

DRAFT DETERMINATION

REFUSAL ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

Aquarius Health Pty Ltd
C/ Urbis Pty Ltd
GPO Box 5278
Sydney NSW 2001

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Being the applicant in respect of Development Application **N0322/14**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination of Development Application **N0322/14** for:

Demolition of all existing site improvements and construction of a new residential care facility, comprising 77 bedrooms and 91 beds, under the provisions of SEPP (Housing for Seniors and People with a Disability) 2004

At: 2 and 4 Jenkins Street and 1679 Pittwater Road, Mona Vale (Lots 1, 2, 3, and 4 DP 23373 and Lot 15 Section A DP 5464)

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Decision:

The Development Application has been refused for the following reasons:

1. The proposal is inconsistent with the provisions of clauses 26 (Location and access to facilities) and 38 (Accessibility) of SEPP HSPD, as the site is not located within 400m of a southbound bus stop that is accessible by means of a suitable access way. Relying upon a bus stop that is situated across 6 lanes of traffic on the opposite side of Pittwater Road, and requiring seniors or people with a disability to cross the road without the aid of a pedestrian crossing, is not a safe or appropriate outcome in accordance with the provisions of SEPP HSPD. Furthermore, the path of travel between the basement and Pittwater Road is not an equitable or dignified way for seniors or people with a disability to enter the residential care facility, and is inconsistent with the provisions of *AS1428.1 – Design for access and mobility* and the BCA.

The works proposed to facilitate the path between the basement and the Pittwater Road frontage constitutes Integrated Development and requires the concurrence of Roads and Maritimes Services (RMS). In accordance Section 91A(2) of the Act, consent must not be granted to a development involving works within the road reserve of a classified road without first obtaining general terms of approval from RMS.

2. The built form of the proposed residential care facility is excessive and uncharacteristic of the streetscape within a low-density residential area. The proposal presents as an overdevelopment of the site, inconsistent with the building height development standards of clause 40 (Development standards – minimum sizes and building heights) of SEPP HSPD, the minimum front building line prescribed by clause D9.5 (Front building line) of P21 DCP,

and the landscaping requirements of clause D9.10 (Landscaped area – General) of P21 DCP.

The height and width of the development will present as an abrupt change in scale along the streetscape, with insufficient landscaping to soften and screen the resultant built form, resulting in non-compliance with clause 33 (Neighbourhood amenity and streetscape) of SEPP HSPD, clauses D9.1 (Character as viewed from a public place) and D9.2 (Scenic Protection – General) of P21 DCP, and the desired future character statement in clause A4.9 (Mona Vale Locality) of P21 DCP.

3. The overdevelopment of the site is likely to attribute to unreasonable impacts upon the amenity of adjoining properties, with potential for view loss associated with the non-compliant height and scale of the proposed development, and the inclusion of plant equipment of the proposed flat roof. Furthermore, the design of the residential care facility has not had adequate regard for the amenity of future residents, and the provisions of clauses 34 (Visual and acoustic privacy) and 35 (Solar access and design for climate) of SEPP HSPD have not been satisfactorily addressed.

Notes:

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 6 months after receipt of this notice.
3. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson
GENERAL MANAGER

Per:

Date: **TBA**