

25 September 2015

David Furlong  
Regional Panel Chair  
Sydney East Joint Regional Planning Panel

Dear Mr Furlong,

**Re: 2014SYE113 – Demolition of existing building and construction of a 92 bedroom residential aged care facility at 2 and 4 Jenkins Street and 1679 Pittwater Road, Mona Vale – N0322/14**

Council is aware of a submission from Urbis, dated 23 September 2015, in relation to the assessment of Development Application N0322/14 at 2 and 4 Jenkins Street and 1679 Pittwater Road, Mona Vale. The submission states that additional information was issued to Council on Monday 7 September 2014 that has not been considered as part of the assessment report tabled for the upcoming determination meeting on Tuesday 29 September 2015.

Council received the above mentioned additional information on Monday 7 September 2015 under a cover letter from Urbis (attached). The letter states that the information was presented on a "without prejudice" basis, for review prior to Council's Internal JRPP Review Unit Meeting on Monday 14 September 2015. Whilst the additional information has been considered and reviewed, an amended assessment report has not been prepared, as the applicant has not sought to formally amend the proposal, to rely upon the additional "without prejudice" information provided.

At Council's Internal JRPP Review Unit Meeting, Steve Evans (Director – Environmental Planning and Community) made a commitment to the Applicant that Council would review the amended information prior to the upcoming determination meeting. No commitment was made in relation to the preparation of an amended assessment report, and as the assessment report was due with the JRPP two weeks prior to the determination meeting, no time was available for this to occur.

Council is happy to discuss this matter further at the upcoming briefing meeting, and will be in a position to highlight ongoing concerns with the Applicant at the subsequent determination meeting. If you have any questions in the meantime, please contact Rebecca Englund on 9970 1250.

Yours Faithfully,



Rebecca Englund  
**EXECUTIVE PLANNER**



Monday 7 September 2015

Ms Anna Williams  
Principal Planner  
Pittwater Council

Dear Anna,

### Assessment of N322 - RACF at 2-4 Jenkins St, Mona Vale

We would like to provide you with the attached 'without prejudice' amended plans for your review Prior to Council's JRPP Development Unit meeting scheduled for the 14<sup>th</sup> September.

Below is a summary of how the design has been modified in response to key assessment issues raised in Council's Assessment Report, provided on Friday 4<sup>th</sup> September.

#### 1.1 INADEQUATE ACCESS TO SERVICES

A Clause 4.6 Variation has been prepared to address non-compliance with Clause 26 of SEPP Seniors (attached).

Provision of a private transport service by Opal Aged Care is considered a more appropriate access solution for residents, but also a superior solution compared to physically impaired seniors walking 400m to a bus stop.

This response adequately covers Council's comments on Clause 38 which states developments should provide adequate and safe access to services and facilities. The private bus transport service solution provides a safer and more appropriate means of accessing services and facilities.

#### 1.2 INCOMPATIBLE CHARACTER

Clause 33 of SEPP Seniors requires development setbacks and landscaping in sympathy (but not necessarily the same as) surrounding lots. The following changes have been made:

- The proposed development is both consistent with surrounding setbacks, and compliant with DCP setback controls for Pittwater Rd and Jenkins St. The northern and eastern setbacks are far greater than the minimum requirement.
- Additional landscaping has been added to the Pittwater Rd and Jenkins St frontages
  - Three trees have been added to the Jenkins St boundary in front of the services area
  - Three trees have been added to the turfed area east of Jenkins St 'front door'
  - Substation kiosk and gas meter have been setback further from the western boundary to accommodate two trees for screening this boundary
  - The area of tiled courtyard has been reduced to accommodate increased landscaping along the eastern frontage
  - Additional plantings around the kitchen garden
  - Increased area of deep root zone near the northern outdoor living space

While the DCP states preference for the locality to remain low density residential, this does not override the permissibility of the land use in the zone under SEPP Seniors. Clause 33 requires the

development to maintain reasonable amenity and appropriate residential character via appropriate setbacks, building form, comparable heights to adjoining developments, and consideration of impact on shared boundaries.

- Setbacks are compliant or greater than requirement to Pittwater Rd (10m or greater) and Jenkins St (5m or greater)
- Setbacks to shared boundaries are greater than minimum requirement and are adequately screened
- Upper floor setback has significantly increased from 10m to 17.7m to Pittwater Rd boundary to reduce impact of height and better relate to surrounding heights
- Building modulation and articulation has been increased
  - Parapets removed
  - Roof simplified
  - Eastern setback of top floor increased from 10m to 17.7m
  - Façade articulation and modulation of eastern and southern elevation modified to reduce bulk and scale

### 1.3 EXCESSIVE HEIGHT, BULK AND SCALE

The building has been modified to considerably reduce the extent of the noncompliance with the SEPP Seniors height control.

- Maximum height of the development is 9.5m
- Key Maximum heights can be summarised as follows:
  - Pittwater Road: 9.5m
  - Jenkins Street frontage height: 9.28m
  - Eastern frontage height: 5.71m

Noncompliance is limited in location and extent to the north eastern portion of the building facing Pittwater Road. The pushing back of the upper floor by an additional 7.7m has significantly reduced this noncompliance. DA2000 demonstrates how this modification has improved compliance with height control, particularly from Jenkins Street where the noncompliant section at the north eastern corner is visible as a 'shadow'.

The deletion of a portion of the top floor has had a positive impact on the perceived bulk and scale of the development from both Jenkins St and Pittwater Road. Further, modifications to the balconies and façade articulation have increased modulation and reduced the impact of the building from the surrounding area.

- The FSR of the development is now 1.09:1 – a minor noncompliance with Clause 48's 'cannot be used to refuse' standard of 1:1. The recent modifications have reduced the development GFA by 969sqm.

Again, the setbacks are compliant with or greater than the minimum required under the DCP.

### 1.4 UNACCEPTABLE RESIDENTIAL AMENITY

With regards to Clause 34 (visual and acoustic privacy) of SEPP Seniors, we assert the proposed degree of vegetative screening and directive windows, together with the generous setbacks to shared boundaries, are adequate to preserve the acoustic and visual privacy of residents within the site and at adjoining properties. Additional privacy measures would not be to benefit of future residents in the facility.

View impacts to 8 Jenkins Street were eliminated at the point of concern for the resident (terrace area) following the redesign. No objections to view loss followed.

The submission from 55 Elimatta regarding privacy was made available on the 28th August when the period of notification ceased over three months earlier, on the 15<sup>th</sup> May. While we acknowledge that

ideally, all submissions should be considered regardless of date submitted, this submission was entered just over a week ago and well after the initial Council JRPP Development Unit meeting, without enough time to access the property and view height poles in place to confirm no view loss will take place.

Substantial efforts have been made in a short time to respond to Council's assessment concerns. The modifications shown should greatly reduce any concern, with the increased landscaping, setbacks, building modulation, and articulation improving how the building is read from the public domain, and how it performs against key planning controls.

Please let us know if there is any further information or clarification you require between now and the 14<sup>th</sup> September 2015.

Kind regards,

A handwritten signature in black ink, appearing to be 'Skye Playfair Redman', is located below the 'Kind regards,' text.

Skye Playfair Redman

Senior Planning Consultant

