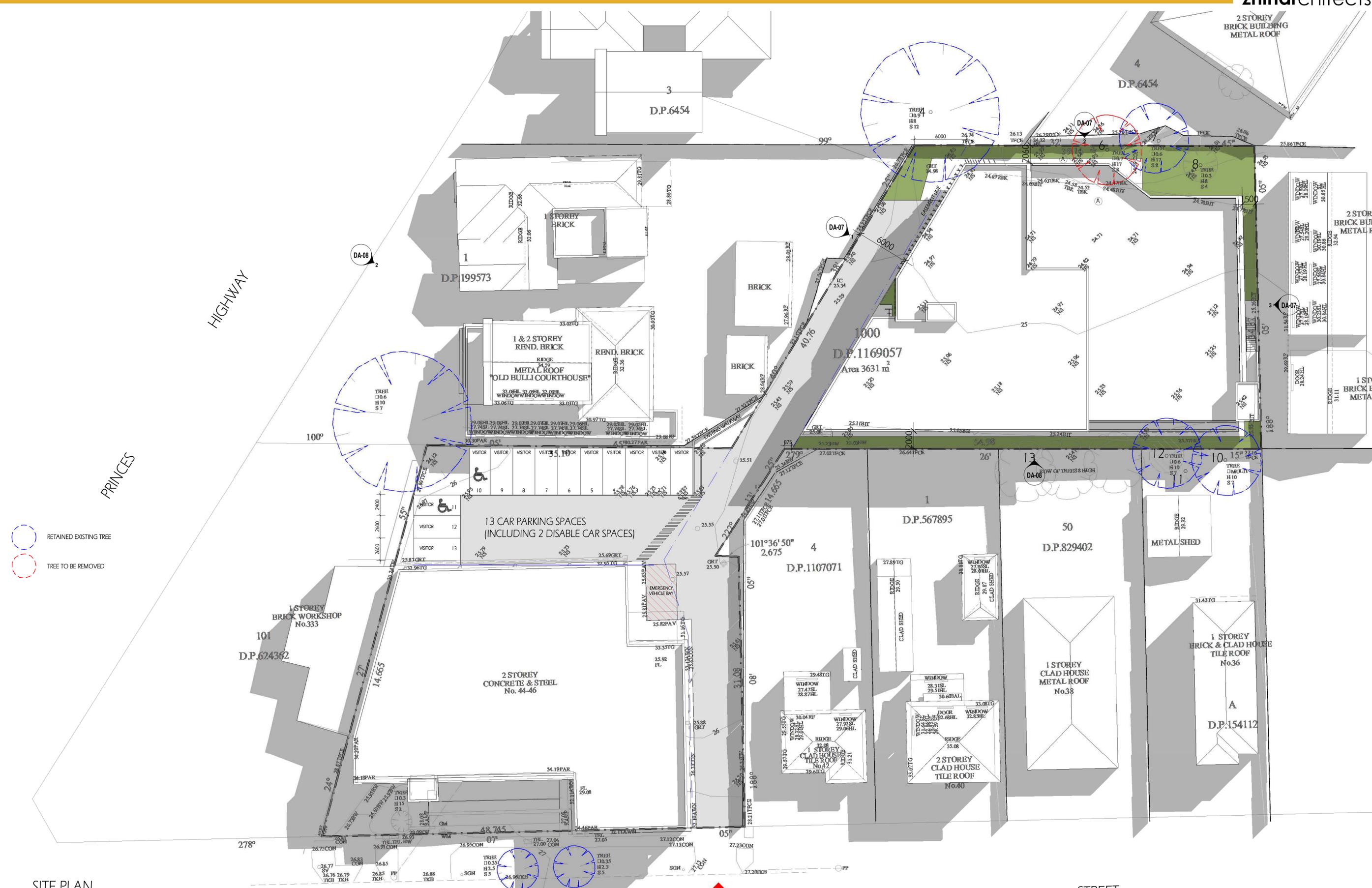
SITE ANALYSIS

As indicated @ A1 sheet
SCALE

8696 DA-02
JOB No. DRAWING No.

A
ISSUE

HIGHWAY
PRINCES



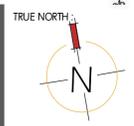
SITE PLAN
1 : 200 @ A1 sheet
1 : 400 @ A3 sheet

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PROJECT STATUS :
Development Application

Rustom Wee Chung Kudnar-Kwee (reg. 4570) : Nominated Architect

HOPETOUN STREET

PROJECT NAME
Proposed Childcare Development

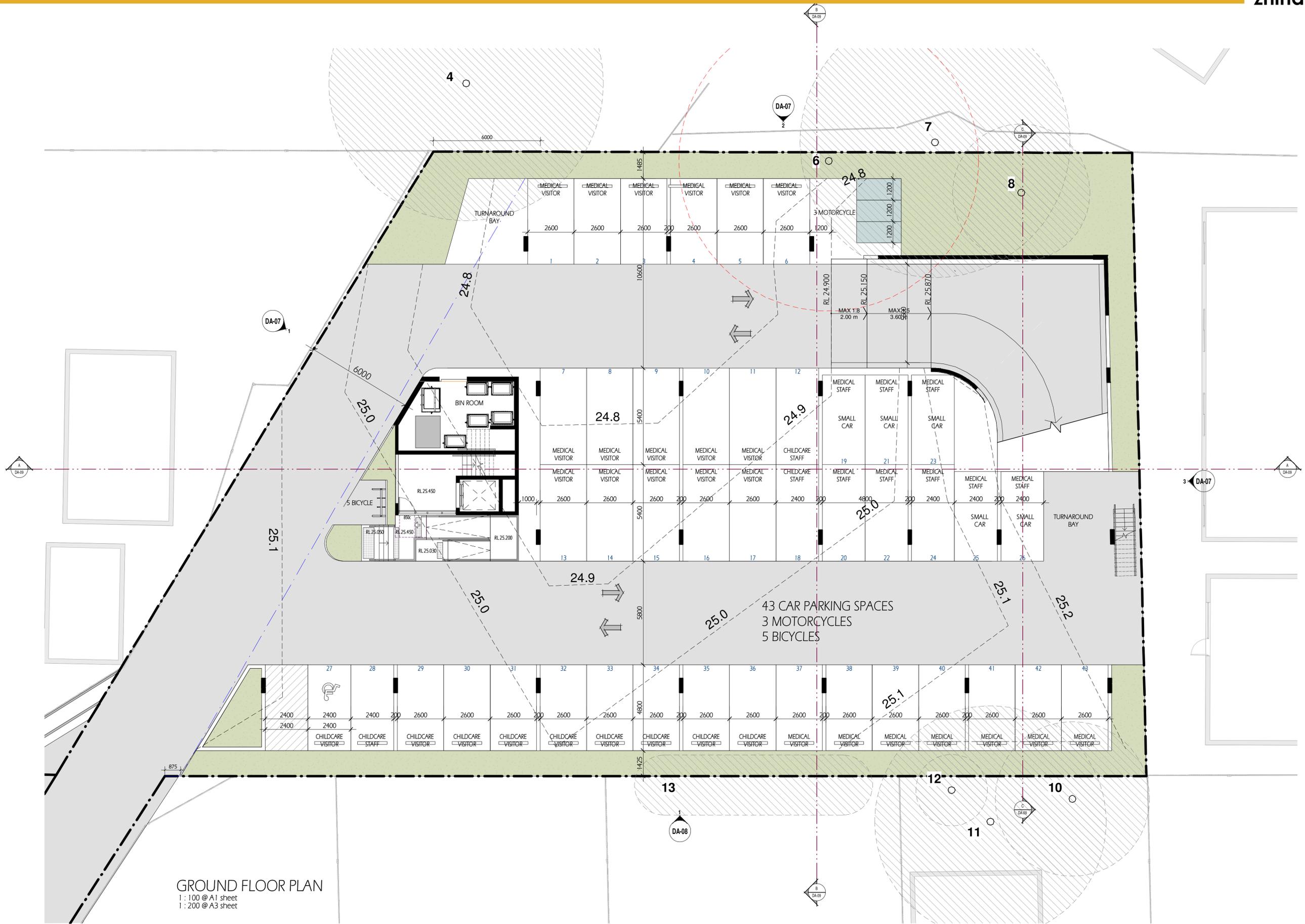
44-46 HOPETOUN STREET
WOONONA, NSW 2517

LGA :

SHEET TITLE
SITE PLAN

As indicated @ A1 sheet
SCALE
8696 DA-03
JOB No. DRAWING No.

A
ISSUE

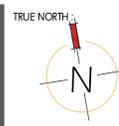


GROUND FLOOR PLAN
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet

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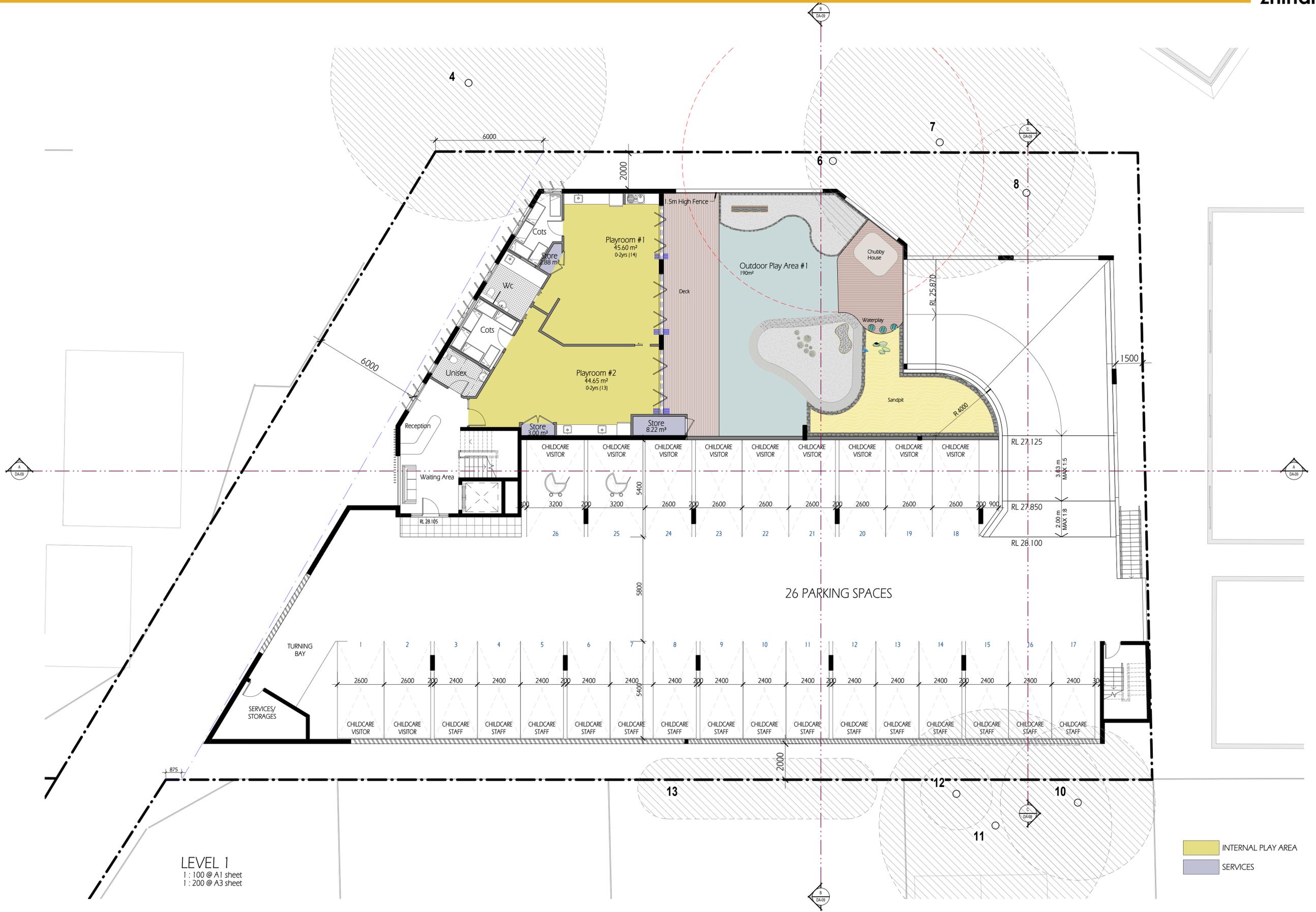


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PROJECT STATUS:
 Development Application

PROJECT NAME:
 Proposed Childcare Development
 44-46 HOPETOUN STREET
 WOONONA, NSW 2517
 LGA:

SHEET TITLE:
 GROUND FLOOR PLAN
 1 : 100 @ A1 sheet
 SCALE
 8696 DA-04
 JOB No. DRAWING No.
 ISSUE

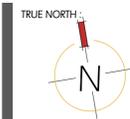


LEVEL 1
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet

INTERNAL PLAY AREA
 SERVICES

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PROJECT STATUS:
 Development Application

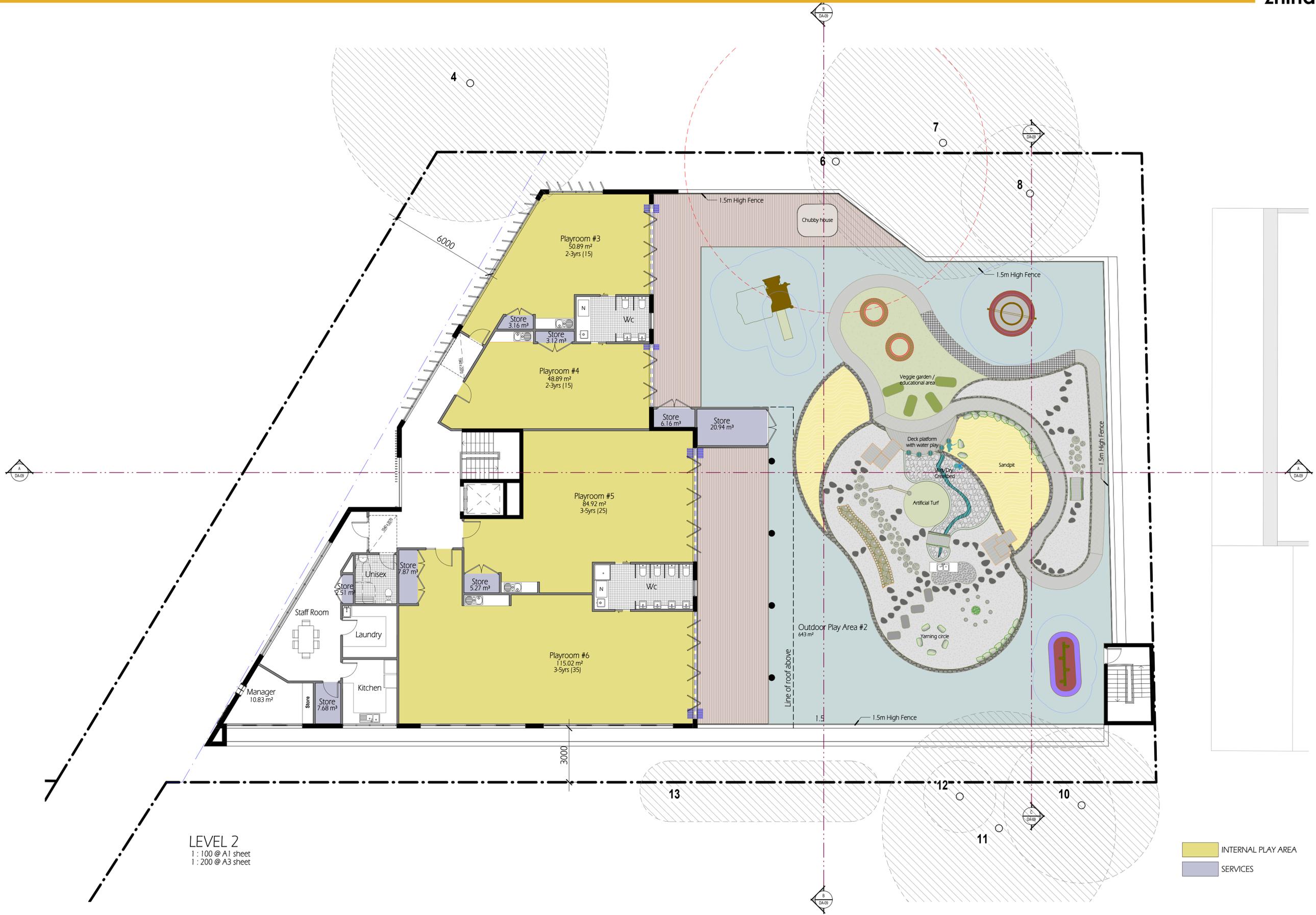
Rustum Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT NAME
 Proposed Childcare Development
 44-46 HOPETOUN STREET
 WOONONA, NSW 2517
 L.G.A.:

SHEET TITLE:
 LEVEL 1

1 : 100 @ A1 sheet
 SCALE
 8696
 JOB No. DA-05
 DRAWING No.

A
 ISSUE



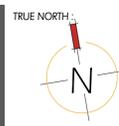
LEVEL 2
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet

INTERNAL PLAY AREA
 SERVICES

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Rustom Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT NAME:
 Proposed Childcare Development
 44-46 HOPETOUN STREET
 WOONONA, NSW 2517
 LGA:

SHEET TITLE:
 LEVEL 2

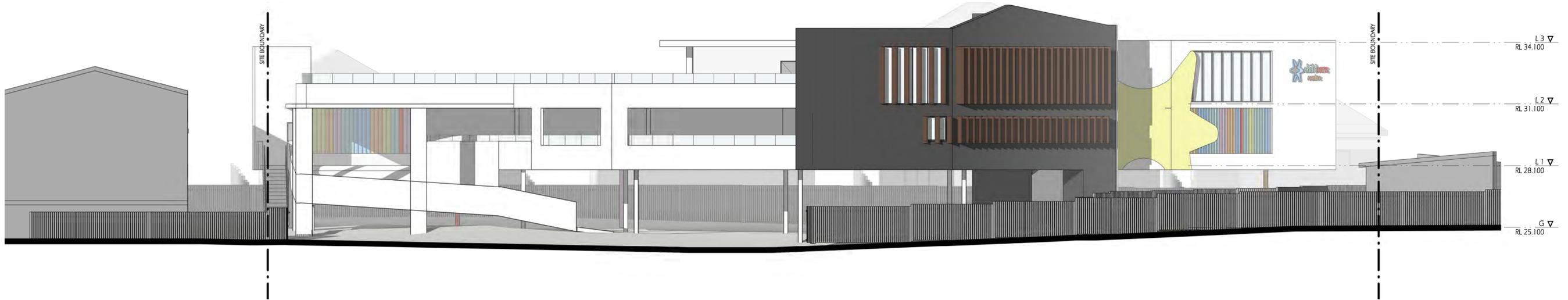
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 JOB No. DA-06
 DRAWING No.

A
 ISSUE



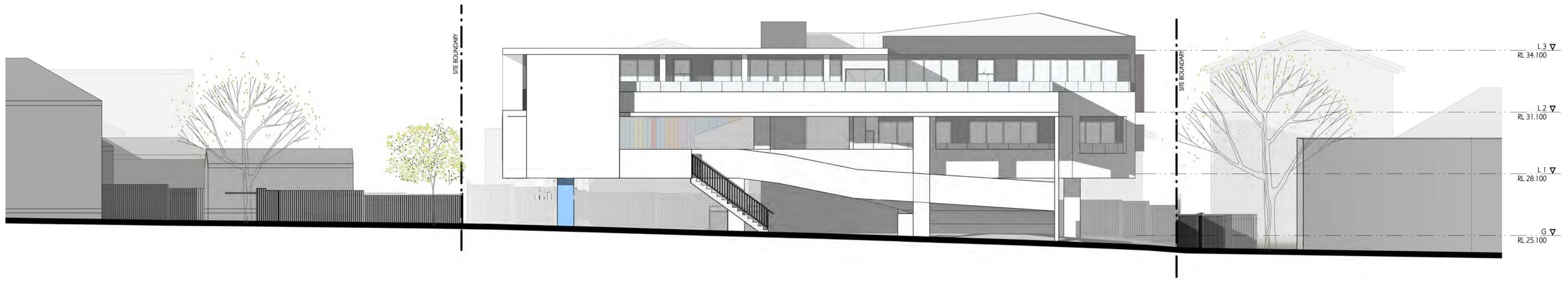
North East Elevation

1 : 100 @ A1 sheet
1 : 200 @ A3 sheet



North West Elevation

1 : 100 @ A1 sheet
1 : 200 @ A3 sheet



East Elevation

1 : 100 @ A1 sheet
1 : 200 @ A3 sheet

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Rustom Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT NAME
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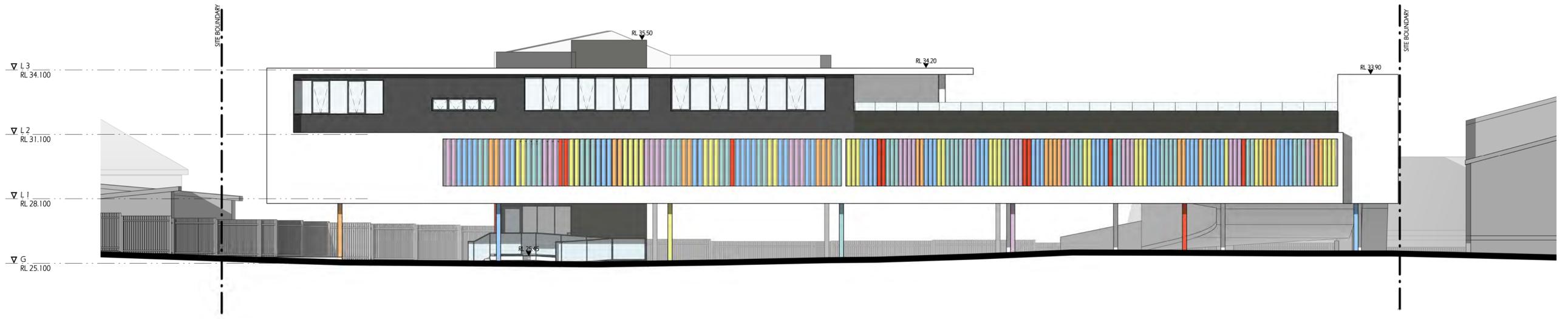
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WOONONA, NSW 2517

LGA:

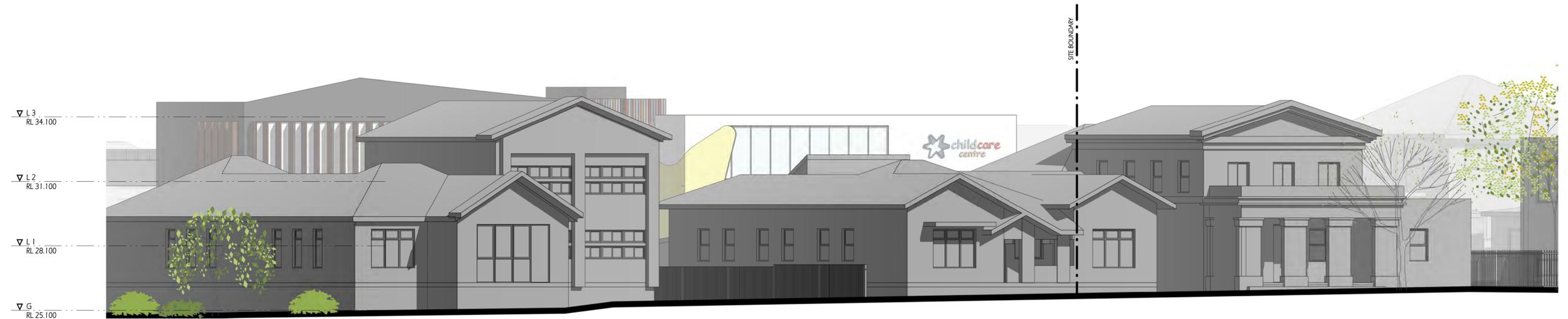
SHEET TITLE:
ELEVATION

1 : 100 @ A1 sheet
SCALE
8696
JOB No. DA-07
DRAWING No.

A
ISSUE



South Elevation
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet



View from Princes Highway
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet

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Rustom Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT NAME

Proposed Childcare Development

44-46 HOPETOUN STREET
 WOONONA, NSW 2517

LGA:

SHEET TITLE:

ELEVATION

1 : 100 @ A1 sheet

SCALE

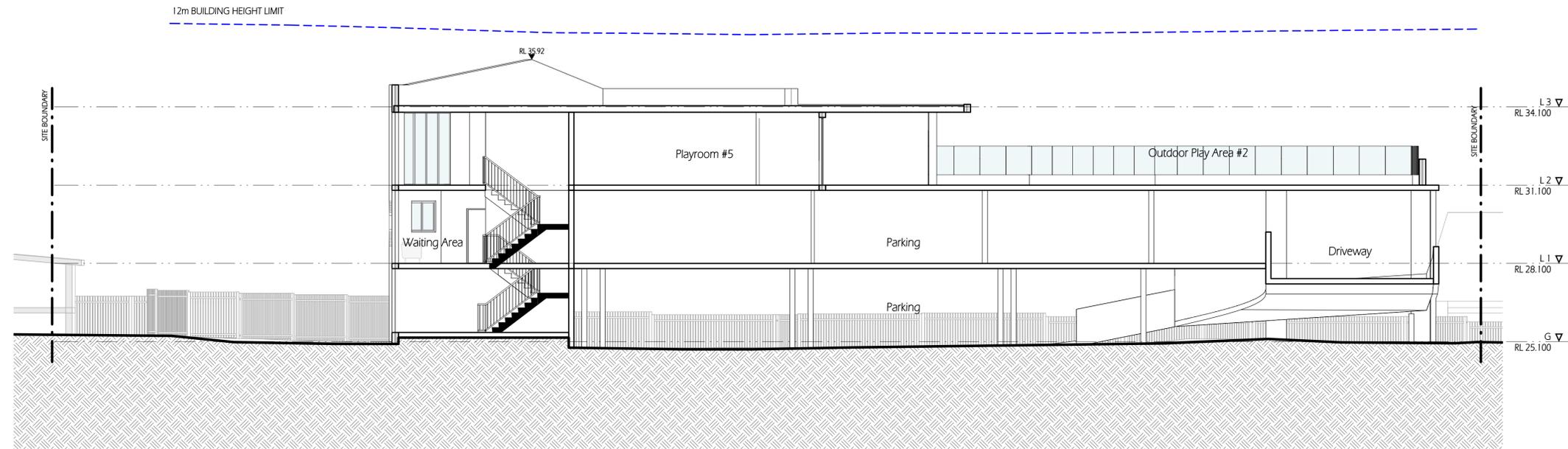
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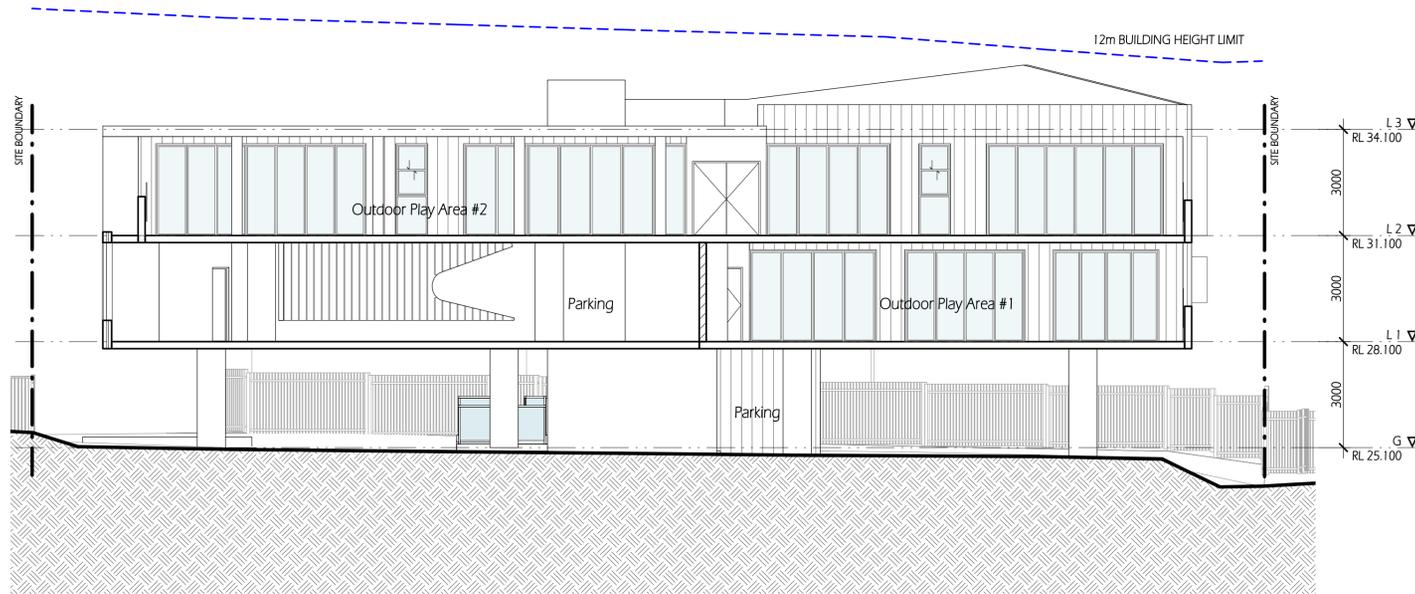
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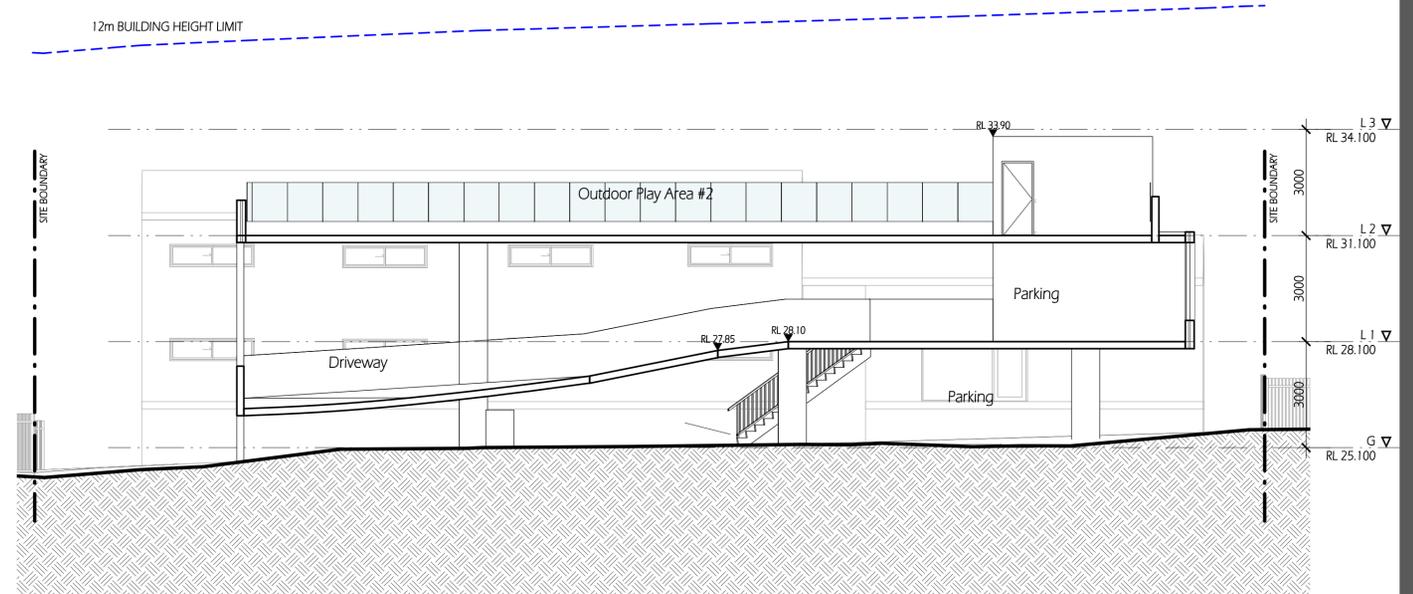
A
 ISSUE



SECTION A
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet



SECTION B
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet



SECTION C
 1 : 100 @ A1 sheet
 1 : 200 @ A3 sheet

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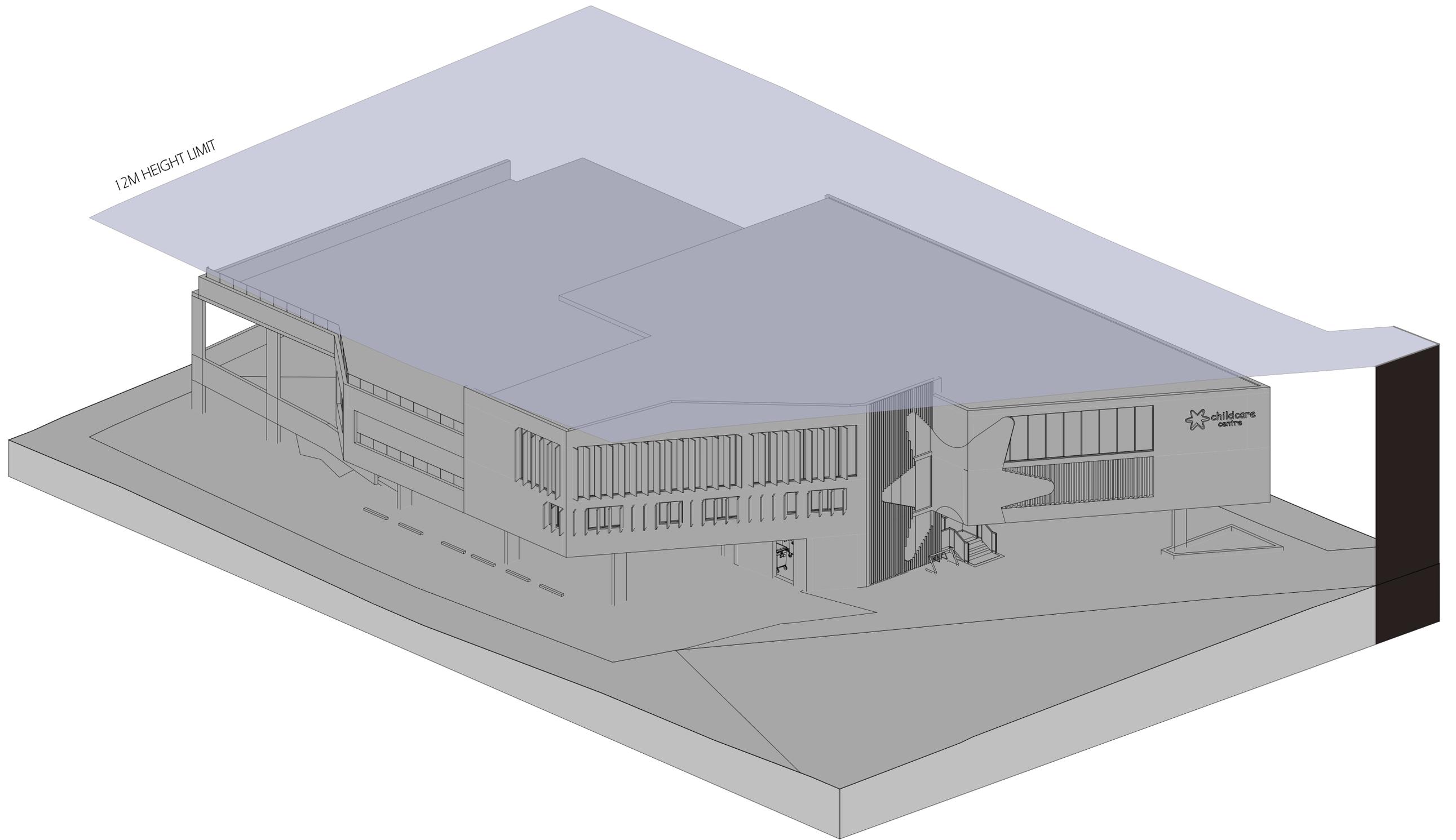
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LGA:

SHEET TITLE:
 SECTION

1 : 100 @ A1 sheet
 SCALE
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 JOB No. DRAWING No.

A
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1.2M HEIGHT LIMIT

childcare centre

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PROJECT NAME

Proposed Childcare Development

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SHEET TITLE:

HEIGHT LIMIT

@ A1 sheet

SCALE

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JOB No.

DA-11

DRAWING No.

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1	15/02/2021	V/S/M	AM

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Rustom Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT STATUS:

Development Application

PROJECT NAME

Proposed Childcare Development

44-46 HOPETOUN STREET
WOONONA, NSW 2517

LGA:

SHEET TITLE:

PERSPECTIVE

1 : 50 @ A1 sheet

SCALE

8696

JOB No.

DA-13

DRAWING No.

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ISSUE



VIEW FROM PRINCES HIGHWAY



VIEW FROM PRINCES HIGHWAY

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PROJECT NAME
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WOONONA, NSW 2517

LGA:

SHEET TITLE
PERSPECTIVE

1 : 100 @ A1 sheet

SCALE
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JOB No. DRAWING No.

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ISSUE



AERIAL VIEW

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WOONONA, NSW 2517

LGA:

SHEET TITLE:

PERSPECTIVE

@ A1 sheet

SCALE

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JOB No.

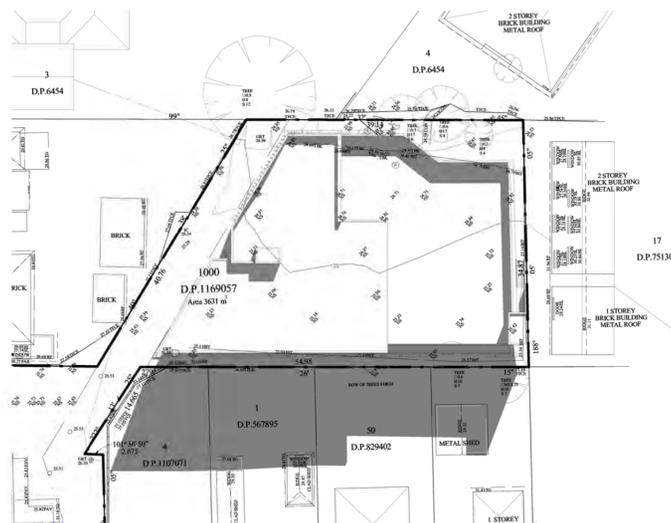
DA-15

DRAWING No.

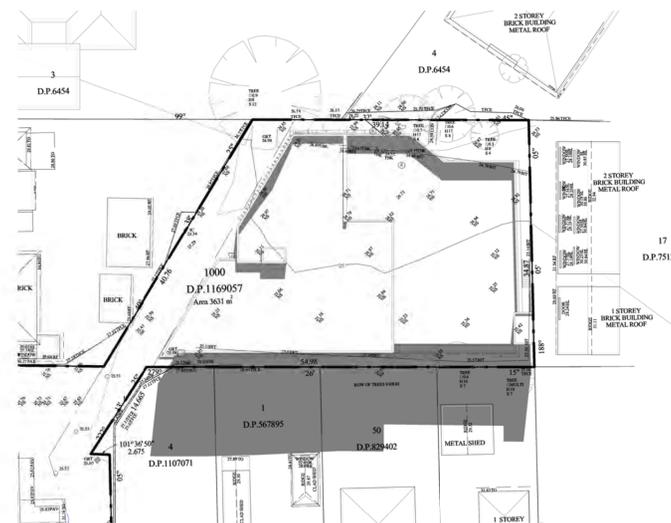
A
ISSUE



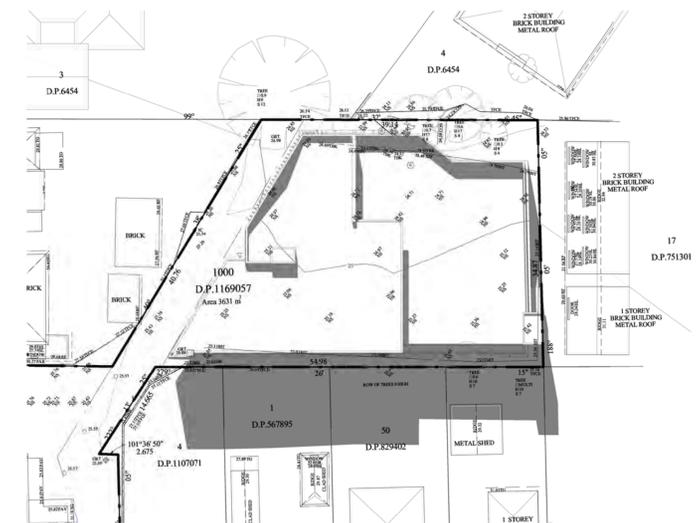
Shadow Diagram 22 June 9 am



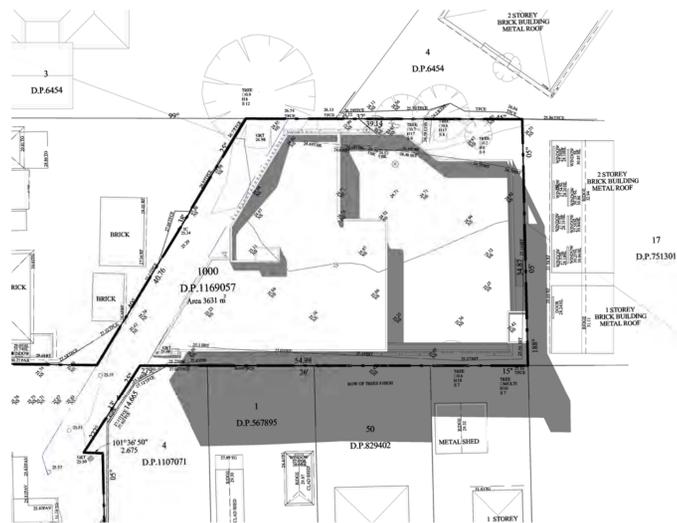
Shadow Diagram 22 June 10 am



Shadow Diagram 22 June 11 am



Shadow Diagram 22 June 12 pm



Shadow Diagram 22 June 1 pm



Shadow Diagram 22 June 2 pm



Shadow Diagram 22 June 3 pm

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ISSUE	AMENDMENT	DATE	DRAWN	CHECK
2	FOR DA SUBMISSION	03/03/2021	V/S/M	AM
2	FOR FINAL COORDINATION	19/02/2021	V/S/M	AM
1	FOR REVIEW	15/02/2021	V/S/M	AM

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Zhin Architects Pty Ltd
 Suite 1, Level 2
 2 Rowe Street
 Eastwood NSW 2122
 +61 2 8993 8888 /p
 +61 2 8993 8833 /f
 www.zhinarch.com.au /w
 28 495 869 790 /abn

PROJECT STATUS:
 Development Application

Rustum Wee Chung Kudinar-Kwee (reg. 4570) : Nominated Architect

PROJECT NAME
 Proposed Childcare Development
 44-46 HOPETOUN STREET
 WOONONA, NSW 2517
 LGA:

SHEET TITLE:
 SHADOW DIAGRAM
 1 : 500 @ A1 sheet
 SCALE
 8696 DA-10
 JOB No. DRAWING No.
 A ISSUE