

DATE OF DETERMINATION	24 April 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public teleconference meeting held on 22 April 2020, opened at 10am and closed at 10.23am.

MATTER DETERMINED

2018SNH058 – Northern Beaches – DA2018/1654 at 181 Forest Way Belrose for an Aged Care Facility (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 refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel accepted that Council's assessment of the non-compliances of the building height and front setback built form controls against Clause 20 of the WLEP 2000 found that the development would meet the objectives of the controls.

While the Panel considered the proposal has merit, the Panel was also of the view that as the Rural Fire Service is not satisfied with the bushfire solution, the DA could not be approved. Therefore, the Panel unanimously determined to refuse the application for the following reasons:

- The current design and supporting bushfire documentation, have not satisfied the New South Wales Rural Fire Service.
- The proposal is an overdevelopment of the site, in that the design requires part of the neighbouring property to be managed for bushfire protection purposes.

The Panel also noted Council's advice regarding connection to the sewer and considered that a better course of action would be to ensure the development application incorporated reticulated sewerage for servicing the site to the satisfaction of Sydney Water Corporation.

CONDITIONS

Not applicable.



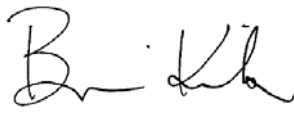


CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel noted that issues of concern included:

- Bushfire
- Café and noise
- Privacy

- Building height and setbacks
- Building bulk
- Desired Future Character
- Lighting
- Tree and Vegetation Loss
- Fencing
- Pollution
- Construction storage
- Traffic
- Sustainability

The Panel considered that concerns raised by the community, with the exception of bushfire planning, have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH058 – Northern Beaches – DA2018/1654
2	PROPOSED DEVELOPMENT	Demolition works and Construction of a new aged care facility including underground parking.
3	STREET ADDRESS	Lot 3 DP 805710 No. 181 Forest Way, Belrose
4	APPLICANT/OWNER	Chrioseph Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD) 2004) ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No.44 – Koala Habitat Protection ○ Warringah Local Environmental Plan 2000 - Locality • Draft environmental planning instruments: Draft State Environmental Planning Policy (Remediation of Land) • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan 2000 • 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: 8 April 2020 • Clause 20 (WLEP 2000) Justification • Applicant submission: 22 April 2020 • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In Objection: Trad Edwards, Matthew Adamo ○ Council assessment officer – Daniel Milliken ○ On behalf of the applicant – Markam Ralph, Mark Travers
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 30 January 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Steve Kennedy, Annelise Tuor ○ <u>Council assessment staff</u>: Luke Perry • Site inspection: 30 January 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Steve Kennedy, Annelise Tuor ○ <u>Council assessment staff</u>: Luke Perry • Final briefing to discuss council’s recommendation, 22 April 2020, 9.10am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy ○ <u>Council assessment staff</u>: Daniel Milliken

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Conditions without prejudice provided with assessment report