
Sent: 9/10/2018 6:21:42 AM
Subject: Section 96 Modification Application Mod 2018-0484 at 3a Dygal Street Mona Vale
Attachments: Section 96 Modification Application Mod 2018-0484 at 3a Dygal Street Mona Vale.pdf;

Please see attached submission relating to Section 96 Modification Application Mod 2018-0484 at 3a Dygal Street Mona Vale

Thank you

Mr R Smith

Regarding Section 96 Modification Application Mod 2018/0484

Modification for the proposed deletion of conditions D26, D27 and D39 of Development Consent - DA 972/2003 the demolition of the existing dwelling and construction of two detached dwellings and a footpath along the eastern side of Dygal Street under the provisions of SEPP No 5 at No. 3A Dygal Street, Mona Vale ("subject site").

There are a number of issues I would like to raise and which form an objection to the application: -

- 1) The SEPP 5 development has been occupied since November 2006 and still only has an interim occupation certificate. There are some serious flaws in the NSW Planning system that permits a SEPP 5 development, which caters for the aged over 55's and or people with disabilities to be occupied for 12 years without a final occupation certificate being obtained.
- 2) One of the reasons for no final OC being obtained is that the footpath works in Waratah Street were never carried out by the Strata as required.
- 3) I find it amazing now with the knowledge that the Strata has been sitting on this for the last 12 years fully aware that this work had to be done and wasn't done in that time as soon as Council does some upgrading of the footpath the Strata immediately pops their head out and lodges a Section 96 application to have the conditions removed which they were liable for which ratepayers have now paid for. This is preposterous.

- 4) The S96 application seeks the following: -

D26. The applicant is to reconstruct the kerb ramps in Keenan Street to be no steeper than 1:8 with landings 1330mm wide and maximum 1:33 cross fall. Ensure that the ramps have an included angle not less than 166 degrees between the ramp surface and the road surface.

D27. Gradients and cross falls on the path of travel from the site to the Waratah Street footpath are not to exceed the following:

*Cross falls along the path of travel are not to exceed 1:33
Gradients between 1:14 and 1:12 are to be no longer than 15 metres in length.
Gradients between 1:12 and 1:10 are to be no longer than 5 metres in length.
Gradients between 1:10 and 1:8 are to be no longer than 1.5 metres in length.*

D39. The applicant is to reconstruct those areas of the existing footpath in Waratah Street that exceed 1:10 gradient for more than 1.5 metres. These are located approximately between 158 metres from the site and 164 metres as well as between 248 metres and 253 metres from the site measured along the intended path of travel.

- 5) Council will note the S96 Application is not accompanied by a survey from an accredited Surveyor or Access Consultant to confirm the work done and paid for by ratepayers to the benefit of the Strata of 3a Dygal Street Mona Vale complies with the consent conditions. Indeed on a causal observation I suggest there is obvious non compliance.
- 6) It is far from reality that Council should be approving this application on face value to remove the subject conditions based on the mere fact that concreting works have been done and on the assumptive basis as the applicant Mr Doyle is suggesting all now complies with the consent conditions. I'm sorry but I do not agree and nor should Council.
- 7) Whilst on the surface and as the applicant would like all to believe this is a simple rubber stamping operation of approval this clearly is not so. Indeed on what basis of evidence has the applicant put forward that consent conditions have been satisfied, answer is no evidence. Council cannot approve this application on the assumption the footpath and kerb ramps complies.
- 8) I hereby request to be notified of any further material the applicant submits.

Regards

Mr R Smith