



DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	3 October 2017
PANEL MEMBERS	Deborah Dearing (Chair), John Roseth Sue Francis, Steve Kennedy, Annelise Tuor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 25 September 2017 and 3 October 2017.

MATTER DETERMINED

2017SNH027 – Northern Beaches – DA2017/0097 at 376, 374 and 368 Pittwater Road North Manly (AS DESCRIBED IN SCHEDULE 1)

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 decision was unanimous.

REASONS FOR THE DECISION

At a public meeting on 23 August 2017 the applicant's traffic consultant provided new information. Following receipt of the new information, Council's assessment officer revised his recommendation from refusal to approval.

The Panel deferred its decision to allow Council to provide a supplementary report which would include advice from RMS.

The Panel have reviewed the supplementary report and agree to approve the application for the following reasons:

1. The child care facility provides needed care for children;
2. The banning of peak hour traffic vehicles turning right from Queenscliff Rd will address concerns for traffic safety;
3. There are no unreasonable impacts from the proposal.

CONDITIONS

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

- **Condition 1. Approved Plans and Supporting Documentation to be amended to read as follows:**
The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
a1001 Issue a	15/02/2017	rfa architects
a2001 Issue a	03/02/2017	rfa architects
a2100 Issue a	03/02/2017	rfa architects
a2101 Issue c	02/06/2017	rfa architects
a2102 Issue b	02/06/2017	rfa architects
a2103 Issue a	03/02/2017	rfa architects
a2104 Issue a	03/02/2017	rfa architects
a3101 Issue a	03/02/2017	rfa architects
a3102 Issue a	03/02/2017	rfa architects
a4101 Issue a	03/02/2017	rfa architects
a6001 Issue a	03/02/2017	rfa architects
a7001 Issue a	03/02/2017	rfa architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acoustic Assessment (Report No. 16354)	January 2017	Wilkinson Murray
Operational Management Plan	Undated	Kids Club Childcare
Stage 1 and Stage 2 Environmental Site Investigation	31 January 2017	Geo-environmental Engineering
Geotechnical Assessment/Slope Instability Risk Appraisal	2 March 2017	Davies Geotechnical

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- d) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan Ground Floor	February 2017	iScape Landscape Architecture
Landscape Plan First Floor	February 2017	iScape Landscape Architecture
Landscape Plan Second Floor	February 2017	iScape Landscape Architecture

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

- **Condition 2 - Compliance with Other Department, Authority or Service Requirements to be amended to read as follows**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	18/04/2017
Roads and Maritime Service	Response RMS Referral	29 August 2017

Roads and Maritime Service (RMS)

The following specific conditions are imposed by the RMS:

1. Roads and Maritime has acquired a strip of land for road along the Pittwater Road frontage of the subject property, as shown by green with blue edging on the attached Aerial – “X”. A strip of land has previously been dedicated as Public Road by Dealing B958566 along the Pittwater Road frontage of the subject property, as shown by yellow colour on the attached Aerial – “X”.

Roads and Maritime has previously resumed and dedicated a strip of land as road along the Pittwater Road frontage of the subject property, as shown by grey colour on the attached Aerial – “X”.

Therefore all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pittwater Road boundary.

2. A right turn ban during week days for traffic turning into and out of Queenscliff Road at the intersection of Pittwater Road during the following periods AM (6.00am to 10.00am) and PM (3.00pm to 7.00pm) shall be installed prior to the issue of any occupation certificate.

3. A traffic management plan (TMP) shall be prepared by the applicant in accordance with the Roads and Maritime guidelines and be submitted to Council and Roads and Maritime for review and approval. The guideline for preparation of TMP could be found at http://www.rms.nsw.gov.au/business-industry/partnerssuppliers/documents/technicalmanuals/tmpln_v2.pdf

4. The redundant driveways should be replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Pittwater Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to Suppiah.thillai@rms.nsw.gov.au





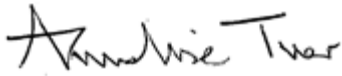
A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114.

6. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road during construction activities.

7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pittwater Road.

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

PANEL MEMBERS	
 Deborah Dearing (Chair)	 John Roseth
 Sue Francis	 Steve Kennedy
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH027 – Northern Beaches – DA2017/0097
2	PROPOSED DEVELOPMENT	Demolition works and construction of a childcare centre.
3	STREET ADDRESS	376, 374 and 368 Pittwater Road North Manly
4	APPLICANT OWNER	Kids Club Pty Ltd Mark Stewart Smash Repairs Pty Ltd & Edward William Thomas Weeks (Estate of the Late)
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$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 No.71 – Coastal Protection ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Warringah Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 10 August 2017 • Council supplementary report: 25 September 2017 • Written submissions during public exhibition: 21 • Verbal submissions at the public meeting 23 August 2017: <ul style="list-style-type: none"> ○ On behalf of the applicant – Tim Rogers
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 10 May 2017 • Final briefing meeting to discuss council's recommendation, 23 August 2017. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), John Roseth, Sue Francis, Steve Kennedy, Annelise Tuor ○ <u>Council assessment staff</u>: Luke Perry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report