



Report of Meeting

Independent Hearing and Assessment Panel

**Held on Tuesday, 22 November 2016
commencing at 6:05pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

PRESENT: Justin Doyle (Chairperson/Expertise in Law), Jason Perica (Expertise in Urban Planning), Jan Murrell (Expertise in Planning) and Christine Theodore (Community Representative with expertise in Property Law).

Staff in attendance was the Manager Major Development Assessment (Mark Adamson).

Disclosures of Interest
File Number: 2015/1778

There were no disclosures of interest declared.

IHAP005-17 **Proposal:** **Demolition of Existing Structures, Tree Removal and Construction of a Child Care Centre with Basement Parking - 1-5 View Street, Miranda**
Property: **Lot 5 DP 26332 & Lot 6 DP 26332 & Lot 7 DP 26332 - (Nos. 1 - 5) View Street, Miranda**
Applicant: **Innovative Architects Pty Ltd**
File Number: **DA15/1382**

Ms Newman, Mr and Mrs Harper, Ms Patakos Volpe and Mr Rourkis on behalf of the Objectors, and Messrs Jones, Mead and McLaren, on behalf of the Applicant, addressed the Panel regarding this matter.

IHAP RECOMMENDATION:

THAT:

1. Development Application No. 15/1382 for demolition of existing structures, tree removal and construction of a child care centre with basement parking at Lot 5 DP 26332, Lot 6 DP 26332, Lot 7 DP 26332 (Nos.1-5) View Street, Miranda be approved, subject to the conditions contained in Appendix A of the report, together with amendments to those conditions to address the following matters:
 - a. Egress from the basement carpark into View Street is to be limited by signage and appropriate design to ensure a 'left turn only' into View Street.
 - b. A minimum of 20% of available child placements is to be available for 0-2 year-olds.
 - c. The Plan of Management for the Centre shall be subject to a condition of approval.
 - d. An Emergency Management Plan is to be prepared by a suitably qualified fire engineer that specifically addresses the issue of the adequacy of access and egress measured against the BCA, evacuation procedures, training, practice drills and safe evacuation and marshalling. This Plan shall be provided for the approval of the Certifying Authority and when approved shall form part of the adopted plan of management.

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- e. The Plan of Management is to be amended to include directions to parents to use the basement carpark for all drop-off and pickup of children, appropriate onsite signage, as well as supervision of the basement by a staff member for the morning peak period (7 AM – 9 AM).
 - f. A Waste Management Plan is to be prepared that provides for collection of waste by a private contractor, with storage and collection of waste to occur on-site.
2. The General Manager is delegated the authority to settle appropriate wording for those conditions to be included in the notice of determination.
 3. Council's traffic committee is to be requested to consider a no parking restriction on the northern side of View Street between the driveway from the basement to the corner with Wandella Road due to the narrow carriageway of the street.

PANEL COMMENTARY:*Site Visit*

The Panel attended the site and considered the likely appearance of the proposed child-care centre within its street setting, as well as its relationship with adjoining buildings.

Particular attention was given to the surrounding street network and the widths of View Street.

An inspection was undertaken of the adjoining residence at 55.Wandella Road owned by the objectors, Mr & Mrs Roukis and of the subject properties.

Presentations to Panel at the Public Meeting

The Panel was addressed by a number of objectors from nearby residences.

Ms Newman of 8 Mawarra Avenue said that the proposed development would be inconsistent with surrounding development. She pointed to the busy traffic on local streets and the closeness of the roundabout.

Mr and Mrs Harper of 25 View Street reported that they had observed damage to vehicles arising from the narrowness of the local streets, and cars breaking the speed limit. They expressed doubts that parents would use the basement carpark and questioned whether the centre would sufficiently cater to children aged 0-2 years old.

Mr and Mrs Patakos of 29 Animbo Street also commented on the speed of vehicles in local streets, as well as the likelihood that parents would park near the centre when dropping their children to walk to the station.

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Mr Roukis of 55 Wandella Road adjacent to the site said his property would be the worst affected. He was concerned about potential noise and the impacts of 140 children and associated cars.

Ms Volpe of 6 Manwarra Avenue also raised concerns about road width and pedestrian safety.

The applicant was represented by Mr Jones as the design architect, Mr Mead, town planner and Mr McLaren, a traffic engineer. They said that the higher numbers of children to be accommodated within the site was consistent with the removal of caps on permitted numbers both in the Council LEP and State Government controls. Mr McLaren said that he had carefully considered the expected traffic movements in and out of the car park and the impacts on the local roads. He said the car park had been carefully designed so that it would be used by parents, observing also that it included a number of safety features to ensure that children could safely access the centre from cars in the basement. He advised more recent parking data by RMS for larger child care centres suggests less parking is required than proposed.

Consideration of Issues

Ultimately, the Panel was satisfied that the proposed childcare centre could operate satisfactorily within its residential context. It is a permitted use within the local zoning and complies in substance with the applicable controls and policies of the Council.

There is no relevant restriction on numbers of children that can be accommodated in the centre under those controls and policies, and the Panel accepted the assessment by Council staff that the basement car parking would safely cater for staff parking as well as pick-ups and drop-offs according to Council's DCP.

Modification of conditions

There were however some aspects of the design which the Panel saw as requiring improvement and specifically:-

- a. Egress from the basement carpark into View Street is to be limited by signage and appropriate design to ensure a 'left turn only' into View Street.
- b. A minimum of 20% of available child placements is to be available for 0-2 year-olds.
- c. The Plan of Management for the Centre shall be subject to a condition of approval.
- d. An Emergency Management Plan is to be prepared by a suitably qualified fire engineer that specifically addresses the issue of the adequacy of access and egress measured against the BCA, evacuation procedures, training, practice drills and safe evacuation and marshalling. This Plan shall be provided for the approval of the Certifying Authority and when approved shall form part of the adopted plan of management.

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- e. The Plan of Management is to be amended to include directions to parents to use the basement carpark for all drop-off and pickup of children, appropriate onsite signage, as well as supervision of the basement by a staff member for the morning peak period (7 AM – 9 AM).
- f. A Waste Management Plan is to be prepared that provides for collection of waste by a private contractor, with storage and collection of waste to occur on-site.

The Panel also considered that a no parking restriction on the northern side of View Street between the driveway from the basement to the corner with Wandella Road was likely to be appropriate to facilitate improved egress from the development, but also due to the narrowness of the carriageway for general traffic which creates issues for two way traffic at the intersection whether or not the development is approved. The resulting impacts of that change should however first be considered by Council's Traffic Committee.

With those changes made to the conditions, the Panel unanimously concluded that the DA ought to be approved, with the General Manager delegated the authority to finalise the conditions on the basis set out above to be included in the notice of determination.

VOTES: 4:0

ASSESSMENT OFFICERS RECOMMENDATION:

THAT:

1. Development Application No. 15/1382 for demolition of existing structures, tree removal and construction of a child care centre with basement parking at Lot 5 DP 26332, Lot 6 DP 26332, Lot 7 DP 26332 (Nos.1-5) View Street, Miranda be approved, subject to the conditions contained in Appendix A of the report.
2. Development Application No. 15/1382 be referred to Council's Sutherland Traffic and Traffic Safety Committee for consideration as to whether a "No Parking" restriction should be imposed on the western side of Wandella Road adjacent to the child care centre.

IHAP006-17	Proposal:	Demolition of Existing Structures and Construction of Six Townhouses and One Swimming Pool – 84-86 View Street, Gymea
	Property:	Lots 34 & 35 DP 9458, (Nos. 84-86) View Street, Gymea
	Applicant:	G6 Projects Pty Ltd
	File Number:	DA16/0524

Mr & Mrs Dunford, Ms Gregor and Mr Layman on behalf of the Objectors, and Mr & Mrs Vine and Mr Gallon, on behalf of the Applicant, addressed the Panel regarding this matter.

IHAP RECOMMENDATION:

THAT:

1. Development Application No. 16/0524 for Demolition of Existing Structures and Construction of Six Townhouses and One Swimming Pool at Lot 34 & Lot 35 DP 945, (Nos. 84 – 86) View Street, Gymea, be approved, subject to the conditions contained in Appendix A of the report, but with amendments to those conditions to address the following matters:
 - a. Relocation of the driveway one metre to the west away from the boundary with No. 82 View Street to facilitate additional appropriate boundary planting in that location (to be detailed in the application for a Construction Certificate).
 - b. Adjust the western alignment of the pool 1 m to the east (whether by shifting or narrowing of the pool), with the area between the pool and the western boundary fence appropriately landscaped with screen planting.
 - c. The east-facing privacy screen(s) to the ground level terraces of Units 2 and 4 is to be fixed at 45° to ensure privacy to the adjoining dwelling to the east.
 - d. The east-facing windows on the first floor of Unit 2 and 4 and the west-facing windows on the first floor of Units 1 and 3 shall be altered to address privacy impacts by (at the election of the applicant): (i) incorporating a sill height of 1.5 m above finished floor level, or (ii) employing fixed obscure glazing ~~from 1 m~~ to 1.5 m above finished floor level with operable clear glazing above or (iii) moving the window of the rear bedrooms of Units 3 and 4 to the southern (rear) wall of all of those bedrooms, in which case clear glazing could be provided; or a combination of the these alternatives.
 - e. Condition 15 is to be amended to require the planting of at least two large canopy trees to mature to a height of at least 12m, placed to provide ~~good visual screening~~ filtered landscaped buffer of the rear units from neighbouring rear yards.
2. The General Manager is delegated the authority to settle appropriate wording for those conditions to be included in the notice of determination.

IHAP006-17 Cont'd

PANEL COMMENTARY:

Site Visit

The Panel visited the site of the proposed townhouses, and noted its situation within what at present remains a traditional area of detached dwelling houses. Inspection was made of the adjoining houses at 82 View Street and 303 President Avenue (to the east and south respectively). The likely privacy and bulk of impacts from the constructed townhouses from those locations was considered.

Presentations to Panel at the Public Meeting

The Panel was addressed by Mr and Mrs Dunford of 303 President Avenue who told the Panel of how their house had been carefully oriented towards the north over the boundary fence with the development site to take advantage of the outlook afforded by the large trees which are proposed for removal as part of the DA. They reported that they were concerned about the likely privacy and bulk impacts from the second storey of the rear of the new development.

Ms Gregor and Mr Amaya of 82 View Street referred to the R2 zoning which Ms Gregor said was for "residences, not townhouses". She observed that there are only one and two -storey houses in the street at present; and complained that the design adopted in the DA would result in loss of privacy and severe bulk impacts. She also said the driveway would impact unacceptably on their front living area (particularly for her sick mother who spent much time there) due to the driveway being located close to the common boundary with her house. She also said that the loss of trees would be inconsistent with the location of the site within Council's green web zone' and would adversely affect the use and enjoyment of their rear yard. There was particular concern also for the extent of two storey dwellings to the rear of the site.

Mr Layman, the consultant planner for the residents of 82 View Street, observed that in his opinion the development was inconsistent with the "60/40 approach", currently applied to dual occupancy controls in the zone. He said that the maximum yield pursued by the developer would only be achieved at the expense of removal of substantial trees and impacts on neighbours. He said that a potential option of orienting Unit 2 to the north would improve privacy impacts on his client's property, particularly where the living areas of the unit were adjacent to the boundary.

Consideration of Issues

After a careful review of the plans, with changes to the conditions recommended by Council staff, the majority (but not all) of the Panel were of the view that on balance the design is satisfactory on a merits assessment.

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While the majority of the Panel members acknowledged that this proposal will result in change to the existing streetscape of the immediate part of View Street, through the introduction of a new form of development, they concluded that the proposed design would nonetheless sit comfortably within that streetscape because of various compensating design features. From what was said at the meeting and in the staff report, it appeared those features had been developed during a substantial process of discussions with Council staff during the DA process.

In particular, the Panel members in support of approving the DA were persuaded by:

- a. The generous setbacks particularly from the eastern boundary, well in excess of those required by Council's minimum controls.
- b. The deep soil planting which will be facilitated by those setbacks to filter views of the building from surrounding residences (particularly with modification as recommended below).
- c. A sensitive treatment of the streetscape facade by the design architect which will sit comfortably in the streetscape in the context of the proposed landscaping, albeit that the new building adopts a modern rather than traditional form.
- d. The lack of controls to compel the rear dwellings to be one storey in height, having regard to the applicable planning controls and regime applying at the time of lodgement and consideration of the application.

While there will be impacts from the bulk of the two-storey element to the rear of the development, the application complies in that regard with all of Councils' currently adopted controls.

The Panel was informed by Council staff that a resolution was made at a recent Council meeting directed to review the height permitted at the rear of townhouse developments in the R2 zone, but any future change to those controls at present remains as yet unresolved and uncertain.

In any event, for the reasons set out above, the setbacks and proposed landscaping render the development acceptable in that regard.

One Panel member disagreed with the majority view. That member was of the opinion that the second storey at the rear of the development was unacceptable in terms of bulk and scale because of its impacts on the property to the immediate south, and the rear yard of 82 View Street to the east.

Modification of conditions

The Panel recommended modifications to the conditions of consent annexed to the Council report to be resolved to the satisfaction of the General Manager. The issues requiring modification are:

- a. Relocation of the driveway one metre to the west away from the boundary with 82 View Street to facilitate greater separation and boundary planting in that location.

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- b. Adjustment of the western alignment of the pool 1 m to the east (whether by shifting or narrowing of the pool), with the area between the pool and the western boundary fence appropriately landscaped with screen planting.
- c. The east facing privacy screen to the ground level terraces is to be fixed at 45° to ensure privacy to the adjoining dwelling to the east.
- d. The east facing windows on the first floor of Unit 1 and 3 and the west facing windows on the first floor of Units 2 and 4 shall be altered to address privacy impacts by (at the election of the applicant) (i) incorporating a sill height of 1.5 m above finished floor level, or (ii) employing fixed obscure glazing to 1.5 m above finished floor level with operable clear glazing above, or (iii) moving the rear bedrooms of Units 3 and 4 to the southern (rear) of all of those bedrooms in which case clear glazing could be provided, or a combination of these alternatives.
- e. Condition 15 is to be amended to require the planting of at least two large canopy trees to mature to a height of at least 12 m, placed to provide a filtered landscape buffer of the rear units from neighbouring rear yards.

VOTES: 3:1

ASSESSMENT OFFICERS RECOMMENDATION:

That Development Application No. 16/0524 for Demolition of Existing Structures and Construction of Six Townhouses and One Swimming Pool at Lot 34 & Lot 35 DP 945, (Nos. 84 – 86) View Street, Gymea, be approved, subject to the conditions contained in Appendix “A” of the report.

The Meeting closed at 9:30 pm.