

Memo

Department

To: Northern Beaches Local Planning Panel – 13 December 2023

Cc: Steven Findlay, Manager Development Assessment

From: Jordan Howard – Planner

Date: 12 December 2023

Subject: Item No. 4.5 – DA2023/0774 – 68A Elimatta Road MONA VALE

Record Number: 2023/818751

Background

The purpose of this memo is to:

1. Advise the Panel that additional submissions have been received from:
 - The owners of 70 Elimatta Road, Mona Vale (Colin & Janie Pocklington), on 4 December 2023
 - The owners of 72 Elimatta Road, Mona Vale (Terry & Maureen Wooldridge), on 4 December 2023
 - The owners of 70 Elimatta Road, Mona Vale (Colin & Janie Pocklington), on 7 December 2023
2. Advise the Panel that a revised Cost Summary Report has been received from the applicant. This report revises down the estimated total cost of works for the development from \$668,800 to \$602,635.00, as amendments received during the assessment process have reduced the proposed floor area and removed some originally proposed elements (such as the spa).

As such, this memo includes a recommendation that Condition 7, relating to monetary contributions, be amended to reflect the revised cost of works.

Matters Raised in the Submissions

The commentary provided below is made by Council's supervising assessment officer.

View Loss

A view loss assessment of the original and amended proposal is undertaken in the Assessment Report, which was prepared by an external consultant. The assessment has found that the view loss is not considered to be unreasonable, and the proposal is supported, subject to conditions.

Privacy

The Assessment Report notes that adequate privacy to neighbouring properties will be retained and finds that the proposal meets the requirements of P21DCP Clause C1.5 Visual Privacy.

In response to specific privacy concerns raised in the submissions regarding W14 on the West Elevation; this window is high sill and located off a lower usage room (bedroom). Furthermore, in relation to the privacy concerns raised by the owners of 72 Elimatta Road, the dwellings are approximately 25m apart, a distance that removes the reasonable possibility of significant privacy impacts. W14, and the other proposed windows on the West Elevation of the first floor, are not anticipated to cause unreasonable privacy impacts.

Solar Access and Noise

The Assessment Report notes that the amended proposal retains compliant solar access to neighbouring properties as required by P21DCP Clause C1.4 Solar Access.

In response to specific concerns raised by the owners of 70 Elimatta Road, Shadow Diagrams remonstrate that the cabana does not cast shadows towards 70 Elimatta Road between 9am and 3pm on 21 June.

Regarding noise, the acoustic impact of the occasional use of a rear yard, pool and cabana are not unreasonable in a low-density residential environment. Regarding the side setback of the cabana, the cabana is compliant with the required 1m side setback to the western side boundary.

Non-Compliance with DCP Controls

The Assessment Report includes assessment of proposed P21DCP non-compliances, finding in each instance that non-compliances are supported on merit.

Conclusion

The DA has been externally assessed by an independent planning consultant, with the issues raised in the late submissions being adequately addressed throughout the original Assessment Report.

No matters have arisen that require the external consultant to provide additional assessment comments beyond those provided by Council's supervising assessment officer.

The external assessment concluded with a recommendation that the Panel approve the application, subject to conditions. This recommendation does not change in light of the late submissions.

The external consultant has been provided with a copy of the late submissions and this supplementary memo.

Recommendation

The Panel note these late submissions as part of its consideration of DA2023/0774.

That Condition 7 - Policy Controls, be amended to read as follows: (changes to the condition have been underlined):

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$6,026.35 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$602,635.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.