

12 March 2024

Mr. Scott Phillips
Chief Executive Officer
Northern Beaches Council
PO Box 82
Manly NSW 1655

Att.: Jordan Davies

Dear Mr Davies,

**Response to Request for Information
5 Skyline Place, Frenchs Forest (Mod2023/0617)**

This letter has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Platino Property Pty Ltd* (the Applicant) in response to Northern Beaches Council's (Council) letter dated 7 February 2024 in relation to the above Development Application at 5 Skyline Place, Frenchs Forest (Mod2023/0617).

The project team has carefully reviewed the points as outlined in Council's abovementioned letter which required additional information. Additional information has been provided to address Council's comments and is included at the attachments to this letter.

A detailed response to the issues raised in Council's letter is provided in the table at Attachment A.

We trust that this submission provides all information required to enable Council to finalise its assessment to enable the modification application to be approved.

Please do not hesitate to contact Sammy Hamilton at sammy@keylan.com.au if you wish to discuss any aspect of this submission.

Yours sincerely

Dan Keary

Dan Keary BSc MURP RPIA
Director

Attachments:

Attachment A: Response to issues raised by Council
Attachment B: Specialist Economic Advice
Attachment C: Acoustic Addendum Report

Attachment D: Traffic and Waste Management Advice
Attachment E: Cost Plan Letter
Attachment F: Revised Ground Floor Plan
Attachment G: Arboricultural Information Package

**Attachment A –
Response to Northern Beaches Council’s Comments**

Ref	Council Comment	Response
1	Town Planning Comments	
1.1	<i>It is understood the consent was granted on the basis that incorporation of non-residential floor space at Level 1 of the eastern building, resulting in a two-storey non-residential podium presenting to Skyline Place, was an appropriate way of achieving compatibility with to the surrounding built form within the business park (as required under SEPP 65 and SEPP Seniors). Furthermore, the first level non-residential floor space reduced the potential for amenity impacts upon the future residents from surrounding land uses.</i>	As demonstrated by the submitted Architectural Plans, the built form outcome resulting from the proposed change of first level use from non-residential to residential is imperceptible. There are minor differences to the western elevation of the building, including the introduction of balconies which will permit passive surveillance of the streetscape and provide greater articulation to this façade.
1.2	<i>The modification application has only addressed the economic justification for the removal of the first-floor commercial floor space. Insufficient details and information have been provided with the application to satisfy Council that removing the first-floor commercial level will result in a building that remains compatible with the surrounding land uses in terms of the response to the surrounding built form character and mitigate potential amenity impacts on the future residents located on the first floor (including acoustic and air quality as a result of the surrounding and uses and trucks).</i>	<p>Furthermore, the introduction of first floor residential uses does not impact on the proposal’s compatibility with adjoining land uses, noting:</p> <ul style="list-style-type: none"> • The recently completed seniors housing and mixed use development on the adjacent site at 7 Skyline Place includes residential uses on Level 1. This building is now fully occupied and there have been no adverse amenity impacts on these residents. • There is no change to the building’s substantial landscaped setback to Skyline Place, ranging from 7.6 – 12.5 m (average 9.5 m), meaning there is a significant separation distance from adjoining development to the east • As per our submissions with the original DA, the surrounding locality is already characterised by a wide range of uses and is continuing to evolve in accordance with its designation as a health and education precinct under the Greater Sydney Region Plan and North District Plan.

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		An addendum acoustic assessment has been undertaken by GHD to assess the issue raised. This assessment concluded that there would be no adverse acoustic impacts on future residents of first floor units, A copy of the Acoustic Impact Assessment Addendum is provided at Attachment C.
2	Strategic and Place Planning Referral Comments	
2.1	<i>This application (Mod2023/0617) has been submitted to modify the consent issued under DA2021/0212. It is noted that Council's Strategic and Place Planning unit was unresponsive of DA2021/0212 for a number of reasons.</i>	Noted.
2.2	<i>Notwithstanding this, the application was approved by the Land and Environment Court on 20 April 2023. The modification application is supported by a Modification Report, dated November 2023, prepared by Keylan Consulting, which outlines the changes.</i>	
2.3	<i>In terms of Council's Strategic Planning, the deletion of the employment generating uses is of concern, as this will reduce the amount of employment generating floor space that was agreed as the appropriate balance between residential and non-residential uses and therefore, critical to the Land and Environment Court's approval of DA2021/0212.</i>	
2.4	<i>The proposed reduction of employment floor space from two levels (2,048sqm) to one level (1,079sqm) results in a loss of 969sqm of employment floor space, equating to an approximate 47% reduction in employment floor space. The employment floor space is proposed to be replaced by 8 independent living units and communal purposes associated with the seniors housing development.</i>	
2.5	<i>Justification for the reduction in non-residential floorspace, prepared by Platino Properties, accompanies the modification application. The justification outlines leasing difficulties associated with the non-residential floor space and supporting references are provided from two real estate agents.</i>	

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2.6	<p><i>It is noted that a variety of uses are permitted in the SP4 Enterprise zone, which do not appear to have been explored:</i></p> <p>3 Permitted with consent</p> <p><i>Boat building and repair facilities; Building identification signs; Business identification signs; Community facilities; Early education and care facilities; Educational establishments; Electricity generating works; Environmental protection works; Flood mitigation works; Garden centres; Goods repair and reuse premises; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Self-storage units; Service stations; Sewerage systems; Signage; Take away food and drink premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems</i></p>	<p>Upon review of the uses permitted with consent in the zone, it is noted that of the 38 permitted uses, a large proportion are not appropriate on the subject site given the existing context. Our review suggests that only 10 of the permissible uses would be suitable, with even fewer being likely tenants for a first floor tenancy with no direct street access.</p> <p>The economic advice that has been prepared by HillPDA suggests that the permissible uses that would be appropriate on the subject site include:</p> <ul style="list-style-type: none"> • Community facilities • Early education and care facilities • Educational establishments • Health services facilities • Neighbourhood shops • Office premises • Recreation facilities (indoor) • Public administration buildings • Respite day care centres • Take away food and drink premises <p>As noted in the HillPDA Advice at Attachment B, a first floor tenancy is not necessarily suitable for all uses including health services facilities where the general preference is for ground floor tenancies.</p> <p>The HillPDA Advice further explores suitability of the different permitted land uses in context and is included at Attachment B.</p>
2.7	<p><i>Further, it is noted that the site benefits from large floorplates zoned SP4 Enterprise, the scale of which is not common in the Northern Beaches region and broader North District, offering an opportunity to</i></p>	<p>The HillPDA advice looks at the strategic planning context and the Frenchs Forest Precinct specifically to ascertain</p>

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	<i>consider a range of more niche and larger format/larger scale businesses which struggle to find appropriate floorspace.</i>	the demand for employment generating floorspace in the precinct.
2.8	<i>It is recommended that specialist economic advice is sought to assess the proposed reduction in employment floor space, with consideration of the permitted land uses, broader strategic planning context applicable to the Frenchs Forest Precinct and employment lands in the Northern Beaches region.</i>	The advice concludes that given the context of the site and surrounding precinct, the existing vacancies and the nature of the first floor tenancies, the proposed deletion of employment generating spaces at first floor will not have adverse effects on the total provision of employment floorspace in Frenchs Forest or Council's objectives.
2.9	<p><i>The comments raised previously as part of DA2021/0212 remain. The proposal remains inconsistent with:</i></p> <ul style="list-style-type: none"> • <i>The Hospital Precinct Structure Plan (HPSP) adopted by Council in 2017.</i> • <i>The Frenchs Forest 2041 Place Strategy which identifies the business park for continued employment activity.</i> • <i>Council's Local Strategic Planning Statement - Towards 2040, particularly priority 28 to safeguard employment lands, priority 22 Jobs that match the skills and needs of the community and Priority 23 Frenchs Forest as a sustainable health and education precinct.</i> • <i>The desired future character established by the objectives of the SP4 Enterprise (B7 Business Park Zone) under Warringah Local Environment Plan 2011.</i> • <i>The desired future character established by State Government metropolitan Planning, which reinforces the importance of retaining and enhancing employment uses within the Business Park.</i> <p><i>*Note – The recommendation of the Strategic Planning team is for Council to engage a specialist to obtain economic advice on the proposed modification and review the modification.</i></p>	All of these strategic plans were fully considered as part of the original submission and this assessment remains relevant for the amendments that are now proposed. The approval of the original DA by the Land and Environment Court has demonstrated that the approved use is appropriate for the site in its context.
3	<i>Development Contributions Referral Comments</i>	
	<i>The Northern Beaches 7.12 Contributions Plan applies to the land and a development contribution is applicable for the approved development. It</i>	A revised Cost Plan has been prepared and is provided at Attachment E.

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	<p><i>is noted that the contribution condition was inadvertently missed in the consent issued by the Land and Environment Court.</i></p> <p>...</p>	
4	Landscape Referral Comments	
	<p><i>Changes to the pedestrian entry points along Skyline Place may impact existing trees to be retained, and in particular the pedestrian entry adjacent to the northern boundary which appears to have been widened. The widening will likely impact tree 71. Furthermore, it appears tree 70 may have been removed. Please provide an amended Arboricultural Impact Assessment (AIA) that references the current design and identifies any/all impact to trees that are shown to be retained and/or required to be retained under development consent DA2021/0212. The AIA shall also confirm if tree 70 has been removed.</i></p>	<p>An Arboricultural Information Package including an Arboricultural Impact Appraisal and letter of advice in relation to Tree 70 prepared by Naturally Trees is provided at Attachment G.</p> <p>The advice at Attachment G looks at the potential for impacts on Tree 71 resulting from the position of the proposed pedestrian pathway off Skyline Place. As a result of this advice, the path has been relocated slightly to ensure that there will be no impact on Tree 71. To ensure this is accurately reflected in Architectural plans, a revised Ground Floor Plan is provided at Attachment F. This revised plan will need to replace the existing ground floor plan as referenced in the conditions of consent.</p> <p>The advice also confirms that Tree 70 has erroneously been removed by the builders. We are unsure as to why this was done, but it appears that the tree was removed about 2 years ago.</p>
5	Traffic Referral Comments	
5.1	<p><i>It is noted that the layout of the basement parking areas have been amended including near the delivery bays. No swept path plots have been provided to confirm that ingress/egress to and from these bays by small rigid vehicles is achievable. This is required to be provided.</i></p>	<p>Traffic and Waste management advice is provided at Attachment D.</p> <p>Swept paths are provided which demonstrate small rigid vehicles (SRVs) can access the spaces identified.</p>
5.2	<p><i>Similarly, confirmation that there is adequate floor to ceiling clearance throughout the parts of the basement that must be traversed by small</i></p>	<p>As confirmed by the Traffic and Waste management advice, the delivery bays were never intended to accommodate SRVs with a maximum clearance of 3.5m.</p>

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	<i>rigid vehicles has not been provided. Overhead clearance of at least 3.5m will be required and must be demonstrated.</i>	The provision of a maximum clearance of 2.2m will enable B99 design vehicles to access the delivery bays which is appropriate for the development.
5.3	<i>It is noted that Council's waste services team have raised concerns about the changes made to the access arrangements to the street level bin storage areas. It is noted that the dimensions of the dock area have also been reduced with access to the bay now more constrained. Swept path plots must be provided to demonstrate that ingress and egress for Council's 10.5m long Waste Services truck can be achieved.</i>	Swept paths are provided within the Traffic and Waste management Advice at Attachment D. The swept paths confirm that Council's Waste Vehicles can safely ingress and egress from the garbage loading dock areas.
6	Waste Referral Comments	
6.1	<i>The current proposal has now removed both the waste bin lift and the waste ramp access to/from the basement.</i>	Traffic and Waste management Advice is provided at Attachment D.
6.2	<i>The vehicular driveways are not to be used for the process of transferring bins between the basement rooms and street level bin servicing area.</i>	Alternate bin transfer options are recommended which will ensure satisfactory movement of bins between the basement and street level on bin collection day.
6.3	<i>The potential conflict between vehicles exiting the basement and the operation of a bin tug on the driveway ramp is unacceptable.</i>	
6.4	<i>For the bin tug the access the waste servicing area it would be required to perform a 180 degree turn on the public footpath/road outside the property. This is also unacceptable.</i>	
6.5	<i>As the driveway ramp adjacent to the waste servicing area is shown as "exit only" please advise how the bins will be returned to the basement rooms. It is Councils' expectation that the public road and footpath not be used for this purpose. All bin movements are to be contained within the property.</i>	
6.6	<i>As garbage and recycling bins are serviced twice per week considerable time will be required to transfer all the bins on two days per week.</i>	
6.7	<i>Bulky goods are collected on 5 week schedule. Therefore a third day per week will be required for transferring bulky goods waste to the servicing area every five weeks.</i>	