



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

reconvened on

THURSDAY 21 FEBRUARY 2019

Minutes of a Meeting of the Development Determination Panel reconvened on Thursday 21 February 2019

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 13 FEBRUARY 2019

That the Minutes of the Development Determination Panel held 13 February 2019, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.2 DA2018/0089 - 4 DYGAL STREET, MONA VALE - DEMOLITION OF SITE STRUCTURES AND CONSTRUCTION OF A SENIORS LIVING DEVELOPMENT UNDER SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) COMPRISING EIGHT (8) DWELLINGS WITH BASEMENT CARPARKING

PROCEEDINGS IN BRIEF

The Panel considered this application on 13 February 2019 and deferred consideration of the matter for clarification on specific details.

The application is subject to a class 1 appeal to the Land and Environment Court against the deemed refusal of the application.

The Panel received further information from the applicant in regard to levels used to calculate the building height envelope and elevations which did not contain a side fence which obscured the view of the ground floor side elevations.

The Panel also received an updated assessment report which addressed discrepancies in the assessment.

The Panel were not satisfied with the bulk and scale of the eastern building, primarily in regards to the side setbacks of the first floor. Whilst the western building does not comply with the side setbacks for a portion of the building, the articulated setbacks present an acceptable outcome, with the exception of Bedroom 2 of unit 5. The setback should be increased to 4.115 to reflect the setbacks achieved on the corners of the remainder of the western building.

Similarly the eastern building would need to increase the side setbacks to 4.115 metres for the terrace and bedroom 2 of both units 7 and 8 in order to provide sufficient articulation. Further, the feature stone clad wall on the southern elevation of the western building should be setback in line with the current 3 metre setback.

The western building seeks 2 variations to the Building Height Envelope which the PDCP acknowledges that variations may be acceptable on lots affected by flooding. The site is identified as flood affected by the Mona Vale Flood Study. The building envelope shall be measured from the minimum floor level established in the Hazard Controls. The extent of variation is minor when measured from the flood minimum floor level, but given the significant variations to the side setbacks in the same locations the building would not be considered acceptable. The changes as described above to the side setbacks would present an acceptable solution, although not fully compliant to the Building Height Envelope

The Panel consider the Dygal Street elevation to be acceptable in its presentation of bulk, scale and presentation to the street.

The Panel were not satisfied that the proposal provided sufficient privacy to occupants of unit 2, specifically Bedroom 2, where the common pedestrian path has direct viewing into this room.

The Panel were satisfied that the proposal has safe pedestrian access to local facilities in the Mona Vale Town Centre, which is less than 400 metres walk from the pedestrian entry from Dygal Street. In this respect the Panel considers that the proposal satisfies the SEPP requirements for access to local facilities or public transport and therefore does not support the need for a pedestrian refuge island, as stipulated by Council's Traffic Engineer, to gain access to public transport. In regards to the path of travel, the Panel accepts the assessments report and expert reports that the path of travel is acceptable

The development was not acceptable in terms of accessibility within the site with stairs being located between the two buildings. This was raised with the applicant at the meeting who informed the Panel this could be amended to include a small platform lift beside the stairs to provide acceptable access.

The application is currently before the Land and Environment Court and the Panel supports the assessment report in regards to the building not being acceptable in respect of Privacy, Bulk and Scale and Side Setbacks and this contributes to an unacceptable Floor Space Ratio.

DECISION

THAT the Application DA2018/0089 for demolition of existing dwelling and construction of a seniors living development on land at Lot 5 DP9767 and Lot 2 DP 356334, 4 Dygal Street Mona Vale is not supported on the following grounds:

1. Pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 50– FSR of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability)*.
2. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause D9.7 Side Setbacks of the Pittwater Development Control Plan.
3. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* the proposed development is not acceptable in terms of bulk and scale.
4. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 34 Privacy of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability)*.

Voting 3/0

The meeting concluded at 11.45

This is the final page of the Minutes comprising 5 pages
numbered 1 to 5 of the Development Determination Panel meeting
held on Thursday 21 February 2019.