

September 2019

WTJ19-324



Statement of Environmental Effects

Proposed Cancer Treatment Centre

WILLOW TREE PLANNING 49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015)

Prepared by Willowtree Planning Pty Ltd on behalf of Forest Central Business Park Pty Ltd



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Document Control Table

Document Reference:	WTJ19-324 – 49 Frenchs Forest Road East, Frenchs Forest – SEE		
Date	Version	Author	Checked By
7 August 2019	1	S Wu	A Cowan
3 September 2019	2	S Wu	A Cowan
9 September 2019	3	S Wu	A Cowan

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Forest Central Business Park Pty Ltd, and is submitted to Northern Beaches Council to support a Development Application for proposed cancer treatment centre on land at 49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015).

The proposed development specifically entails the following:

- Construction and use of a cancer treatment centre comprising four levels of medical facilities and three basement levels of carparking;
- Signage; and
- Site landscaping.

The proposal is consistent with surrounding land uses in the locality and would facilitate the development and use of the site for health care services commensurate with other land within the Frenchs Forest locality. Accordingly, the proposal would facilitate the delivery of health care services in the Northern Beaches LGA.

The proposal is located on land that is zoned B7 Business Park and is within the Northern Beaches Local Government Area (LGA). As the Capital Investment Value is more than \$5 Million, the proposal would be determined by the Sydney North Planning Panel.

This SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The relevant planning instruments assessed include *Warringah Local Environmental Plan 2011* (WLEP2011) and Warringah Development Control Plan (WDCP2011).

This SEE describes the site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **Part A** Preliminary
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Legislative and Policy Framework
- **Part E** Environmental Assessment
- **Part F** Conclusion

Based on the assessment undertaken, it is recommended that Council's favourable consideration to the approval of the Development Application be granted.

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PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The site is identified as 49 Frenchs Forest Road East, Frenchs Forest, being legally described as Lot 7 DP1020015.

Existing attributes of the site are noted as follows:

- The site is situated within the Forest Central Business Park and affords an approximate area of 1,776m².
- The site exhibits a street frontage to Warringah Road to the south and the turning bay of the internal road to the north west.
- The site is currently undeveloped with vegetation identified in the south western corner of the site.
- Current vehicular access to the site is facilitated via the internal road off Frenchs Forest Road East.
- The Forest Central Business Park currently provides facilities for medical and commercial uses across the existing nine buildings within the business park.
- The site affords road linkages to Frenchs Forest Road East, Warringah Road, Wakehurst Parkway and Pittwater Road.
- The site is also serviced by an extensive transport network with bus routes along Frenchs Forest Road East, providing connectivity to the surrounding suburbs, Sydney CBD and the wider region.

Surrounding land uses in the immediate vicinity include:

- North – Forest Central Business Park and Frenchs Forest Road East;
- South – Warringah Road, commercial development and industrial development;
- East – Industrial development, Parkway Hotel and industrial development; and
- West – Industrial development.

The site and the surrounding context are shown in **Figures 1** and **2** below.

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2.2 PRE-DA MEETING

A Pre-DA Meeting (Application No.: PLM2019/0070) was held with Northern Beaches Council on 2 May 2019 to discuss the proposed cancer treatment centre. Consideration of the proposal against the relevant provisions of WLEP2011 and WDCP2011 was discussed in the Pre-DA Meeting. The key matters raised in the Pre-DA Meeting are addressed throughout this SEE as well as the DCP Compliance Table provided in **Appendix 11**. A copy of the Pre-DA Meeting Minutes is attached at **Appendix 1**.

Table 1 below presents the documentation that has been prepared in accordance with the Pre-DA Notes.

Table 1 DA Documentation	
Required Documentation	Comments
All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000	All documentation for this DA has been prepared in accordance with Schedule 1 of the EP&A Regulation.
All information as required on the Development Application form checklist	All documentation for this DA has been prepared in accordance with the DA form checklist.
Site Analysis	A Site Analysis Plan is provided within the Architectural Plans at Appendix 2 .
Site Survey (prepared by a registered Surveyor)	A Site Survey is provided within the Architectural Plans.
Statement of Environmental Effects addressing: <ul style="list-style-type: none">▪ Section 4.15 of EPA Act,▪ all relevant sections of WLEP 2011, including demonstrating consistency with the B7 Business Park zone and the compliance with the Height of Buildings Development Standard.▪ All relevant sections of WDCP 2011;▪ other relevant Environmental Planning Instruments.	This SEE has addressed all relevant provisions of Section 4.15 of the EP&A Act, WLEP2011, WDCP2011 and other relevant environmental planning instruments.
Architectural plans including 4 cross sections and driveway profile to the kerb	The Architectural Plans are provided at Appendix 2 . The Sections and the design of the driveway are provided within the Architectural Plans.
Geo-technical report with Site Contamination Assessment (SEPP 55)	A Geotechnical Report (Appendix 5) and Preliminary Stage 1 Environmental Site Assessment (Appendix 4) have been prepared by JK Environments.
Accessibility and preliminary BCA assessment	A BCA Report is provided at Appendix 9 .
Acoustic report (including construction / excavation management considerations)	An Acoustic Report has been prepared by Wilkson Murray Pty Limited and is provided at Appendix 6 . The findings of the acoustic assessment are addressed in Section 5.4 of this SEE.
Traffic and Parking Report	A Traffic Report is provided at Appendix 7 . The findings of the Traffic Report are presented at Section 5.2 of this SEE.
Shadow diagrams (9am, midday ,3pm only)	Shadow diagrams are provided within the Architectural Plans.
Landscape Plan showing the layout of the landscaping within the site	A set of Landscape Plans are provided at Appendix 10 .
Waste Management Plan	A Waste Management Plan has been prepared and is provided at Appendix 8 .
Stormwater Management Plan / Drainage Diagram as required	A set of Civil Engineering Plans and a Stormwater Report are provided at Appendix 3 .

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Erosion and Sedimentation Plan	The Erosion and Sediment Control Plan is provided within the Civil Engineering Plans.
Colour and Materials Schedule	A schedule of materials and finishes are provided within the Architectural Plans.
Signage Plan or details to be included in DA plans	Details of the proposed signage are provided within the Architectural Plans.
Owners consent (all owners)	Owners consent is provided within the DA form.
Cost Summary Report (Note: S94A Contribution rates) This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.	The Cost Summary Report is provided at Appendix 12 .

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PART C PROPOSED DEVELOPMENT

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This proposal seeks development consent for a cancer treatment centre to provide health care services and complement the medical uses in the locality, consistent with surrounding land uses within the Northern Beaches Local Government Area (LGA). The following objectives have been identified as forming the basis of the proposed development:

- Design the site to accommodate a health services facility thereby providing community benefit;
- Ensure minimal environmental and amenity impact;
- Support employment generating land uses; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as it enables development on land that has been zoned for a health service facility and related uses.

3.2 DESCRIPTION OF THE PROPOSAL

The proposal seeks development consent for construction and use of a contemporary four storey building that would accommodate a cancer treatment centre, specifically entailing the following:

- Demolition and minor tree removal;
- Earthworks and excavation;
- Construction of a cancer treatment centre comprising four levels of medical facilities and three basement levels of carparking;
- Signage; and
- Site landscaping.

The proposed cancer treatment centre would have an overall Gross Floor Area (GFA) of 2,099m². The proposal would present a contemporary built form that has been designed to be compatible with the surrounding development and local context, whilst providing a valuable service supporting in the local community. The proposed health services facility providing consulting, imaging and pathology services would accommodate a maximum of 98 patients. It is noted that a total of two beds would be provided for anaesthetic procedure and recovery.

The particulars of the proposed development are summarised in **Table 2** below.

Table 2 Proposed Development Particulars	
Location	Development Particular
Basement 1, 2 and 3	<ul style="list-style-type: none">▪ A total of 58 parking spaces
Ground level	<ul style="list-style-type: none">▪ Pick-up/loading zone▪ Ambulance bay▪ Consulting rooms, dispensary, waiting area, reception, lobby, delivery/store, bin storage area, switch room, shared office, workstations, staff room, meeting room and toilets▪ Substation▪ Landscaping and screen planting
Level 1	<ul style="list-style-type: none">▪ Bunker and bunker control room, CT room and CT control room, equipment store room, reception and waiting area, nurse/treat room, store bay, linen bay, mechanical plant and toilets
Level 2	<ul style="list-style-type: none">▪ Patient bays, treatment room, nurse station, linen room, lounge, reception, waiting area, store room, bloody bays, pathology lab and toilets

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Level 3	<ul style="list-style-type: none"> CT room and CT control room, support room, interview room, toilets, reception and waiting area, offices/support/patient bays, MRI, MRI equipment store room and MRI control room
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The proposed site layout is illustrated in **Figure 3** below and the Architectural Plans in **Appendix 1**.

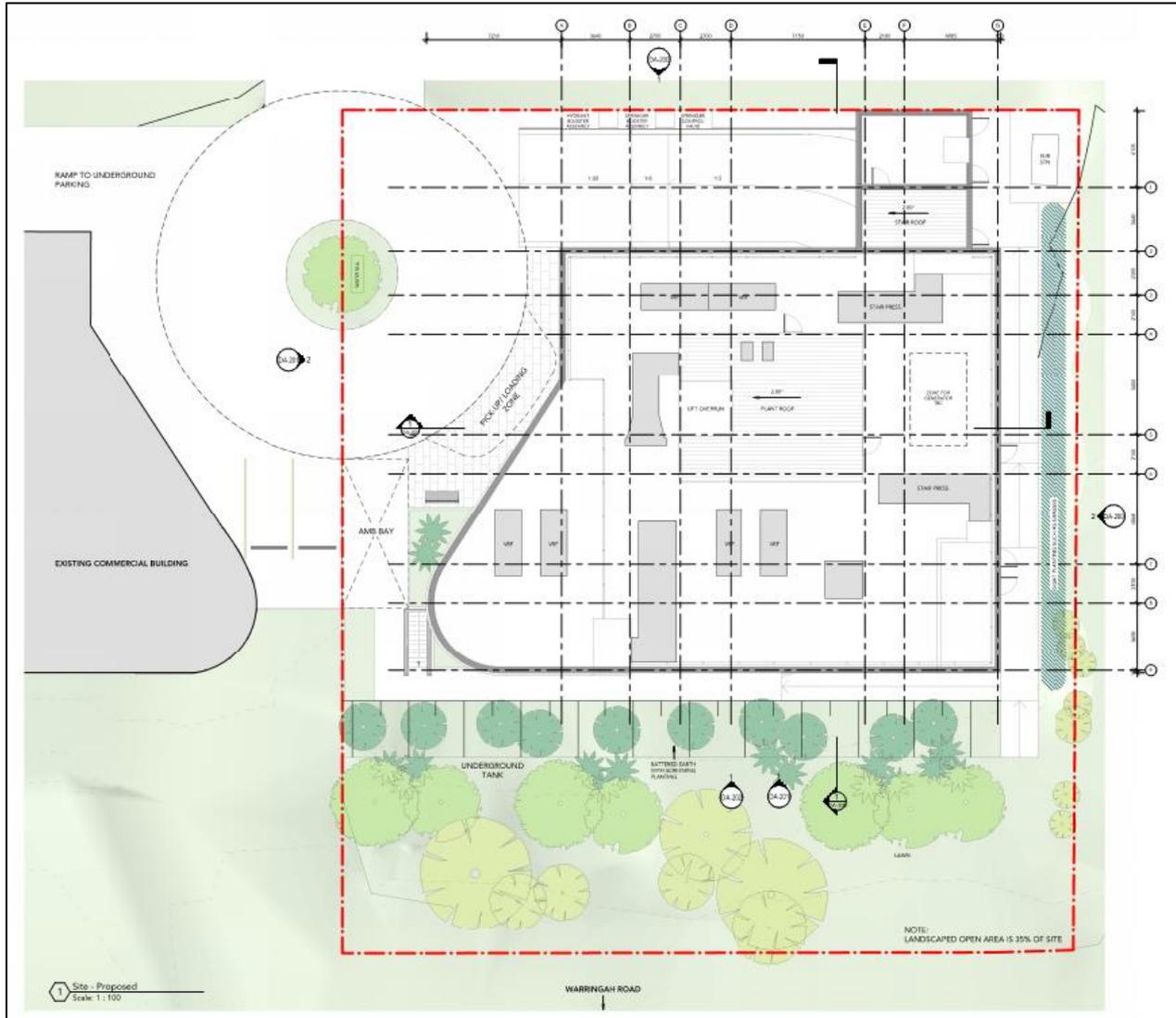


Figure 3 Proposed Site Layout (Team 2 Architects 2019)

The proposal also includes two business identification signs and one directional sign. Details of the proposed signage are provided in **Table 3** below.

Table 3 Proposed Signage						
Sign number	Description/type	Width	Height	Area	Illumination	Location
S-01	Business identification sign (Wall sign)	1.5m	0.46m	0.69m ²	Yes	Pedestrian entry point
S-02	Business identification sign (Wall sign)	4m	1.225m	4.9m ²	Yes	Top left hand corner of south elevation

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S-03	Directional sign	0.6m	0.75m	0.45m ²	No	Located near the vehicular access point of building
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3.3 OPERATIONAL DETAILS

In accordance with the above, consent is sought for a health services facility that would specialise in cancer treatment. The operating hours of the proposed health services facility are:

- 7am to 7pm, 6 days a week

The proposed operating details are provided in **Table 4** below.

Table 4 Proposed Operational Details		
Operational Particular	Details	Level
Number of beds	2 beds for day patients only	
Number of patients	RO <ul style="list-style-type: none"> 40 patients per day with an average treatment time of 15 minutes, which is estimated to be on site for 30 minutes 	1
	MO <ul style="list-style-type: none"> 36-48 patients per day which are regime dependent and would accommodate 3-4 patients per hour 	2
	Imaging suite <ul style="list-style-type: none"> 5 patients per day for PET imaging 5 patients per day for gamma imaging 	3
Total number of patients	86-98 patients	
Number of staff	Consulting RO's: 7 staff	G
	Consulting MO's/Haematology: 6 staff	G
	Patient service officers: 5	G
	Nurses: 7	1 and 2
	Radiation therapists: 7	G and 1
	Engineer: 1	1
	Physicist: 1.5	G and 1
	Pharmacist: 1	G
	Allied Health external provider: 4	G
	Management/additional administration: 6	G
	Imaging suite <ul style="list-style-type: none"> Radiographer: 1 Support staff: 3 	3
	Pathology suite <ul style="list-style-type: none"> External provider: 2 	2
Total number of staff	52 staff	

The site does not immediately adjoin any residential land uses and therefore the proposed operation would not cause any adverse amenity impact. The proposed health services facility would accommodate a maximum of 98 patients and 52 staff members.

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PART D LEGISLATIVE AND POLICY FRAMEWORK

Section 4.15(1) of the EP&A Act sets out specific matters that Council is to take into consideration in the assessment and determination of development applications.

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*

Local Planning Context

- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

This planning framework is considered in detail in the following sections.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching governing statute for all development in NSW. The subject application is made pursuant to Section 4.10 which states:

(1) A person may, subject to the regulations, apply to a consent authority for consent to carry out development.

4.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

In accordance with Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as the proposal has a CIV of more than \$5 million, it is classified as Regionally Significant Development. Accordingly the proposal would be determined by the Sydney North Planning Panel.

4.3 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Stage 1 Environmental Site Assessment has been prepared by JK Environments to undertake a preliminary assessment of the soil contamination conditions. The assessment has identified the following potential contamination sources/areas of environmental concern (AEC):

- Fill material;
- Agricultural land use; and
- Hazardous building materials.

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Based on the findings of the assessment, it is considered that there is a low to moderate potential for site contamination.

Given the potential contamination sources/AEC identified, and the perceived potential for contamination, further investigation of the contamination conditions is considered to be required. As the site was previously used for agricultural purposes which is listed in SEPP 55 as an activity that may cause contamination, the requirement of a Stage 2 investigation is triggered. It is noted that further investigation of the stockpiled materials, areas beneath the stockpiled materials and areas beneath the stored materials on the site should be undertaken to address the data gaps in the current investigation.

In consideration of the findings of the assessment, the Stage 1 Environmental Site Assessment demonstrates that the site can be made suitable for the proposal subject to the appropriate implementation of the recommendations provided within the report. Further details of the preliminary site assessment are provided within the Preliminary Stage 1 Environmental Site Assessment at **Appendix 4**.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is applicable to the subject site and the proposal. Division 10 of SEPP Infrastructure stipulates that "health services facilities" are permissible in prescribed zones. The relevant provisions are outlined as follows:

57 Development permitted with consent

Part 3 Division 10 Clause 57(1) of the ISEPP states that "*development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone*". Pursuant to the *Standard Instrument – Principal Local Environmental Plan*, a health services facility is defined as follows:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

A 'medical centre' means:

premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

A 'hospital' means:

a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,

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- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),*
- (h) chapels,*
- (i) hospices,*
- (j) mortuaries.*

The proposed cancer treatment centre is identified as a 'medical centre' with a portion of the facility identified as 'hospital'. It is noted that the proposed facility would primarily provide cancer treatment and therapy for out-patients as well as anaesthetic procedure in which patients may be required to stay overnight for recovery and treatment.

The proposal is consistent with the above definitions and thereby establishing permissibility. Furthermore, permissibility is confirmed as the zoning of the land is B7 Business Park, which is a prescribed zone under SEPP Infrastructure.

101 Development with frontage to classified road

Clause 101 of SEPP Infrastructure states that the *consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

While the site adjoins Warringah Road to the south, which is a classified road, it is noted that no access to and from Warringah Road would be provided. Vehicular access to the site would be provided via the internal access road off Frenchs Forest Road East. As the proposed health services facility would be adequately set back from Warringah Road, the proposal is not anticipated to be adversely affected by the traffic noise or emissions generated by vehicles on Warringah Road.

104 Traffic-generating development

SEPP Infrastructure also requires certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

The referral thresholds for 'hospital' are:

- *200 or more beds (site with access to a road (generally));*
- *100 or more beds (site with access to classified road or to road that connects classified road (if access within 90m of connection, measured along alignment of connecting road)).*

As the proposed cancer treatment centre provides a total of 2 beds only for anaesthetic procedure, the proposal would not trigger the referral threshold for traffic generating development.

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4.5 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

Any development application for proposed signage must give consideration to the provisions of SEPP 64 detailed in the assessment criteria table below. It would also be subject to the following legislation and should demonstrate compliance with WLEP2011 and WDCP2011.

Table 5 provided below outlines the SEPP 64 Schedule 1 Assessment criteria to which any development application for signage must give consideration.

Table 5 SEPP 64 Assessment	
Criteria	Assessment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and future character of the area as it seeks to improve the amenity of the existing premises.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	This proposal is consistent with the overall signage theme of the Forest Central Business Park and the wider locality.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal providing new signage would enhance the amenity of the Forest Central Business Park and improve the visual quality in the immediate locality. The proposed signage is consistent with the existing signage within the business park and the Frenchs Forest locality. Therefore, the proposal would not result in adverse impacts on the surrounding development in the locality.
3 Views and vistas	
Does the proposal obscure or compromise important views?	All proposed signs are either attached to the wall or located on ground level. Therefore the proposal would obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas, as no signs would protrude above the roof of the building.
Does the proposal respect the viewing rights of other advertisers?	The proposal respects the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage has been designed to be of appropriate scale, proportion and form. The proposal is compatible with the streetscape, setting and landscape of the site and surrounding area.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the business park, enhancing the streetscape and setting of the site.
Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	The proposal does not propose to create clutter and would enhance the visual amenity of the site.
Does the proposal screen unsightliness?	The proposed signage is not used as a visual screen and does not screen any unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings or tree canopies.
Does the proposal require ongoing vegetation management?	The proposal requires nil maintenance and does not require ongoing vegetation management.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or	The proposal is compatible with the scale of the proposed cancer treatment centre and seamlessly

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Table 5 SEPP 64 Assessment	
Criteria	Assessment
building, or both, on which the proposed signage is to be located?	integrates with the site and other signage located within the surrounding area.
Does the proposal respect important features of the site or building, or both?	The proposal does not detract and respects the important features of the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The aesthetic design of the signage shows innovation and imagination.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage would display the logo, name and location of the business. The proposed wall signs would be illuminated.
7 Illumination	
Would illumination result in unacceptable glare?	The proposed wall signs with illumination would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed wall signs with illumination would not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	Given that the proposed cancer treatment centre is not located in proximity to any residential development, the proposed wall signs would not detract from the amenity of any residence.
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the proposed wall signs has been designed to be of appropriate intensity and is not anticipated to adversely affect the amenity of the site and its surrounding area.
Is the illumination subject to a curfew?	No curfew is proposed for the wall signs. As mentioned previously, given that the proposed wall sign has been architecturally designed, the illumination would not significantly affect the amenity of the site and its surroundings.
8 Safety	
Would the proposal reduce the safety for any public road?	The proposal does not reduce the safety of any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal does not reduce the safety for pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not reduce the safety for pedestrians or children by obscuring sightlines from public areas.

4.6 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The site is located within the North Beaches LGA and is subject to the provisions of WLEP2011. The relevant provisions are summarised in the subsequent sections of this SEE.

Zoning and permissibility

The site is zoned B7 Business Park under WLEP2011 (**Figure 4**). The objectives of the B7 Business Park zone are as follows:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

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- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

The new premises would introduce new uses that are compatible with the area given the existing medical and commercial uses within the existing business park and the presence of the Northern Beaches Hospital nearby. The proposal would provide a new cancer treatment centre that would be specifically utilised as a cancer treatment facility which is considered to be an added community benefit to the LGA. The proposal would also foster employment-generating development through the provision of direct employment associated with the cancer treatment centre which encourages employment growth in the area.

The proposal has been designed to complement the bulk and scale of the surrounding buildings. Furthermore, the proposal is not considered to result in any significant undue impacts to the amenity of the adjacent office buildings. The site does not adjoin residential land.

Accordingly, the proposal is considered to be in accordance with the objectives of the B7 Business Park zone.

Within the B7 Business Park zone the following are permissible without consent:

Nil

Within the B7 Business Park zone the following are permissible with consent:

*Centre-based child care facilities; Garden centres; Hardware and building supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; **Any other development not specified in item 2 or 4***

Within the B7 Business Park zone the following are prohibited:

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

As demonstrated in **Section 4.3** of this SEE, the proposal is classified as a 'medical centre' with a portion of the facility identified as 'hospital', in which both uses fall under the definition of 'health services facility'. The proposal for a health services facility is permitted with consent under both WLEP2011 and SEPP Infrastructure.

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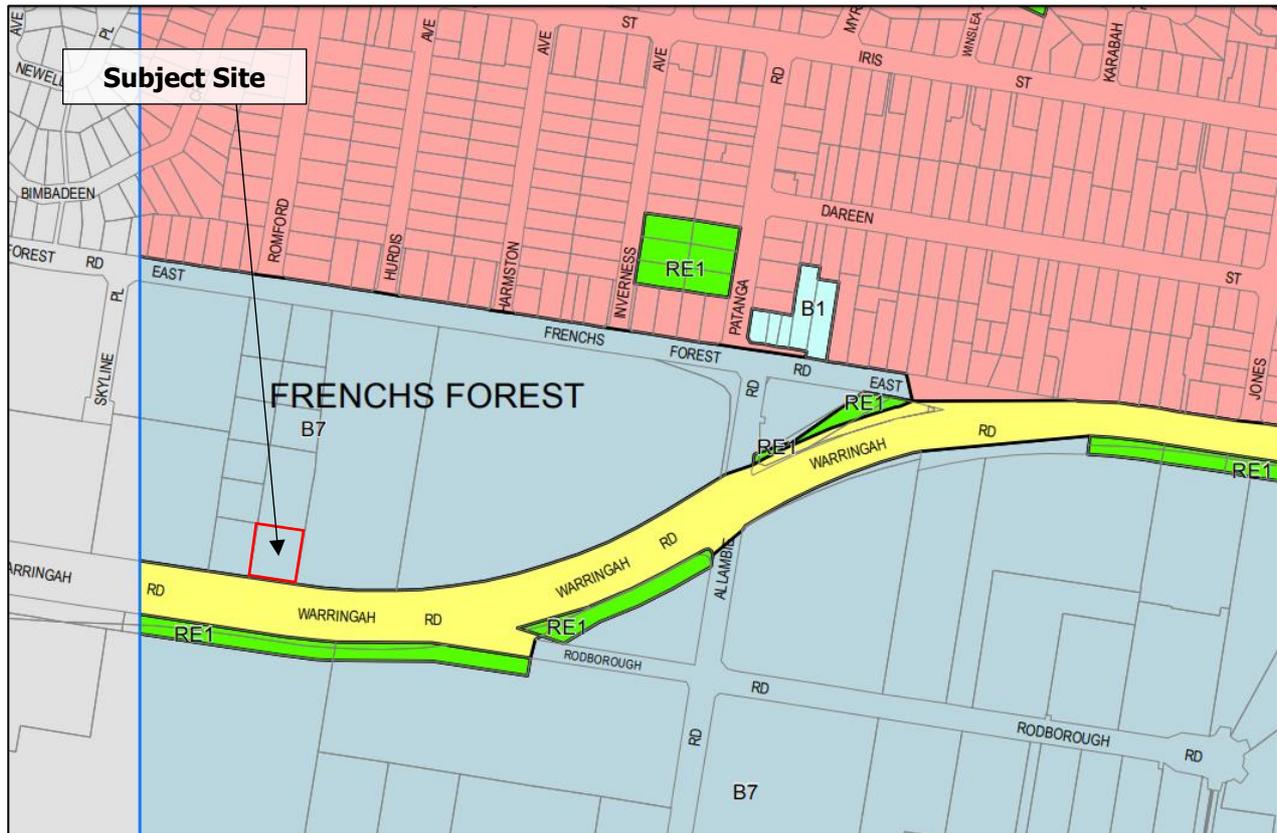


Figure 4 Land Zoning Map (NSW Legislation 2019)

Acid Sulfate Soils

The site is not subject to acid sulfate soils.

Coastline Hazard

The site is not located within an area designated as coastline hazard.

Additional Permitted Uses

The site is not subject to additional permitted uses.

Lot Size

The site is subject to a 4,000m² minimum lot size pursuant to WLEP2011. No subdivision is proposed under this application therefore assessment against the minimum lot size requirement is not warranted.

Height of Buildings

The site is not subject to a maximum building height pursuant to WLEP2011. The proposal exhibits a building height of 21.95m. While the proposed cancer treatment centre exhibits a building height higher than the adjacent commercial building, the proposed building height has been designed to accommodate specialised medical services within the building.

Level 1 of the proposed cancer treatment centre contains a Linear Particle accelerator which requires radiation shielding in the form of concrete. A shielding design mix has been adopted to reduce the primary shielding to half of a traditional concrete approach. It is also noted that the base and roof of the bunker contribute to 2m of concrete and hence the floor to ceiling height of Level 1 has been extended to accommodate the bunker design.

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The upper levels of the proposed facility have also been designed to accommodate imaging equipment which has seen a bulking in the structure and slab thickness to house these specialist services.

Floor Space Ratio

The site is not subject to a Floor Space Ratio (FSR) requirement under WLEP2011. Based on the proposed GFA of 2,099m², the proposal exhibits an FSR of approximately 1.18:1.

Key Sites

The site is not identified as a key site.

Heritage

The site is not a heritage item and it is not located within a conservation area.

Land Reservation Acquisition

The site is not subject to land reservation acquisition.

Flood Planning

The site is not identified as a Flood Planning Area under WLEP2011. Therefore further assessment in this regard is not required.

Earthworks

As the proposal involves excavation for the purposes of basement car parking, Clause 6.2 of WLEP2011 is relevant in this instance and requires that any earthworks would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In response to the requirements prescribed under Clause 6.2, a Geotechnical report (**Appendix 5**) has been prepared by JK Geotechnics. The recommendations presented within the Geotechnical Report are to be implemented to ensure the proposed earthworks would not adversely impact on soil stability or the environmental functions of the surrounding land.

Landslip Risk

The site has been identified within 'Area A' on Council's Landslip Risk Map, therefore Clause 6.4 of the WLEP is relevant in this instance (see **Figure 5**). As the proposal includes excavation works, a Geotechnical Report has been prepared by JK Geotechnics in accordance with requirements of this clause. Further details of the geotechnical investigation and recommendation are provided within the Geotechnical Report.

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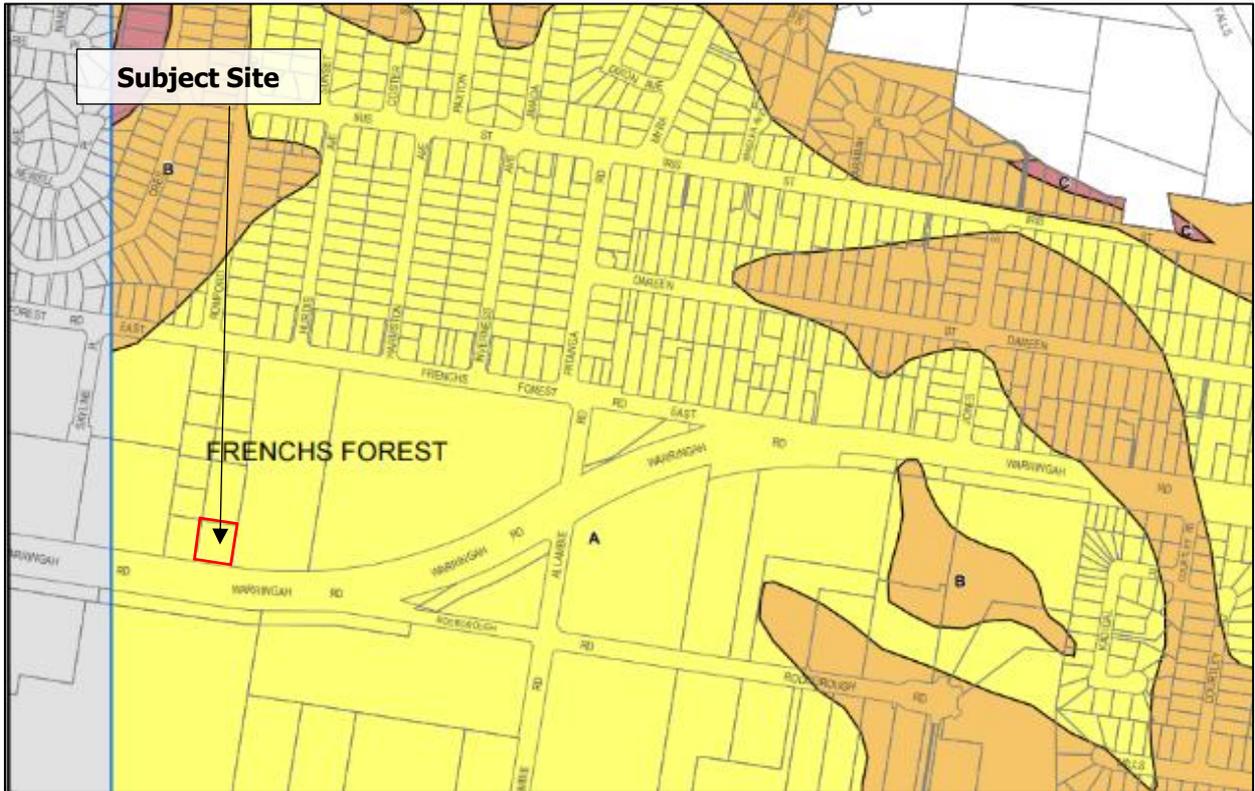


Figure 5 Landslip Risk Map (NSW Legislation 2019)

Bushfire protection

As shown in **Figure 6**, the site is not identified as bushfire prone land. Therefore further assessment in this regard is not warranted.

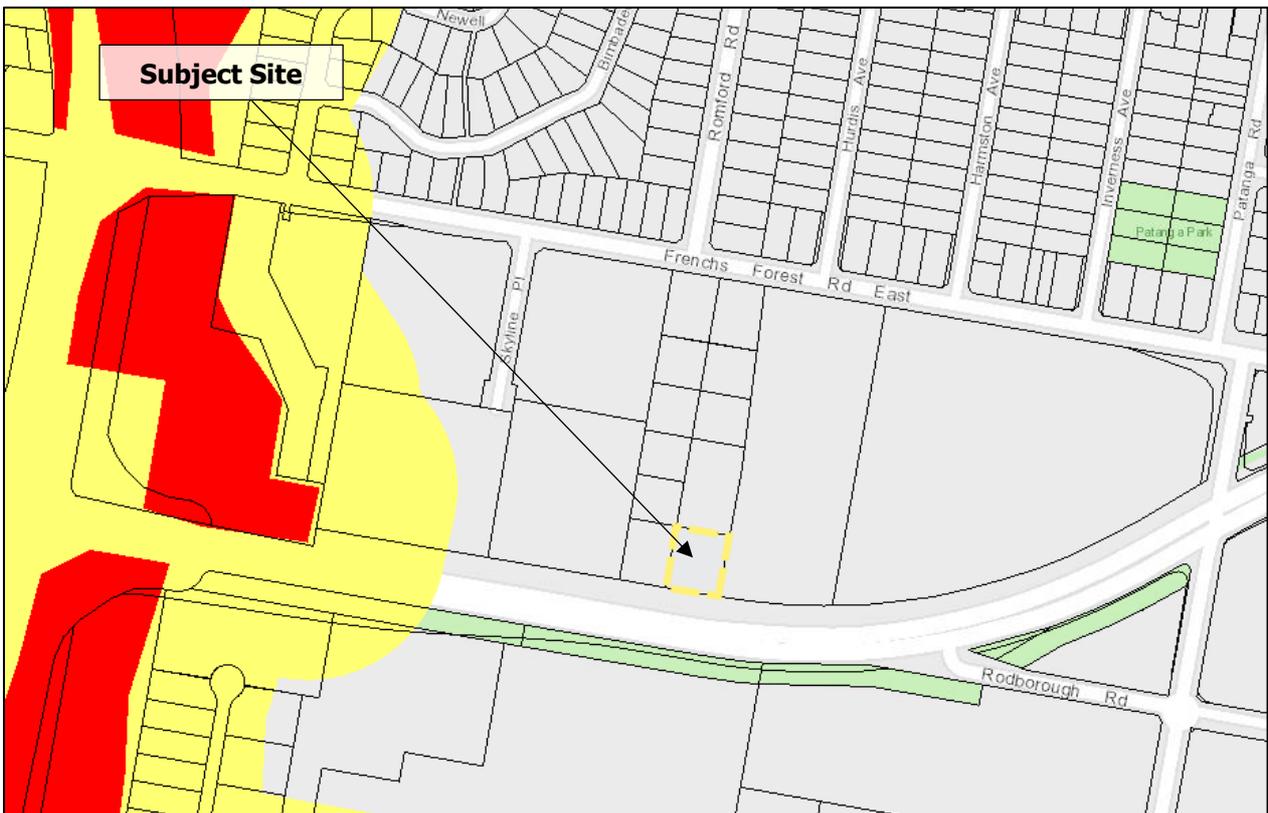


Figure 6 Bushfire Prone Land Map (NSW Legislation 2019)

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4.7 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the proposed development.

4.8 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The WDCP2011 provides guidance for the design and operation of development within the Northern Beaches LGA to achieve the aims and objectives of WDCP2011.

An assessment of the proposal against the relevant sections of WDCP2011 is provided in the DCP Compliance Table in **Appendix 11**.

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PART E ENVIRONMENTAL ASSESSMENT

Pursuant to Section 4.15(1) of the EP&A Act, the following matters have been addressed.

5.1 CONTEXT & SETTING

The proposed development for a health services facility is consistent and complementary to the Forest Central Business Park. The proposal would enable the efficient and sustainable use of designated employment lands for employment-generating development and therefore, through the preservation of the business park and the provision of significant employment, the proposal would benefit the local and regional economies and populations.

The proposed development is compatible with surrounding land uses including established commercial and medical facilities. The site is not located in proximity of any residential development or other sensitive land uses and therefore would not exhibit any adverse amenity impacts.

The proposed site layout and building design would ensure the functional operation of the facility in accordance with the needs of the end user, whilst not impacting on any other operations. Similarly the site and built form have been designed in respect of planned road infrastructure.

The proposal would not exhibit any significant environmental impacts and would not adversely impact on the amenity or operations of any adjoining sites. Therefore, the proposal is considered compatible with the site context.

5.2 TRAFFIC & TRANSPORT

A Traffic Report has been prepared by Transport and Traffic Planning Associates (TTPA) to assess the traffic and parking implications of the proposal.

Car Parking

As addressed within the Traffic Report, the parking rate of health consulting rooms is three spaces per room used to see patients.

A total of 56 parking spaces are proposed with the following breakdown:

- 10 spaces for patients on Basement Level 1
- 46 spaces for staff on Basement Levels 1 through 3

Two spaces would be designated for disabled drivers in accordance with the BCA provisions. A separate ambulance/patient transport bay would also be provided on the ground level.

In relation to bicycle parking, a total of five bicycle spaces would be provided (2 spaces for staff and 3 spaces for visitors). The bicycle parking facilities would be located on ground level which can be accessed via Frenchs Forest Road East and the existing service road.

Traffic

Based on the results of the SIDRA assessment undertaken for the proposal, the projected traffic volume is equivalent to some 1 vehicle every minute during the peak hours, which is considered minor in the context of the local and arterial road system. The projected traffic generation is not considered to create unacceptable traffic congestion or conflict either at the vehicle access point or at adjacent intersections.

Access, internal circulation and servicing

A 5.5m wide driveway and an access ramp is proposed to be provided to/from the existing service road within the Forest Central Business Park. The driveway would be located at the southern end of the service

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road at the north western site boundary. A roundabout is also proposed at the end of the service road to reduce the conflicts between traffic movements associated with buildings 9 and 10. It is noted that the design of the access driveway and internal circulation arrangements have been designed in accordance with the relevant Australian Standards. Turning Path diagrams are provided within the Traffic Report.

Waste bins would be removed from the drop-off area on ground level by up to 6.4m private contractor's small rigid waste vehicle (SRV), with the waste collection taking place outside of the peak hours. Other servicing related to deliveries, courier activities and maintenance would only involve occasional small delivery vehicles (van, utes etc.), which can utilise the available off-street staff parking.

Based on the findings of the Traffic Report, it is confirmed that the proposal would not result in adverse impacts in relation to traffic, transport and parking.

Further details of the traffic assessment are illustrated within the Traffic Report at **Appendix 7**.

5.3 SOIL AND WATER

A Stormwater Report and a set of Civil Engineering Plans have been prepared by Taylor Thomson Whitting (TTW) to identify the stormwater requirements of the proposal.

It is noted that the DRAINS stormwater model was used to determine that the existing 1.33Ha draining to the On-Site Detention (OSD) requires 580m² of storage based on the existing state of the greenfield site with a proposed 85% impervious site. As the site currently accommodates 970m² of OSD volume, further storage would not be required.

The construction works are required to be carried out in accordance with the "Blue Book" erosion and sediment control requirements.

The stormwater quality would be controlled with a treatment train consisting of seven Ocean Protect (Stormwater360) stormfilters. The treatment train would remove 85.5% of Total Suspended Solids, 79% of Total Phosphorous, 51% of Total Nitrogen and 90% gross pollutants.

Further details of the proposed stormwater design are provided within the Stormwater Report and Civil Engineering Plans at **Appendix 3**.

5.4 NOISE AND VIBRATION

An Acoustic Report has been prepared by Wilkinson Murray Pty Limited to undertake an assessment of the noise and vibration associated with the proposal. The findings of the Acoustic Report have confirmed the following:

- *Site-specific noise emission criteria have been established for surrounding receivers.*
- *Traffic associated the development will not adversely impact on the acoustic amenity of surrounding residences.*
- *Commercial Areas Warringah Road with standard glazing will achieve acceptable internal noise levels consistent with Australian Standards.*
- *Noise from mechanical services it is unlikely to require any noise control measures.*
- *Therefore, no particular difficulty is foreseen in meeting the noise emission requirements from the development.*

Accordingly the proposal is supportable on the basis of acoustics. Further details of the acoustic assessment are provided within the Acoustic Report at **Appendix 6**.

5.5 HERITAGE

The site is not identified as a heritage item or heritage conservation area and is not located in proximity of any heritage items or areas.

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5.6 SAFETY, SECURITY AND CRIME PREVENTION

The proposal under this application would not have an adverse impact on the Crime Prevention Through Environmental Design (CPTED) principles and provides the following features:

- Surveillance

Clear sightlines and sufficient lighting are provided between public and private places to ensure surveillance. Windows will also be arranged to be overlooking the public area, enabling passive surveillance.

- Territorial Reinforcement

The design of the proposal incorporates clear transitions and boundaries between public and private space. Clear signage and visual indicators would be used to indicate the purpose of the space. Blind corners or other external areas that have the potential for concealment and entrapment are minimised.

- Access Control

Physical barriers would be adopted to limit access to carparks or other rarely visited areas. Clear and visible signs would also direct users to target areas.

- Space Management

Strict ongoing maintenance and use of durable materials would create well-kept space that reduces the likelihood of crime occurring and provides a strong perception of safety.

5.7 FLORA AND FAUNA

No unacceptable impacts on flora and fauna communities are to result from the proposal. While the site has been largely cleared, the removal of two trees is required to facilitate the proposed development.

The proposal would augment the vegetated character of the site through the introduction of high quality landscaping incorporating a complementary variety of trees, shrubs, grasses and groundcovers in appropriate locations across the site including within all setbacks and adjacent to all car parking areas. Details of the landscaping components are illustrated in the Landscape Plans at **Appendix 10**.

5.8 BUILDING CODE OF AUSTRALIA

A BCA Report (**Appendix 9**) has been prepared by McKenzie Group to undertake an assessment of the proposal against the requirements of the Building Code of Australia (BCA). The proposed building would contain Class 5 Medical consulting areas and Class 9a health care areas. The assessment has identified items in relation to fire safety required to be assessed against the relevant performance requirements of the BCA. It is noted that submission for Construction Certificate would need to include verification from a suitably accredited fire engineer. Formal review of the proposed health services facility would be undertaken prior to the issue of Construction Certificate.

5.9 UTILITIES

All utility infrastructure is currently existing and is capable of servicing the future proposed development.

5.10 WASTE

A Waste Management Plan (WMP) has been prepared for the proposed cancer treatment centre. The volumes of the demolition and construction waste materials are provided within the WMP. The demolition and construction waste materials would be recycled appropriately offsite by the relevant contractor. The bin storage area would be located on ground level adjoining the deliver/store room. The location of the bin

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storage area has been identified within the Architectural Plans at **Appendix 2**. Further details of the proposed waste management measures are provided within the WMP at **Appendix 8**.

5.11 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. Rather the proposed development provides a health services facility within the B7 Business Park zone which is commensurate with the intended development of the site and its surrounds.

5.12 SUITABILITY OF SITE FOR DEVELOPMENT

The site is located within an established industrial and commercial area and is zoned for B7 Business Park under WLEP2011. The proposed development would facilitate the use of the site for health services which is consistent with the zoning of the site and the surrounding context. The proximity of the site with other commercial and health uses as well as proximity to major arterial roads serves as being ideal for health care purposes.

Accordingly, the site is considered to be suitable for the development and is consistent with the aims and objectives of the B7 zone in that it seeks to facilitate future employment generating development that responds to the characteristics of the land and is compatible with surrounding land uses.

5.13 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT

The applicant is willing to address any submissions, should they be received by Council.

5.14 THE PUBLIC INTEREST

The proposed development would have no adverse impact on the public interest.

Through the provision of employment generating development and health care services, the proposal would contribute to serve the emerging Northern Beaches LGA.

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PART F CONCLUSION

The proposed development for construction and use of a cancer treatment centre at 49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015) is permissible with consent pursuant to WLEP2011. The proposal would facilitate the development of the site in accordance with the objectives of the B7 Business Park zone.

This SEE provides an assessment of the proposal against the relevant environmental planning framework, including WLEP2011 and WDCP2011. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies. No significant adverse environmental, economic or social impacts have been identified as likely to arise from the proposed development. Rather, the proposal would provide for positive impacts, including providing a beneficial health care facility and facilitating the effective delivery of health care services in the Frenchs Forest locality and the wider region.

In overview, it is considered that the proposal warrants a positive assessment for the following compelling reasons:

- The proposal facilitates the future development of the site for health care uses through the provision of a cancer treatment centre.
- Further to the above, the proposal would result in significant economic benefit deriving from the provision of jobs during the works phases and through supporting longer term employment generation associated with health care services, which the proposal specifically seeks to enable.
- The proposed works are highly compatible with surrounding land uses within the locality and positively contribute to the commercial and industrial character of Frenchs Forest locality.
- The proposed cancer treatment centre is permitted with consent in the B7 Business Park zone pursuant to WLEP2011.
- The proposal is consistent with the provisions of WDCP2011.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the EP&A Act and have been satisfactorily addressed demonstrating the development is compatible with the surrounding environment.

Accordingly, it is recommended that Council support the proposal for a favourable determination.

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Appendix 1 Pre-DA Meeting Minutes

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Appendix 2 Architectural Plans

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Appendix 3 Stormwater Report and Civil Engineering Plans

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Appendix 4 Preliminary Stage 1 Environmental Site Assessment

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Appendix 5 Geotechnical Report

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Appendix 6 Acoustic Report

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Appendix 7 Traffic Report

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Appendix 8 Waste Management Plan

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Appendix 9 BCA Report

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Appendix 10 Landscape Plans

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Appendix 11 DCP Compliance Table

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Appendix 12 Cost Summary Report

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Appendix 13 Survey Plan

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Appendix 14 Operational Management Plan and associated
management procedure

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Appendix 15 Construction Management Plan