



northern  
beaches  
council

**SYDNEY NORTH PLANNING PANEL  
SUPPLEMENTARY REPORT**

<b>Panel Reference</b>	2017SCH027
<b>DA Number</b>	DA2017/0097
<b>LGA</b>	Northern Beaches Council
<b>Proposed Development</b>	Demolition works and construction of a childcare centre
<b>Street Address</b>	Lot 3 DP 653642, 376 Pittwater Road NORTH MANLY NSW 2100 Lot 2 DP 653813, 374 Pittwater Road NORTH MANLY NSW 2100 Lot 1 DP 740129, 368 Pittwater Road NORTH MANLY NSW 2100
<b>Applicant/Owner</b>	Applicant: Kids Club Pty Ltd Owner: Mark Stewart Smash Repairs Pty Ltd & Edward William Thomas Weeks (Estate of the Late)
<b>Date of DA lodgement</b>	22 March 2017
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Private infrastructure and community facilities over \$5 million Total Cost of the Development is \$5,221,406.00
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Environmental Planning and Assessment Regulation 2000</li><li>• State Environmental Planning Policy No. 55 – Remediation of Land</li><li>• State Environmental Planning Policy No. 71 – Coastal Protection</li><li>• State Environmental Planning Policy – Infrastructure 2007</li><li>• Warringah Local Environmental Plan 2011</li><li>• Warringah Development Control Plan 2011</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Attachment 1: Draft Conditions of Consent</li><li>• Attachment 2: RMS Referral Response (dated 29 August 2017)</li></ul>
<b>Report by</b>	David Kerr – General Manager Planning, Place & Community
<b>Report date</b>	19 September 2017

## **Executive Summary**

The Sydney North Planning Panel considered an application (2017SCH027) for demolition works and construction of a childcare centre at 368 Pittwater Road, 374 Pittwater Road and 376 Pittwater Road, North Manly at its public meeting on Wednesday, 23 August 2017.

In considering the Council Assessment Report and Recommendation, the Panel resolved to defer its decision on the matter.

The reasons for deferral were as follows:

*'The Panel agreed to defer the determination of the matter and this deferral shall be reconsidered within one (1) month.'*

*The applicant's traffic consultant provided new information at the public meeting. Following the receipt of this new information, the Council's assessment officer revised his recommendation from refusal to deferral.*

*The applicant suggested that the right-hand turn be banned part-time at the AM and PM peaks at the intersection of Queenscliff and Pittwater Roads. This may be an acceptable solution to traffic safety issues. Such a ban would require the RMS's concurrence. It is understood that the RMS is considering this action and will advise the Council within the next few weeks whether or not it concurs with the part-time ban.*

*The Panel decided to defer its decision awaiting advice from the RMS and a supplementary report from the Council's assessment officer.'*

## **ROADS AND MARITIME SERVICES (RMS) REFERRAL RESPONSE**

Following the Panel meeting the RMS provided a revised referral response which is attached to this Report.

In summary, the RMS raise no objections to the proposal subject to the imposition of conditions which have been included in the draft conditions of consent attached to this Report.

It is noted that the RMS require the implementation of a right turn ban during week days for traffic turning into and out of Queenscliff Road at the intersection of Pittwater Road during the AM and PM peak periods, as discussed at the determination meeting.

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

This Policy came into force on 1 September 2017 and applies to applications that involve educational establishments and childcare centre.

Schedule 5 Savings and transitional provisions (subclause (2)) deals with applications that were lodged and not finally determined prior to the commencement of this Policy such as the subject application.

Schedule 5 reads as follows:

## ***“1 Savings provision***

*(1) This Policy does not apply to or in respect of the determination of a development application made under Part 4 of the Act, but not finally determined before the commencement of this Policy.*

*(2) Despite subclause (1), before determining a development application referred to in that subclause for development for the purpose of a centre-based child care facility, the consent authority must take into consideration the regulatory requirements and the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline, in relation to the proposed development.’*

### **Comment:**

The applicant was advised of the requirement for the consent authority (the Panel) to consider the regulatory requirements and the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline and was requested to address these matters.

The applicant responded to this request on 15 September 2017 (applicant's submission attached to this Report). The applicant has satisfactorily addressed the matters raised within subclause (2).

In this regard, the Panel, as the consent authority, can determine the application having taken into consideration the applicant's submission and the plans as submitted with the application.

## **CONCLUSION**

The Sydney North Planning Panel considered an application (2017SCH027) for the demolitions works and construction of a childcare centre at 368 Pittwater Road, 374 Pittwater Road and 376 Pittwater Road, North Manly at its public meeting on Wednesday, 23 August 2017.

In considering the Council Assessment Report and Recommendation, the Panel resolved to defer its decision on the matter subject to the RMS providing a revised referral response granting its concurrence to the application.

The RMS provided a revised referral response by letter dated 29 August 2017 granting its concurrence to the application subject to conditions contained within Attachment 1.

Council's Traffic Engineer has reviewed the revised response from RMS and raises no objections to the approval of the proposed development subject to conditions included in Attachment 1.

On 1 September 2017 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP) come into force. The subject application was lodged and not finally determined prior to this date and therefore the consent authority is required to consider the requirements of Schedule 5 Savings and transitional provisions of the SEPP prior to making a determination.

The proposal satisfies the requirements of Schedule 5 and therefore the Panel, as the consent authority, can determine the application by way of approval.

## **RECOMMENDATION**

That Sydney North Planning Panel, as the consent authority APPROVE Development Consent to Development Application No DA2017/0097 for the Demolition Works and Construction of a childcare centre on land at Lot 3 DP 653642,376 Pittwater Road, NORTH MANLY, Lot 2 DP 653813,374 Pittwater Road, NORTH MANLY, Lot 1 DP 740129,368 Pittwater Road, NORTH MANLY, subject to the conditions outlined in Attachment 1.