

23 August 2021



Platino Properties  
Suite 11 Level 2 20 Young Street  
NEUTRAL BAY NSW 2089

Dear Sir/Madam

**Application Number:** DA2021/0212  
**Address:** Lot 101 DP 1209504 , 5 Skyline Place, FRENCHS FOREST NSW 2086  
**Proposed Development:** Demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Peter Robinson  
**Executive Manager Development Assessment**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2021/0212
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Platino Properties
<b>Land to be developed (Address):</b>	Lot 101 DP 1209504 , 5 Skyline Place FRENCHS FOREST NSW 2086
<b>Proposed Development:</b>	Demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	18/08/2021
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### Reasons for Refusal:

**1. State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004 (SEPP HSPD 2004)**

The proposed development is unsatisfactory in respect to Section 4.15 of the EPA Act, as the application is found to be inconsistent with the provisions of SEPP (HSPD) 2004.

(a) The proposed development is inconsistent with Aims of Policy (namely Clause 2c) in relation to design and compatibility.

(b) The proposed development is inconsistent with the requirement of Clause 25 (5) (i) & (v) with regards to land use conflict and bulk and scale.

(c) The scale, bulk and height of the proposal is not compatible with the existing and future character of the area and does not contribute to the quality and identity of the area as required by Clause 33 (a) of SEPP (HSPD) 2004.

**2. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and Associated Apartment Design Guide (ADG)**

The proposed development fails the principles of SEPP 65 insofar as they apply to context & neighbourhood character, built form & scale, density, landscaping, and amenity.

(a) The proposed building is not compatible with the context of the site that currently contemplates development that is non-residential and of a scale significantly less than that

proposed.

(b) The development does not provide sufficient landscape, in particular canopy trees, to mitigate the height, bulk and scale of the proposed built form.

3. **Warringah Local Environmental Plan (WLEP 2011)**

The development is inconsistent with the provisions of WLEP 2011 as it relates to promoting development that is compatible with neighbouring development in terms of bulk, scale and appearance and use.

4. **Non-compliance with Warringah DCP 2011 (WDCP 2011)**

The development fails to comply with the Built Controls as it relates to B4 –Site Coverage and B7 – Front Boundary Setbacks and Clause D9 - Building Bulk.

5. **Public Interest**

The community demand for seniors, affordable and disabled housing in this area does not justify that the site is appropriate for a seniors housing development of this height, bulk and scale. The extent of residential floor space proposed is inconsistent with Draft Northern Beaches Hospital Precinct Structure Plan, which does not change the B7 Business park zone for this area. As well as with the State Government North District Plan, which recognises that business parks "need to be developed, from the outset, as urban places which can transition into higher amenity and vibrant places while maintaining their main role as an employment precinct. Council's retail and employment strategies should provide guidance on the transition of business parks into mixed employment precincts including, where appropriate, ancillary residential developments to support the business park". Consequently, approval of the application would not be in the public interest.

## Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

*NOTE: A fee will apply for any request to review the determination.*

## Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority



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Name                Peter Robinson  
                          **Executive Manager Development Assessment**  
Date                 18/08/2021

**NOTE:** Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 18/08/2021.