

<b>DATE OF DETERMINATION</b>	Wednesday 7 December 2016
<b>PANEL MEMBERS</b>	John Roseth (Chair), Louise Camenzuli, Paul Stein, Steve Kennedy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	During panel deliberations Sue Francis declared a non-pecuniary declaration of interest as it became apparent that an associate of hers wrote the Heritage Impact Statement. At this time Sue withdrew from deliberations and abstained from casting a vote on the application.

Public meeting held at Manly Council Chambers on Wednesday 7 December 2016, opened at 1.00 pm and closed at 5.00 pm.

**MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)**

2016SYE098 – Northern Beaches – DA112/2016 at 81-83 Griffiths Street and 46 Boyle Street Balgowlah

**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 approve 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 split 3 to 2 (John Roseth plus his casting vote and Paul Stein against Steve Kennedy and Louise Camenzuli).

**REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

The Panel has considered the planning assessment report, which recommends approval of the application catering for 147 children, as well as listened to the concerns of the objectors, who thought that such a large development would cause unacceptable impacts, in particular on traffic and parking in the area. Many of the objectors suggested that the site was unsuitable for a childcare centre. On the contrary, in the Panel's opinion, the location of the site opposite the school is fortunate as it would allow parents to bring very young as well as primary school children to the same place.

However, the Panel accepts the objectors' concern that the parking provided by the development is insufficient. Given that the site is unable to provide more than 27 parking spaces, the only solution is to reduce the number of children permitted by the consent. The majority of the Panel (Stein and Roseth as Panel Chair with casting vote) has therefore imposed a condition limiting the number of children to 120 (instead of 147). The rationale for this is that 120 children would require 20 staff (inclusive of administrative and cooking staff). Twenty staff would require 16 parking spaces, leaving 9 spaces for drop-off and pick-up of children.

The minority of the Panel (Steve Kennedy and Louise Camenzuli) voted to limit the number of children to 100 on the basis that this would require fewer parking spaces for staff, thus leaving more spaces for pick-up and drop-off. The majority considered that this would be an unreasonably harsh requirement.

The Panel also considered the objectors' view that the existing substation does not comply with current development standards. The Panel does not accept that this is a valid objection, since the substation is a heritage item and its adaptive re-use is in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition ANS08 to read:

*Mechanical plant situated on the premises must be acoustically treated to ensure noise emissions comply with the requirements of the 'Association of Australian Acoustical Consultants' (AAAC) issued 'Guideline for Child Care Acoustic Assessment (2010)' ('AAAC Guideline').*

*The Leq,15min noise level emitted from the cumulative noise impact of the children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5dB at the assessment location.*

- Amend Condition ANS12 to read:

*The proposal shall comply with Australian Standard AS1428.1 (2009) Design for Access and Mobility.*





- Amend Standard Condition 14 and to read:

*Council may require the owner or occupier of the premises to engage the services of a suitably qualified professional to undertake an acoustic assessment of the premises in the event concerns regarding the emission of 'offensive noise' are raised and/or justified by Council.*

- In condition ANS02, change from "147" to "120".

- Amend Condition ANS05 to read:

*This approval does not authorise the erection of any signage. A separate Development Application must be obtained for any proposed signs (other than exempt and complying under relevant State Planning Policies).*

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE098 – Northern Beaches – DA112/2016
2	PROPOSED DEVELOPMENT	Amended Plans - Demolition of the existing dwelling at 81 Griffiths Street and 46 Boyle Street, alterations and additions to the existing Electricity Sub-station for the use as a Child Care Centre to accommodate one hundred and forty-seven (147) children, twenty-seven (27) car parking spaces, operation hours from 7.00am to 6.00pm Monday to Friday, landscaping and the removal of five (5) trees.
3	STREET ADDRESS	81-83 Griffiths Street and 46 Boyle Street Balgowlah
4	APPLICANT: OWNER:	Giraffe Childcare Group Pty Ltd
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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Heritage Act 1977</li> <li>○ State Environmental Planning Policy No. 55 (Remediation of Land)</li> <li>○ State Environmental Planning Policy (Infrastructure)</li> <li>○ State Environmental Planning Policy BASIX</li> <li>○ Manly Local Environmental Plan 2013 (as amended)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Manly Development Control Plan 2013 (Amendment 8)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations:</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report: 25 November 2016 Written submissions during public exhibition: 71 Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>• Support –</li> <li>• Object – Christine Croft, David Warner, Cameron Smith, Lesley Sargeant, Neil Davis, Frances Thomas on behalf of Sarah Paul.</li> <li>• On behalf of the applicant – Andrew Daly</li> </ul>
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