



DATE OF DETERMINATION	Wednesday 7 December 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Louise Camenzuli, Paul Stein, Steve Kennedy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Manly Council Chambers on Wednesday 7 December 2016, opened at 1.30 pm and closed at 5.00 pm.

MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)

2016SYE096 – Northern Beaches – DA47/2016 at 239 Pittwater Road Manly

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The Panel has read the assessment report which recommends approval of the application, as well as listened to the concerns of objectors. Those concerns relate to the size of the proposed building, and traffic, parking and acoustic impacts that are likely to result from such a large building catering for 194 children.






The Panel notes that the maximum floor space ratio for the site is 0.6:1 and that the assessment report considers that the proposal complies with this. However, in the Panel's view, the building has a far bulkier appearance than would be expected from a building with a 0.6:1 FSR. The discrepancy is explained by the fact that the applicant has not counted outdoor play areas in the gross floor area, even when these have a roof over them and extend a long way from the outside wall or balustrade. In the Panel's view, this is not permissible and such areas should be counted in the gross floor area. If they were, and floor space ratio were kept at 0.6:1, the bulk of building would be reduced and with it also the number of children.

While many of the objectors said that the site is unsuitable for a childcare centre, the Panel does not accept that this is the case. However, any future application for a childcare centre should be for a smaller building, truly complying with the maximum floor space ratio and therefore catering for a smaller number of children. In so doing, the provision of car parking and drop off areas for parents should comply with the

RMS requirements. Whilst located on bus routes, the site is not close to alternate public transport such as trains and ferry and thus reliance on parking for both staff and parent drop off is considered to be higher than in other areas.

CONDITIONS

No applicable as application refused.

PANEL MEMBERS		
 John Roseth (Chair)	 Sue Francis	 Louise Camenzuli
 Paul Stein	 Steve Kennedy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE096 – Northern Beaches - DA47/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a three (3) level Child Care Centre for one hundred and ninety four (194) children with rooftop outdoor play area, parking for forty-two (42) car spaces, landscaping and operating from 7.00am to 6.00pm Monday to Friday (Amended Plans).
3	STREET ADDRESS	239 Pittwater Road, Manly
4	APPLICANT: OWNER:	YCW Family Trust & Wu & Ku Family Trust
5	TYPE OF REGIONAL DEVELOPMENT	Private Infrastructure and Community Facilities – Capital Investment Value >\$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 (Remediation of Land) State Environmental Planning Policy (Infrastructure) State Environmental Planning Policy BASIX Manly Local Environmental Plan 2013 (as amended) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Manly Development Control Plan 2013 (Amendment 8) Planning agreements: Nil Regulations: The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. The suitability of the site for the development. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report: 25 November 2016 Written submissions during public exhibition: 210 Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Support – Object – Priscilla Longley, David Wilson, Anna Stackpool, Trish Noakes, Guy Covely, Garth Campbell & Erica Lyle Marshall on behalf of Families for Manly, Rick Van der Velde, David Diamond, Anthony Long, Sue Bell, Ana Chrysiliou, Mark Leabeater, Nicolle Tessier, On behalf of the applicant – Andrew Harvey, Reece Hazell,
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Briefing Meetings: 2 November & 7 December 2016 Site Inspection: 7 December 2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	As per council assessment report