Report to General Manager
Attachment:
1. Plans of Proposed Child Care Centre and Residence

SUBJECT: Proposed Child Care Centre and Residence - 12A Shirley Road, Wollstonecraft DA 112/2017

AUTHOR: Stephen Beattie, Manager Development Services

ENDORSED BY: Marise Van der Walt, Acting Director City Strategy

EXECUTIVE SUMMARY:

At Council’s meeting held on 22 May 2017, it considered a Mayoral Minute regarding a proposal to erect a new child care centre and dwelling at 12A Shirley Road, Wollstonecraft and resolved:

1. “THAT the DA notification area for 12A Shirley Road, Wollstonecraft, be extended to include all properties on the Berry Island peninsular, boarded by River Road to the North, the Harbour and railway to the south, Gore Cove to the west and Shirley Road to the east (a map is attached).
2. THAT the consultation period be extended from the current closing date of 29 May 2017 to 26 June 2017 to allow time for the additional notifications and community feedback.
3. THAT Council staff prepare a report for Council to review so that Council can make a submission to the Sydney North Planning Panel if desired.
4. THAT Council staff keep all submitters and the relevant Precincts and the Wollstonecraft Residents Group informed of the progress of the DA and the date of the SNPP meeting.”

This report responds to Council’s resolution and provides an update of the application’s progress.

FINANCIAL IMPLICATIONS:

Nil

The Guidelines have been considered in the preparation of this report and are not applicable

RECOMMENDATION:

1. THAT Council determine its position in regard to making a submission to the Sydney North Regional Planning Panel.
LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment
Outcome: 2.2 Improved mix of land use and quality development through design excellence

BACKGROUND

At Council’s meeting held on 22 May 2017, it considered a Mayoral Minute regarding a proposal to erect a new child care centre and dwelling at 12 A Shirley Road, Wollstonecraft and resolved:

1. “THAT the DA notification area for 12A Shirley Road, Wollstonecraft, be extended to include all properties on the Berry Island peninsular, boarded by River Road to the North, the Harbour and railway to the south, Gore Cove to the west and Shirley Rd to the east (a map is attached).
2. THAT the consultation period be extended from the current closing date of 29 May 2017 to 26 June 2017 to allow time for the additional notifications and community feedback.
3. THAT Council staff prepare a report for Council to review so that Council can make a submission to the Sydney North Planning Panel if desired.
4. THAT Council staff keep all submitters and the relevant Precincts and the Wollstonecraft Residents Group informed of the progress of the DA and the date of the SNPP meeting”.

This report responds to Council’s resolution and provides an update of the application’s progress.

CONSULTATION REQUIREMENTS

In accordance with the North Sydney Development Control Plan 2013 (DCP) and being integrated development this application was first advertised for twenty-eight (28) days between 28 April 2017 and 29 May 2015 comprising 182 notifications.

In response to Council’s resolution of 22 May 2017 the application was again notified for twenty-eight (28) days between 9 June 2017 and 10 July 2017 to a wider area comprising 3801 notifications.

Over two hundred and fifty submissions to date have been received.

SUSTAINABILITY STATEMENT

The sustainability implications of this proposal will be examined in detail during the reporting and assessment process through the Sydney North Planning Panel.
DETAIL

This application may be summarised as follows:

<table>
<thead>
<tr>
<th>Sydney North Panel Reference</th>
<th>2017SNH036 DA</th>
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</thead>
<tbody>
<tr>
<td>DA Number</td>
<td>DA112/2017</td>
</tr>
<tr>
<td>LGA</td>
<td>North Sydney</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Integrated Development - Subdivision into 2 lots; demolition of existing buildings; construction of child care centre for 154 children; construction of new dwelling; landscaping and tree removal.</td>
</tr>
<tr>
<td>Street Address</td>
<td>12A Shirley Road, Wollstonecraft</td>
</tr>
<tr>
<td>Applicant/Owner</td>
<td>Avenues Child Care Pty Ltd</td>
</tr>
<tr>
<td>Date of DA lodgement</td>
<td>4 April 2017</td>
</tr>
<tr>
<td>Number of Submissions</td>
<td>&gt;200</td>
</tr>
<tr>
<td>Notification period ends on</td>
<td>10 July 2017</td>
</tr>
<tr>
<td>Regional Development Criteria (Schedule 4A Act)</td>
<td>Capital Investment Value (CIV) exceeds $5 Million - Community Facility</td>
</tr>
<tr>
<td>Report prepared by</td>
<td>Stephen Beattie, Manager Development Services</td>
</tr>
<tr>
<td>Report date</td>
<td>20 June 2017</td>
</tr>
</tbody>
</table>

DESCRIPTION OF THE PROPOSAL

This application seeks approval for the following works:

- Torrens Title subdivision to separate the residential dwelling from the proposed childcare centre. Proposed allotments would be 475 m² for the residential dwelling allotment fronting Shirley Road and Battle-axe childcare allotment of 1234 m².
- Demolition of the existing built former Fisheries Department offices on the subject site and site preparatory works.
- Substantial excavation of the site particularly under the proposed childcare centre. This includes removal of all significant trees and landscaping including natural rock outcrops on site.
- Construction of a new three level childcare centre to accommodate 154 children over basement area on the western portion of the site. Pedestrian access is via a raised walkway from Shirley Road on the northern side of the vehicular access handle.
- Construction of a new two storey residential dwelling home over basement with ancillary areas and pool on the eastern portion of the site, including a separate driveway and basement car parking.
- Vehicular access to the childcare centre from Shirley Road at the south-eastern corner of the site and provision of 22 car parking spaces in the basement of the child care centre.
- General Landscaping.

*Figure 1:* Photomontage of the western elevation of the proposed childcare centre

*Figure 2:* Photo Montage of the proposed dwelling. Vehicular and pedestrian access to the centre can be observed in the left had side of the montage.
THE SITE

The subject site is located at 12A Shirley Road, Wollstonecraft, and is legally described as Lot 21 in Deposited Plan 1208672. The site is located on the western side of Shirley Road, between Milray Avenue and Berry Island Reserve. The site has a total site area of approximately 1712 m². The primary frontage of the site is along Shirley Road, which measures approximately 33 metres.

The site is characterised by a slope running south down Shirley Road, and a slope east-west across the site. The highest RL of the site from Shirley Road is RL17.14, whereas to the rear of the site the ground level is RL4.28.

The site is also located within a bushfire prone area.

Existing on site are the currently vacant and disused NSW Government offices (NSW fisheries).

The subject site was previously the subject of a Torrens title subdivision application as well as a Planning Proposal for rezoning of the subject lot from IN4 Working Waterfront to E4 Environmental Living. The waterfront site retained by state government also retains its IN4 zoning.

The gazettal of the rezoning occurred under NSLEP 2013 Amendment 3 on 23 May 2014. Approval of the subdivision (separating the active Fisheries site and wharf from the disused offices) was granted under DA 94/13 on 25 July 2014 and

The property is not a heritage item nor is it within a conservation area. The adjacent dwelling at 8 Shirley Road is however, a heritage item and the Wollstonecraft Conservation Area is located just north of the subject site, separated by a strip of reserve. Development surrounding the subject site is generally low-density residential containing detached dwellings on large lots. The site is surrounded by Environmental Conservation areas with Berry Island Reserve to the south, Gore Cove Reserve to the north, and Badangi Reserve to the east.

Across Gore Cove to the west is the Shell Gore Bay Terminal currently used for fuel storage.

STATUTORY CONTROLS

North Sydney LEP 2013
- Zoning – E4 Environmental Living, North western corner of the site is E2 Environmental Conservation
- Item of Heritage – No
- In Vicinity of Item of Heritage – Yes Item no 1107, 8 Shirley Rd Wollstonecraft.
- Conservation Area – No
- Height limit – 8.5 met res
- Minimum Lot size for new allotments – 450 m²

Environmental Planning & Assessment Act 1979
Integrated Development
SEPP 55 - Contaminated Lands
SREP (Sydney Harbour Catchment) 2005
POLICY CONTROLS

North Sydney DCP 2013

- Section 1 - Residential Development (for the proposed dwellings)
- Section 3 - Non-residential Development in Residential Zones (prevailing built form controls for the childcare centre)
- Section 5 - Child Care Centres
- Section 10 - Car Parking and Transport
- Section 11 - Traffic Guidelines for Development
- Section 13 - Heritage and Conservation (Heritage Impact Statement to address)
- Section 14 - Contamination and Hazardous Building Materials
- Section 15 - Bushland
- Section 18 - Stormwater Management

CONSENT AUTHORITY

As this proposal has a Capital Investment Value (CIV) of greater than the $5 million threshold for private community infrastructure such as child care centers, the consent authority for the development application is the Sydney North Planning Panel.

BACKGROUND

Pre-lodgment Applications

On 20 August 2015, the applicant had a pre-lodgement meeting with Council staff for a four level building for 186 children. At the meeting, Council outlined concerns with the proposal which included:

- potential for contamination on site
- bushland management/potential fire problems, fire report required
- Height scale built form and numbers proposed in the childcare
- appropriateness of the centre in the proposed location
- Engineering concerns including the level of excavation proposed
- Requirement for a traffic report
- Requirement for a noise report
- Requirement for Safety and evacuation plan
- Arborist and landscaping report required
- Contribution payments would be required for the proposal.

A further meeting was held on 28 April 2016, for a revised proposal which included an amended proposal to subdivide the allotment into three lots with 2 x two storey dwellings and the third and rear most allotment to accommodate a three storey childcare centre with basement to accommodate approximately 91 children.

At the meeting, Council outlined concerns with the proposal which included:

- Whilst all forms of proposed development are permissible with consent from Council the pre-lodgement as proposed was considered to be an overdevelopment of the site.
- Proposal will be integrated development pursuant to Section 100B of the Rural Fires Act
The subject proposal provides for 154 children to be cared for in the proposed facility and is not directly related to the two proposals that were the subject of pre-application consultation.

Subject Application

The subject application was lodged on 4 April 2017. Referrals have been made to the following external agencies and experts in Council:

<table>
<thead>
<tr>
<th>External Referrals</th>
<th>Response Received</th>
<th>Initial Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Primary Industry (Fisheries)</td>
<td>Yes</td>
<td>Minor concerns raised</td>
</tr>
<tr>
<td>Department of Primary Industry - Office of Water</td>
<td>Yes</td>
<td>Integrated Referral - General Terms of Approval Issued</td>
</tr>
<tr>
<td>Rural Fire Services</td>
<td>No</td>
<td>Integrated Referral - Response required</td>
</tr>
<tr>
<td>Sydney Water</td>
<td>No</td>
<td>Non-essential referral. However, comments desirable should proposal be progressed.</td>
</tr>
<tr>
<td>Environment Protection Authority.</td>
<td>No</td>
<td>Non-essential referral. However, comments desirable to establish whether there are safety concerns from the Tank farm across the bay from the site in Lane Cove municipal area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Internal Referrals</th>
<th>Response Received</th>
<th>Initial Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Excellence Panel</td>
<td>Yes</td>
<td>Minutes of the meeting are provided below. The Panel considers the proposal to be an overdevelopment of the site and cannot support the proposal in its current form.</td>
</tr>
<tr>
<td>Development Engineer</td>
<td>No</td>
<td>No fundamental concerns in regard to required civil works are raised.</td>
</tr>
<tr>
<td>Landscaping Officer</td>
<td>Yes</td>
<td>Loss of substantial trees on site not supported. Reduction in scope of development could assist in retaining major landscape elements (large trees and rock outcropping) on site. Concern also raised that development would confer right to force clearing of adjoining bushland for fire zone clearances.</td>
</tr>
<tr>
<td>Heritage Officer</td>
<td>Yes</td>
<td>Bulk and scale of the proposal is out of character with and overwhelms the retained significant heritage item at 8 Shirley Road, Wollstonecraft</td>
</tr>
<tr>
<td>Bushland Management</td>
<td>Yes</td>
<td></td>
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<td>---------------------</td>
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</tr>
<tr>
<td>Species selection for proposed landscaping not supported. Requires revision.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Health Officer</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Requests further information however has also provided recommended conditions of development consent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Engineers</td>
<td>No</td>
<td></td>
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<tr>
<td>Critical feedback required. This issue must be given determinative weight.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aboriginal Heritage</td>
<td>No</td>
<td></td>
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<tr>
<td>Critical feedback required to establish whether there are any sites of significance within vicinity.</td>
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Design Excellence Panel reviewed the proposal on 9 May 2017. A copy of the recorded minutes of the meeting are provided below. Applicant has been advised of the minutes of the Design Excellence Panel.

Sydney North Planning Panel Briefing

The Sydney North Planning Panel was briefed on the proposal on 22 June 2017. The following is a summary of the proceedings of the panel:

“KEY ISSUES DISCUSSED • Over view of plans and 3D model, overview of site and surrounding heritage item • History of application • Traffic report to be finalised • Permissibility of land use • Public transport options - Wollstonecraft Station is approximately 600 m away with a very steep incline, no regular bus services • Awaiting response from Rural Fire Services re evacuation • Potential risk related to Greenwich oil tanks • Site coverage, floor space and local character • Objectives of the E4 zone • Initial exhibition resulted in over 250 public submissions received. Mayor agreed for a further exhibition of 30 days. TENTATIVE PANEL MEETING DATE: meeting date to be finalised once second exhibition is complete.”

SUBMISSIONS

The development application was first placed on notification between 28 April 2017 - 29 May 2017. Pursuant to Councils resolution, a second notification between 9 June 2017 - 10 July 2017 has been undertaken encompassing the majority of the suburb of Wollstonecraft.

To date, in excess of 250 submissions have been received regarding the proposal. The majority are in objection to the proposal (submissions in support have been received however these would total less than 5% of all submissions). At the time of writing this report the initial period for submissions has technically closed. However, it’s important to note that all submissions received up to the publication of the final report and its determination will be considered.

Primary concerns raised in the objections include:

- Bulk and scale, location of the proposal inappropriate to the area, surrounding dwellings, zoning of the site etc;
- Inappropriate for a commercial venture of such scale to be proposed at that location;
- Concerns over site location and increase to traffic and parking impact, inadequate parking provision on site or lack of functional pick up and drop off zone on site;
Distance of the site from Wollstonecraft station appears to be unfeasible to service proposal. There are no other public transport options for the locality;

Concern over impacts to surrounding bushland. Inappropriate fire escape into adjoining public bushland to the north;

Excessive amount of excavation proposed;

Lack of architectural merit to the dwelling design. Takes the appearance of a commercial building;

Concern raised to the potential of the centre utilizing the Berry Island Park for their own uses;

Concern of level of noise from the centre (number of children, location etc);

Proposal will impact upon the peaceful enjoyment of the suburb by the local residents;

Concern over impact to the adjoining heritage item at 8 Shirley Road, Wollstonecraft; and

Potential impacts on health, safety and amenity arising from the activities of the Gore Cove terminal; and

The fact that when the land was rezoned it was the communities understanding that future development would comprise low density/environmentally sensitive residential.

The foregoing list is by no means comprehensive and does not attempt to give weight to the various submissions received. The submissions will be fully analysed in the planning report that will be considered by the Sydney North Planning Panel.

The common community concern is focused on traffic, parking and transport issues but the submissions have raised many other issues that will require careful consideration and resolution.

DESIGN EXCELLENCE PANEL

This application was referred to the Design Excellence Panel meeting on 9 May 2017 and the following comments were made:

“Proposal
The subject site is located at 12A Shirley Road, Wollstonecraft, and is legally described as Lot 2 in Deposited Plan 1153081. The site is located on the western side of Shirley Road, between Milray Avenue and Berry Island Reserve. The site has a total site area of approximately 1712m². The primary frontage of the site is along Shirley Road, which measures approximately 33 metres.

The site is characterised by a slope running south down Shirley Road, and a slope east west across the site. The highest RL of the site from Shirley Road is RL 17.14, whereas to the rear of the site the ground level is RL 4.28.

Development surrounding the subject site is generally low density residential containing detached dwellings on large lots. The site is surrounded by Environmental Conservation areas with Berry Island Reserve to the south, Gore Cove Reserve to the north, and Badangi Reserve to the east.

This development application seeks approval for the following works:
• Subdivision of the site into two lots. The front lot proposes a site area of 475m²; the rear lot proposes a site area of 1234m²;
• Demolition of the existing built form on the subject site and site preparatory works;
• Construction of a new childcare centre on the western portion of the site on the rear lot;
• Construction of a new residential dwelling home on the eastern portion of the site at the front, including a separate driveway and car parking;
• Vehicular access to the childcare centre from Shirley Road at the south eastern corner of the site and provision of 22 car parking spaces in the undercroft of the child care centre; and
• Given the development includes a child care centre and has a CIV of greater than $5 million, the Sydney North Planning Panel will be the consent authority for this DA.

The Panel and Council Officers inspected the site prior to the meeting. The proponent provided a presentation to the Panel and was available for questions from the Panel.

Panel’s Comments
The Panel’s primary concern is the intensity of use proposed for the site area and the resultant excessive size of development on both lots. The Panel enquired with Council Officers about Council’s controls for non-residential uses in a residential zone.

The Panel was advised that Section 3 of NSDCP 2013 deals with “non-residential uses in residential zones” and includes such uses as child care centres. The majority of these uses are primarily operated from large scale buildings which are often inconsistent with the scale of residential development occurring within the residential zones. They can also lead to additional impacts on residential amenity in terms of traffic impacts and noise. The purpose of this Section of the DCP is to provide guidance to applicants for the development of non-residential development in residential zones such that the impacts on residential amenity is minimised.

Section 3.4.4 of the DCP sets out maximum site coverage requirements to ensure that development is balanced and in keeping with the optimum capacity of the site with no over development and to ensure that development promotes the existing or desired future character of the neighbourhood. In a low density zone, the maximum site coverage for a large site (>1000m²) is 30%; in a medium density zone it is 50% and in a high density zone it is 45%.

Section 3.4.5 of the DCP sets out minimum landscape area requirements. In a low density zone, the minimum landscape area for a large site is 50%; in a medium density zone it is 30% and in a high density zone it is 40%.

Section 3.4.6 of the DCP sets out the site excavation controls. No more than 70% of the site should be excavated. Where practical, a minimum of 50% of the un-excavated area should be located at the rear of the site. A minimum of 30% of the un-excavated area should be located within the front setback and a minimum 1.5m wide strip of soft landscaped area should be located along at least one side boundary.

The above controls (along with the height control of 8.5m under the LEP) are considered to be the basic requirements to control development to ensure that the scale and form of a proposal is consistent with the desired character of a residential area.
The Panel noted that the proponent claimed a site cover of 62% for the child care centre and 50% for the dwelling. The Panel doubted whether the figures were accurate and recommended that the applicant provide a plan showing the calculated areas for site cover, landscaped area and excavation as it would appear that both buildings may be significantly non-compliant.

The Panel raised concern about the traffic impacts from a child care centre for 154 children. It was felt that the amount of parking was insufficient and that parents would be using the street for drop offs and pickups. Concern was raised with the layout of the carpark and the maneuvering of vehicles when parents will be coming and going during the peak periods. The current design required people to do three point turns in confined spaces to exit. There needs to be a one-way basement circulation flow to prevent a traffic jam and subsequent stacking of waiting cars on both the ramp and Shirley Road. Spaces three and four will require a reverse parallel parking maneuver right at the car park entrance – causing further traffic conflict. Four of the car parking spaces shown (nos. 10-13) are tandem and not available for parent parking. The proponent should provide data from other centres of a similar size (apart from their own centres) to ensure that adequate parking is provided.

The Panel was concerned about the removal of trees on site with little attempt to retain trees or replace them with suitable canopy trees. There was a lack of landscaping across the frontage of the site. The applicant was borrowing from the surrounding area without providing adequate landscaping on their site.

The Panel did not support the pool within the front setback of the dwelling. This space should be landscaped. The Panel considered the dwelling to be out of character with the area. The dwelling was inappropriate in scale, has excessive glazing to the front facade and has more of a commercial appearance. It was felt that the dwelling needs more vertical proportions to be in context with the area.

The Panel was concerned with the extent of driveways across the site and lack of landscaping and separation between the driveways.

The Panel raised concern with the depth of play areas that were covered and the amount of light that would be achieved. The Panel felt that the depth of excavation was excessive for the basement requiring a long steep driveway for access. The area of excavation did not allow deep soil perimeter planting that would assist in screening the bulk of the building at the rear. The Panel did not comment on the layout of the child care centre.

The proposal needs to be redesigned with proper regard for the controls as outlined above. The scale of the proposed development is an unrealistic expectation for the site. The topography of the site is a constraint that may mean that the full potential of the site may not be achieved. If a dwelling is to be included in the development, a smaller child care centre would result. The centre may be better located on the more level font section of the site with the dwelling at the rear and perhaps a shared driveway. A reduced scale of development would reduce the numbers of children and the issues with parking and traffic.

**Recommendation**

The Panel does not support the proposal. A complete redesign is necessary with regard to the scale of development, site cover, landscaping and excavation.”
ISSUES ARISING FROM PRELIMINARY ASSESSMENT

The development displays a significant number of departures or non-compliances to the applicable development objectives, standards and controls as set out in Councils’ LEP and DCP.

Due to the relationship that needs to be maintained between Council, Councils Planning Staff and the Sydney North Planning Panel this report cannot make recommendations or provide categorical guidance to the Council in the making of a submission.

The following details are therefore provided solely to assist Councillors in their understanding of the issues raised by this application:

NSELP 2013

Zone Objectives

The objectives of the E4 Environmental Living zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To ensure that a high level of residential amenity is achieved and maintained.

Permitted land uses comprise:

Child care centres; Dwelling houses; Health consulting rooms; Places of public worship; Recreation areas; Respite day care centres; Roads; Seniors housing.

The development comprising of a further subdivision and the subsequent erection of a childcare centre and dwelling house are all permissible forms of development on the site. However, concern is expressed that the general scale of the development proposed (inclusive of the associated dwelling) is not in accordance with the zone objectives.

The scale of the buildings and level of excavation required (inclusive of the loss of trees) will result in the total loss of all significant natural features of the site and accordingly not preserve any ecological features or aesthetic values of the site as existing.

Additionally, the projected traffic and general impact arising from a childcare centre of the proposed scale will impact on local residential amenity and needs to be carefully considered.

It is to be noted that the “E2” zoning was considered the most appropriate for the site the wording of which could not be altered from the template instrument as published by the Department of Planning. While Childcare centres are permissible it is the scale of the proposal and the subsequent impacts that raises concern.
Building Height/ Excavation

The proposal is depicted as being compliant with the building height control applicable to the site being 8.5 meters however this is contingent on significant (up to 6 meters at points) excavation required for the lower (car parking) basement level and provision of a significant portion of the lowest operational level of the child care centre (including outdoor space) being located either part or completely underground.

Excavation and site preparation works to the proposed childcare centre site will be in the order of greater than 90% of the proposed lot area, taken to site boundaries and remove all topographical features (trees and rock outcropping) of the site. This is contrary to the maximum allowable excavation requirements of 70% set out in Section 3.4.6 of the Non Residential Development in Residential zones.

Additionally, the dwelling site requires significant excavation and general alteration of the existing topography to achieve the building platform.

The level of excavation needs to be carefully considered given the sites zoning and the nature and character of the locality.

NSDCP 2013

Bulk and Scale / Character of the Local Area

The local area, particularly the area of Wollstonecraft south of the railway line is predominately residential in character comprising two storey dwellings on larger and substantially landscaped allotments. The Childcare centre is three storeys above ground site with no effective landscaping on site. Even with the substantial excavation, the above ground built form makes no attempt to accord the established local character or landscaped setting afforded by the adjoining bushland. The location of a child care centre within 250 meters of a major fuel tank farm is also of great concern.

The proposed built form of the dwelling does not utilize and the characteristics of the existing dwellings of the locality (generous setbacks, pitched rooves, landscaped settings. Particularly, as per the Heritage Officers referral, the dwelling makes little attempt to integrate with identified Heritage item to the south of the site.

The Design Excellence Panels observations of the proposed built form of the dwelling also raises concern that the proposed design has little regard for the established character of the local area. The form, bulk and scale of the development seems incompatible with the modest low scale outcomes anticipated by the E4 Environmental Living zone.
Site Coverage and Landscaped Area

The development application claims the child care centre allotment will result in a site coverage of 62%. However, this will not comply with the site coverage requirements for Non-Residential Development in Residential Zones which allows for a maximum site coverage of 30% (applying a R2 Low Density Housing - E4 Zoning equivalency) for sites which exceed 1000 m². Additionally, minimum landscaped area should be at least 50%. However, by the applicants’ figures the development provides only 23%. The applicants’ figures will be checked for accuracy during the ongoing assessment process.

The proposal claims compliance with the controls for a dwelling house. However, given the level of topographical alterations to create the building platform the figures claimed are disputed but not supported in any case, given the zoning and overall impact of development upon the site.

Child Care Centre

The proposed childcare centre which makes provision for 154 Children exceeds the NSDCP recommended maximum number of children for a singular centre of 90 Children and vastly exceeds best practice recommendation in the DCP of 75 children for a given centre. The number of children of the proposed centre is considered to be excessive given the location and zoning of the site.

To provide requisite unencumbered “outdoor” play and “indoor” play spaces, the proposal is reliant on terraces, two of which are overshadowed and rely on light wells to supplement the lack of natural light to the play space and play rooms.

The proposal is reliant on a battle axe and parking in designated pick up spots in the basement. Whilst the width of the proposed driveway will allow for two-way traffic, give the potential traffic volumes for a centre operating at full capacity, the functionally of the basement parking is questioned.

Traffic / Parking

A formal comment has been received from Council’s Traffic Engineers:

“Reference is made to your recent request for traffic comments on the proposed development at 12A Shirley Road, Wollstonecraft (DA 112/17) I have read the Transport Impact Assessment prepared by GTA Consultants dated 15/02/17.

The site is located near Berry Island Reserve at the southern end of Shirley Road, which is a no through road.

The proposal is for a single residential development at the front of the site and a childcare centre at the rear of the site with capacity for 156 children and 25 staff.

Traffic Generation

The existing and future traffic volumes on Shirley Road as a result of the proposed development are summarised in the table below:
The volume of traffic on Shirley Road between Telopea Street and Tyron Avenue will increase by up to 89% during peak periods as a result of the proposed development which is a significant increase as a result of one development and is likely to be felt by residents.

Furthermore, there is a section of Shirley Road, approximately 130 metres long between House Number 11 and House Number 23, where the road narrows to a single lane. Opposing vehicles must give way to each other either by waiting on approach to the narrow section or pulling over into a vacant area in front of a driveway. With the current traffic volumes on Shirley Road, the probability of two vehicles arriving at the same time (in either direction), including any vehicles already travelling along the narrow section, is 13%. In other words, the probability of two opposing vehicles meeting is relatively low. Notwithstanding this, Council does occasionally receive concerns from residents when this does occur and suggestions to remove parking to provide two travel lanes. With the predicted increase in traffic generated by the proposed childcare centre, the probability of more than two vehicles arriving at the same time (in either direction), is 48%. In other words, around half the time vehicles travelling through this section are likely to encounter an opposing vehicle. This is likely to exacerbate the perceived issues. Removal of parking at this location is not desirable as this will increase demands on parking elsewhere in Shirley Road which is already in high demand due to its close proximity to the Wollstonecraft Train Station (200 metres) to the disadvantage of local residents.

There would be a significant increase in traffic on Shirley Road south of Tyron Avenue. However, it is noted that traffic volumes are currently very low due to the limited number of residential properties that have direct access from this road. Notwithstanding the dramatic increase in traffic as a result of this development would be felt by residents.

**Car Park Layout**

Stacked parking spaces should only be used as a last resort and only be allocated to occupiers of the building (ie staff). These spaces can be difficult to access if the rear space is blocked and casual use of the front spaces by parents and guardians dropping-off and picking-up children would make access to the rear spaces more difficult and therefore more likely that staff would opt to park on the street instead.

It is noted that the proposed stacked spaces were most likely allocated to drop-off and pick-up as they are wider than other spaces and comply with the required dimensions set out in AS 2890.1. Due to the intense use of the carpark during the AM and PM peak periods it is critical that the carpark is designed in accordance with Australian Standards and the requirements of Council’s DCP.
It is noted that the proposed emergency bay is proposed however it cannot be used by ambulances due to the height restrictions within the carpark.

Parking Provision

Council’s DCP requires a maximum of 3 parking spaces for staff, 3 parking spaces for parents and a set down area. The capacity of the set down area is not specified, however the RMS Guide to Traffic Generating Developments suggests a rate of 1 space per 4 children for childcare centres. This equates to 39 spaces for a childcare centre of the proposed size.

<table>
<thead>
<tr>
<th>Type of Parking</th>
<th>Proposed by Developer</th>
<th>North Sydney Council DCP 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Off-street</td>
<td>Requirement</td>
</tr>
<tr>
<td>Staff</td>
<td>6</td>
<td>1 space / 2 staff (3 max.)</td>
</tr>
<tr>
<td>Parents</td>
<td>5</td>
<td>&gt;24 children: 3 (max.)</td>
</tr>
<tr>
<td>Set-down area</td>
<td>9</td>
<td>Set down area required**</td>
</tr>
<tr>
<td>Designated Disabled Parking</td>
<td>1</td>
<td>on-site (residential) or close proximity (mixed-use)</td>
</tr>
<tr>
<td>Designated Emergency Parking</td>
<td>1*</td>
<td>on-site (residential) or close proximity (mixed-use)</td>
</tr>
<tr>
<td>Total parking</td>
<td>22</td>
<td>47</td>
</tr>
</tbody>
</table>

*Car park height limit prohibits use of emergency space by ambulance or fire vehicles.

** DCP does not specify a rate for provision of set-down parking area, however RMS Guide to Traffic Generating Developments suggests 1 space per 4 children.

It is likely that the under-provision of an adequate set down facility for the proposed size of the childcare centre will result in parking demand overflowing onto the street. This pushes the parking requirement onto the limited on-street parking supply. The use of on-street parking essentially exclusively for one private development means that a public resource is being taken away from the community as a whole and given to one private and commercial interest.

In addition, due to the no-through access along Shirley Road, vehicles would need to turn around within the road carriageway. The road is only 8 metres wide at this point, which is only wide enough for a single travel lane and parking on both sides of the road. The combined restricted width of the roadway, relatively high number of vehicles generated by the development and the need for vehicles to turn around within the road carriageway to depart raises safety concerns, particularly for young children being dropped-off and picked-up at the centre.
Conclusion

Based on the above comments, it is felt that the site is inappropriate for a childcare centre, particularly of the proposed size due to restricted road widths, turning facilities and impacts on parking."

Traffic, parking and safety are directly related to the scale of the proposed centre and are likely to be a determinative issue.

Local Environment / Overdevelopment of the site

Surrounding the site is a considerable amount of naturalized bushland area. The proposal in its current form requires the removal of the majority of vegetation on site (including significant trees) and the majority of natural rock outcropping. There is minimal proposal for new landscaping with any meaningful integration with adjoining bushland. Council’s Bushland Manager has identified that proposed landscaping species proposed have no relationship to the identified bushland species and also have the ability to invade into the adjoining bushland area. Additionally, Council’s Landscape Officer is not supportive of the loss of the Large tree and rock outcropping on site. A development significantly reduced in scale, excavation and site coverage would provide for greater opportunities for retention of trees and natural topography on site.

 Appropriateness of Proposal

The preceding comments comprise the most significant concerns identified with the proposal before Council and the Panel.

It is likely that the traffic and parking issue will be fatal to the success of this application. Once a position on this issue is confirmed in the negative, the applicant will be given the opportunity is reconsidered its position and withdraw the application.

CONCLUSION

The preceding briefing note provides a summary of the prevailing issues currently identified with the application and highlight the issues raised by the proposed development in the context of the site and zone.

In noting that the proposed development is permissible with consent in the zone, the issue of most significance being potential traffic impacts, is likely only able to be resolved by a major reduction in the total number of children proposed to be cared for and a corresponding significant reduction to the overall built form and building footprint of the proposed centre and dwelling. These reductions will reduce the traffic and parking impacts of the development.
photomontage - view looking west from shirley rd
photomontage - view looking west from shirley rd
photomontage - view looking east from gore cove
PRELIMINARY DEVELOPMENT APPLICATION SET

22/03/2017 9:13:49 AM

8.9M ABOVE NATURAL GROUND LINE OVERLAY (SHOWN IN GREEN)

8 AND HALF METRE ABOVE NATURAL GROUND OVERLAY