

DATE OF DETERMINATION	15 December 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Steve Kennedy, Annelise Tuor
APOLOGIES	None
DECLARATIONS OF- INTEREST	None

Public meeting held by teleconference on 15 December 2020, opened at 2.30pm and closed at 2.55pm.

MATTER DETERMINED

PPSSNH-164 – Northern Beaches – MOD2020-0488 at 9 & 14 Patey Street & 64-66 Quirk Street, Dee Why for modifications to an approved development application (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined below and in Council’s Assessment Report.

The modification generally seeks retrospective consent to regularise a number of “as built” changes that occurred during the construction of the extension including the relocated hydrotherapy pool, other minor internal alterations and the installation of roof top plant and associated screens.

The “as built” roof top plant breaches the 8.5m maximum building height development standard by 40% or 3.48m (1.68m higher than the approved roof top). Despite the numerical non-compliance, the Panel concurred with Council that the development achieves consistency with the underlying objectives of Clause 4.3 Height of Buildings of WLEP 2011. The plant is well set back to the centre of the roof and will have minor visual impacts from the primary Quirk Street frontage and limited visual impact from the secondary frontage to Patey Street and nearby dwellings.

The subject site is located within an established R2 Low Density Residential zone. By nature, the built form, design and operational needs of a hospital vary considerably from those of a dwelling. The overall height and scale of the existing hospital were established with previous development consents, which approved the 2 to 3 storey eastern extension. The extent of roof top plant required to service the hospital could have been better detailed in these consents, however, the addition of the roof top plant centrally located on the roof of the eastern extension generally maintains the approved built form, which has been assessed by Council as compatible with the surrounding area.

In summary, the Panel considered the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.






CONDITIONS

The development application was approved subject to the recommended conditions in Council's Assessment Report with the following amendments.

- Condition 42 (B) - deleted

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the public meeting. The Panel noted issues of concern included retrospective work, breach of height development standard and visual and acoustic impacts of roof top plant. The Panel considered that concerns raised by the community were adequately addressed in the Assessment Report, Applicant and Council responses during the public meeting and in the conditions of consent.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Steve Kennedy
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-164 – Northern Beaches – MOD2020-0488
2	PROPOSED DEVELOPMENT	Modification of Development Consent DA2017/0446 granted for alterations and additions to an existing hospital - Delmar Private Hospital
3	STREET ADDRESS	Lot 12 DP 8270, 14 Patey Street DEE WHY NSW 2099 Lot 93 DP 8139, 14 Patey Street DEE WHY NSW 2099 Lot 94 DP 8139, 14 Patey Street DEE WHY NSW 2099 Lot 58 DP 1239854, 58 Quirk Street DEE WHY NSW 2099
4	APPLICANT/OWNER	CDP Services Pty Ltd Delmar Private Hospital Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy – Infrastructure 2007 ○ Warringah Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 4 December 2020 • Written submissions during public exhibition: 57 • number of unique submissions received by way of objection: 57 • Verbal submissions at the public meeting 15 December 2020: 57 <ul style="list-style-type: none"> ○ Community members: Mike Haysler, Andrea O'Connor ○ Council assessment officer: Anne-Marie Young ○ On behalf of the applicant: Greg Boston
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 25 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u> Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Steve Kennedy, Annelise Tuor ○ <u>Council assessment staff</u>: Lashta Haidari • Final briefing to discuss council's recommendation: 15 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u> Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Steve Kennedy, Annelise Tuor ○ <u>Council assessment staff</u>: Anne-Marie Young, Lashta Haidari
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report