

**SYDNEY NORTH PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	PPSSNH-223
DA Number	DA2021/0212
LGA	Northern Beaches Council
Proposed Development	Demolition works and construction of a mixed development, comprising seniors housing, commercial uses, car parking, landscaping and stratum subdivision
Street Address	Lot 101 DP 1209504, 5 Skyline Place, Frenchs Forest
Applicant	Platino Properties
Owner	The Owners Of Strata Plan 49558
Date of DA lodgement	17 March 2021
Number of Submissions	23
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP) State and Regional Development) 2011	Development with a Capital Investment Value (CIV) of more than \$30 million Total Cost of the Development is <u>\$60,090,728.00</u>
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy – Infrastructure 2011 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) • Warringah Local Environmental Plan 2011 (WLEP 2011) • Warringah Development Control Plan 2011 (WDCP)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1- Architectural Plans • Attachment 2 - DASP Minutes • Attachment 3 - Landscape Plan • Attachment 4 - Design Report • Attachment 5 - Sustainability Planning Report
Report by	Lashta Haidari - Principal Planner
Report date	18 August 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? e.g. *Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

No

Executive Summary

Northern Beaches Council is in receipt of Development Application (DA2021/0212) from Platino Properties for the redevelopment of the site known as Lot 1 at 5 Skyline Place, Frenchs Forest.

The subject site is zoned B7 Business Park under the Warringah Local Environmental Plan 2011 (**WLEP 2011**). Development for the purposes of seniors housing is permitted with consent pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (**SEPP HSPD**) by virtue of 'hospitals' being a permitted land use in the B7 Business Park zone.

The application relates to Lot 1 which is located to the rear of Lot 2. Lot 2 was approved under Section 8.2 of the *Environmental Planning and Assessment Act 1979* by the Sydney North Planning Panel (**SNPP**) on 18 June 2019. This approval was subject to amendments which satisfactorily addressed the concerns raised by the previous decision of the SNPP on the application. It is also noted that the development on Lot 2 was approved on the basis of retaining the existing warehouse at Lot 1, which is now proposed to be demolished under the current application.

Notwithstanding the approval obtained for Lot 2, fundamental concerns regarding the introduction of residential land uses (in the form of seniors, affordable and disability housing) into the Frenchs Forest B7 Business Park zone remains a fundamental concern for Council as the proposal is inconsistent with the Northern Beaches Hospital Precinct Structure Plan (Structure Plan).

In addition to the above, the proposed development with a height of 12 storeys, and up to 39m, is excessive in height and out of character with the business park. It will be readily viewed from the nearby R2 Low Density Residential area to the north and from distant areas outside the business park. It will set an undesirable precedent for similar height and scale of development across the business park and approval of the development would change the manner in which building height and character is dealt with.

The application was referred to internal departments and external authorities for comment. In the responses received, issues were raised regarding the inconsistency with the desired future character of the Frenchs Forest B7 Business Park precinct, as identified in the adopted Hospital Structure Plan. Concern has also been raised regarding the bulk and scale of the development and its compatibility with the area. Council's Design and Sustainability Advisory Panel (**DSAP**) does not support the proposal.

The proposed development has a capital investment value in excess of \$30 million. As such, the SNPP has the function of determining the application in accordance with Section 2.12 and 2.15 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

An assessment of the proposed development under Section 2.12 and 2.15, and Section 4.15 of the EPA Act, 1979 has been undertaken and it is concluded that the proposal does not satisfy the appropriate controls. Accordingly, it is recommended that the SNPP, as the determining authority, refuse this application for the reasons detailed within the "Recommendation" section of this report.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the EP&A Act 1979 (as amended) and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the EP&A Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for the construction of a seniors housing facility comprising of a mixed-use development on proposed Lot 1, ranging in height from 3-12 storeys, ancillary community facilities, commercial premises, and associated works. The application is made under the provision of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed works include the following:

- Demolition of the existing office/warehouse building and at grade car parking on the site;
- Construction of two separate buildings, ranging in height from 3 to 12 storeys, containing:
 - dependent living units, including: - 12 affordable dwellings for seniors and units for disability housing to be operated by Project Independence;
 - a mix of 1, 2, 2 bed + study and 3 bedroom dwellings - 10 units are to be operated by Project Independence and made available for disability housing
 - 941m² of commercial floor space which will include allied health, restaurant, co-working spaces, dentistry, hospital uses, home care provision and /or day-care respite centres
 - stratum subdivision into 3 lots for disability and affordable housing, other seniors housing and commercial uses
 - height range approximately 10 to 39 metres
 - approximately 2,188m² of communal open space (28% of the site), including a central publicly accessible piazza

- common Facilities including a pool provided within a centrally located position between the mixed use buildings
- central community gardens
- basement car parking for 232 spaces, with access from the access ramp to the approved car park via Lot 2.



Figure 1: Proposed Development on Lot 1 (source: PA Studio Architects)

SITE DESCRIPTION

The proposed development site is located at 5 Skyline Place, Frenchs Forest. Approval for development, including subdivision of the site, was granted on 18 June 2019 through REV2019/0014. The proposed development the subject of this application is located on proposed Lot 1, which has an area of 7,811m² and is located on the southern part of the site.

The site is currently occupied by an existing warehouse and commercial building located on the southern portion of the site. Off-street parking is currently provided for approximately 170 cars in a large at-grade car parking area on the northern portion of the site.

There are a number of large trees that are located along the north and east boundaries of the site. Vehicular access to the site is provided via an existing entry/exit driveway located midway along the Skyline Place site frontage.

The site immediately to the north is Lot 2 (approved for seniors housing), to the south, east, and west are warehouses and commercial/retail buildings ranging from single to five storeys. To the north of the site (Lot 2), beyond Frenchs Forest Road East, is the R2- Low Density Residential zone, which comprises of residential dwellings that are generally 1-2 storey in landscape settings.

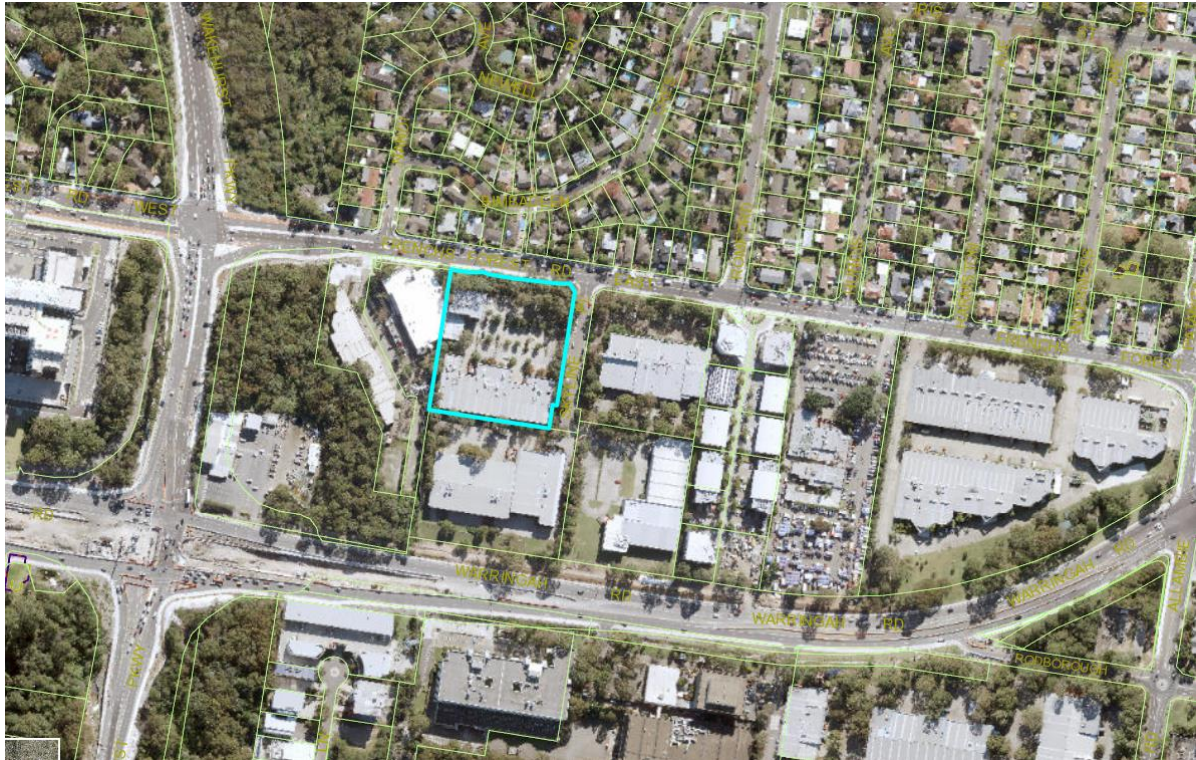


Figure 2 – Site Map

RELEVANT HISTORY and BACKGROUND

Development Application No. DA2018/0995

The above DA sought approval for part demolition works, subdivision of the existing lot into two Torrens Title lots and construction of mixed used development, consisting of retail and seniors housing with associated car parking and landscaping, comprising 78 residential units, 1,348m² of commercial premises and basement car parking on the proposed Lot 2.

The application was reported to the Sydney North Planning Panel (SNPP) on 18 December 2018 with a recommendation for refusal.

The Panel refused the application on the basis that development 26.52m high and an FSR of 2.2:1 would be inconsistent with the existing and desired future character of the area established by Warringah LEP 2011 and the DCP, which is required to be considered by clause 33 of SEPP (HSPD).

In addition, the Panel stated that the proposal would be inconsistent the Precautionary Principle in respect of the retention of employment generating zones and uses. The proposal would be inconsistent with this principle, as, other than for a component of "commercial" uses, limited demonstrable employment is generated by the independent living units.

On 29 March 2019, the applicant lodged an application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 (the Act) for the review of the SNPP's determination of refusal for DA2018/0995. The Section 8.2 Review of Determination application was lodged with amended plans, which included:

- A reduction in building height from 8-9 storeys to 6 storeys
- A reduction in the Floor Space Ratio from 2.2:1 to 1.84:1
- A reduction in the number of seniors units from 78 to 49

- Removal of residential apartments from the ground floor level
- Increase in commercial floor space from 1,348m² to 2,219m² - an increase of by 871m²
- Revised built form to provide a central recess within the building

On 18 June 2019, the SNPP considered the application under Section 8.2 and decided to approve the application, stipulating that the amendments to the application satisfactorily addressed the concerns raised by the previous decision of the SNPP on the DA.

The approved development has a maximum height of RL 173.20 to RL of 174.6 (with a lift overrun height of 176.20) and an overall FSR of 1.89:1.

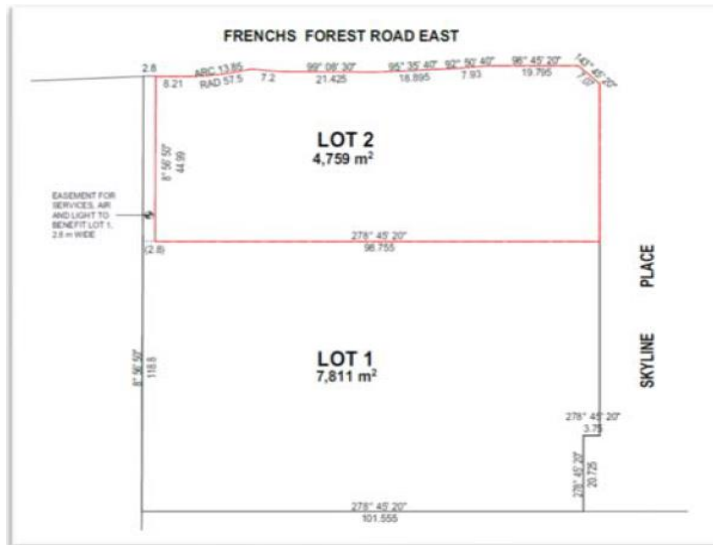


Figure 3 - Approved subdivision Plan

Pre-Lodgement Meeting

A pre-lodgement meeting (PLM) was held with Council and Northern Beaches Design and Sustainability Advisory Panel (DSAP).

Development Application

The application was lodged with Council on 17 March 2021.

During the course of the assessment, the applicant submitted additional information in an attempt to address concerns raised by the referral bodies (such as Development Engineer, Water Management, and Waste). Other information such as a sustainability report, amended landscape plans, and design report was also submitted to address some of the issues raised by DASP.

All the information submitted by the applicant has been considered in the assessment of this report.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The proposal has been reviewed by Council’s Environmental Health Officer – Contaminated Lands and no concerns have been raised.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 is applicable to this application.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None Applicable
Section 4.15 (1) (a)(iv) – Provisions of the regulations	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter can be addressed via a condition of consent should this application be approved.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter can be addressed via a condition of consent should this application be approved.</p> <p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a Design Verification Statement from the designer at lodgement of the development application.</p> <p>A Design Verification Statement was submitted with the Development Application and has been signed by the project architect.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<ul style="list-style-type: none"> i. The environmental impacts of the proposed development on the natural and built environment are addressed under the <i>Warringah DCP</i> section of this report. A number of inconsistencies with the relevant controls have been identified which indicate the impact of the development on the built environment is not acceptable. ii. The development will provide mixed use development including seniors housing, therefore the proposed development will not have a detrimental social impact on the locality. iii. The Economic impact of the proposed development is addressed within the referral comments made by Economic Development and Tourism section of Council, where it is concluded that the economic impact of the development is unacceptable.
Section 4.15 (1) (c) – the suitability of the site for the development	<p>The site is not considered to be suitable for the development given its location within an area which renders the development to be inconsistent with its zone objectives.</p> <p>Accordingly, the site cannot be considered suitable for the proposed development.</p>
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	<p>A total of 22 written submissions have been received.</p> <p>The issues raised in the submissions are addressed later in this report.</p>
Section 4.15 (1) (e) – the public interest	The planning controls contained within WLEP 2011 and the WDCP 2011, as well as the strategic direction provide the community with a level of certainty as to the type, scale and intensity of future development, and the form and character of development that is in keeping with the future character envisaged for the locality.

Section 4.15 'Matters for Consideration'	Comments
	<p>The proposed development is found to be inconsistent with the objectives of the B7 Business Park zone under WLEP 2011 and will create land use conflicts. Furthermore, this assessment has found the development to be inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within this zone.</p> <p>Consequently, the proposal is not considered to be in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights do not apply to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The Development Application has been publically exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Northern Beaches Community Participation Plan. As a result of the public exhibition, a total of 23 submissions were received, which includes:

- 10 objecting to the proposal; and
- 12 in support of the proposal

The issue raised in the submissions opposing the proposal includes the following:

- **The Character of the area and non-compliance with planning regulations**
The submissions raised concern that the proposal was inconsistent with the character of the area, as well as an over-development of the site and did not comply with current planning regulations. In particular, the submissions cited the height, loss of trees, built form, and the scale and density of the development was not in keeping with the low density nature of Frenchs Forest Road East.

Comment:

It has been found that the development is inconsistent with the current and future character of the area as required under the provisions of SEPP 65 and SEPP (HSPD) 2004 and inconsistent with the zone objectives of the B7 Business Park zone and Council Strategic direction for the area.

This issue is included as reason for refusal.

- **Traffic safety and congestion**
A number of submissions received raised concern that the traffic produced by the development and the loss of public transport will exacerbate the already congested Frenchs Forest Road East and adjoining local road network. A submission in support of the proposal also raised concerns about the car park ingress and egress provisions.

Comment:

The DA is accompanied by a traffic report prepared Varga Traffic Planning. The report provides an assessment of the impact of traffic increased by the development based upon the traffic generation rates produced by the Road and Traffic Authority. The report finds that the development would produce 32 vehicles per hour (vph) in the AM and 59 vph in the PM (being the worst case scenario). This is a decrease from the existing use which would produce 98 in the AM and 82 during the PM.

Council's Traffic Engineer and TfNSW have reviewed the development and have found that the nett increase in traffic will not have adverse impact on the surrounding road system and the ingress and egress from the car parking area is sufficient.

This issue does not substantiate a sufficient reason to refuse the application

- **Construction impacts**

Concern was raised regarding the impacts of dust, noise, damage to adjoining properties, and the impact of continuous development (hospital and road works) on the residence. The submissions questioned what recourse was to be offered to those negatively affected by the construction.

Comment:

Some level of disruption to the local area is inevitable during construction (if the application is approved). The application includes a Construction Management Plan (CMP), which provides detailed plans for carrying out the development. Work will remain generally within the site boundaries, and disruption to the local area will be limited as much as possible. If approved, a condition will be recommended requiring the development to be constructed in accordance with the CMP.

If the works are undertaken in accordance with these requirements then impacts in regards to dust and noise should be minimal.

This issue does not substantiate a sufficient reason to refuse the application.

- **Environmental impact, impact on biodiversity, impact of trees, and lack of appropriate landscaping**

Concern was raised regarding the loss of more trees in the area and the impact that this will have on wildlife and soft landscaping. Further concern was raised regarding the loss of trees and how Frenchs Forest will no longer have a forest and will lose its identity and character.

Comment:

Council's Landscape Officer has assessed the proposal, and is generally satisfied with the proposed tree replacement planting. The landscape plan includes planting of various levels, including dense canopy planting to the perimeter of the site and more sparsely planted canopy trees in the central communal areas to accommodate grassed areas, play equipment, vegetable gardens, seating, paths and other landscape feature. The application is considered generally acceptable in this regard.

This issue does not substantiate a sufficient reason to refuse the application

- **Privacy**

Concern was raised regarding the loss of privacy to the dwellings located on the northern side of Frenchs Forest Road East with a large residential building providing direct and close views.

Comment:

The proposed development will have two towers, East Building and West Building visible from the northern side of Frenchs Forest Road East. The north elevation of both Buildings has balconies with clear glass directly facing the residential dwellings on the northern side of French Forest Road East. The nearest building in the development is located approximately 60m from the northern side of Frenchs Forest Road East. The lower five level of the Buildings will be screened from the northern side of Frenchs Forest Road East by the dense canopy planting along the perimeter of the site and already approved development (DA2018/0995) located in front of the development at Lot 2.

It is considered that the spatial separation, landscaping and other development between the site and the existing residential dwelling on the northern side of Frenchs Forest Road East should be sufficient to mitigate any potential overlooking and privacy impacts.

This issue does not substantiate a sufficient reason to refuse the application.

- **Safety and Security**

The submission raised concerns with how social issues such as increased disturbances and illegal behaviour due to the size and increased number of people living in the area would be managed. One submission stated that antisocial behaviour had increased dramatically since the hospital had been built and that they had concern that this would be exacerbated but the increased number of people living in the area. A submission also questioned how security of the central plaza/green space would be managed on the site.

Comment:

The application has been assessed against the provisions of Crime Prevention through Environmental Design (CPTED) where it was considered that the development is consistent with the four principles of:

- Surveillance;
- Access control;
- Territorial reinforcement; and
- Space management.

The application satisfies the objectives and requirements, therefore this issue does not substantiate a sufficient reason to refuse the application.

- **Swimming pool**

A submission raised concern that the presence of a swimming pool in this development would be used as leverage for the removal of the Warringah Aquatic Centre (WAC).

Comment:

The swimming pool is part of a private development and does not have any bearing on a public pool.

This issue does not substantiate a sufficient reason to refuse the application.

- **Devaluation of properties**

Submissions raised concern that the proposal would result in the devaluation of properties on the northern side of Frenchs Forest Road East as a result of loss of outlook with the removal of trees and then the large 12 storey development blocking views of the sky.

Comment:

The valuation/devaluation of property is not a valid planning consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This issue does not substantiate a sufficient reason to refuse the application.

- **Northern Beaches Hospital Precinct Structure Plan**

Concerns have been raised that the proposed seniors housing is not consistent with the vision of Council's adopted Northern Beaches Hospital Precinct Structure Plan. The submissions asked why such a large development could go ahead without careful

consideration of the future plans for this particular area in regards to land zoning, infrastructure and amenities.

Comment:

This issue is addressed by Council's Strategic and Place Planning referral comments. In summary, the development is not consistent with Council's strategic objective for the B7 Business Park zone, the development has the potential for land use conflict, loss of employment land and is not consistent with the strategic objective for the wider Frenchs Forest precinct.

This issue is included as a reason for refusal.

Submissions of Support

The following is a summary of the submissions received in support of the application:

- *There is a shortage of new seniors living accommodation in the Frenchs Forest area and believe this is an excellent location due to its proximity to the hospital and the new town centre.*
- *Currently anyone in the area wanting to move into seniors living accommodation will most probably have to move out of the area away from friends and relatives.*
- *This is an attractive building which will provide a high standard of living for its occupants.*
- *Do not believe the amount of traffic generated by the new building will be any more than the current level of traffic generated by the building that will be demolished.*
- *Will not impact on existing residents in the area.*
- *An over 55 is a much need complex in the Forest area and will free up much needed family homes for younger families.*
- *Moves away from the segregation of over-55s in isolated communities and actively encourages social connectedness.*
- *It is also shovel ready and available immediately, unlike other potential options which might be ten years into the future.*
- *Strongly support that the project includes 17% affordable / social housing which is so needed by the local community and will make a great deal of difference to those people who need it.*
- *New commercial areas, such as a café will greatly benefit the rest of the business park*
- *Emphasis on retaining the green space and the planned landscaping will be an asset.*
- *Complete Strata Ownership with full capital gain going to the owner rather than an organisation who are just looking for profits.*
- *An important feature is the development of a community in the complex and also the absence of deferred management/exit fees.*

Comment:

It is acknowledged that housing for seniors is important to be provided within proximity of the new Hospital, however the B7 Business Park zone is not the appropriate location as it will impact on Business Park and the future capacity of surrounding businesses to respond to employment opportunities.

INTERNAL REFERRALS

Internal Referral Body	Recommendation/ Comments
Building Assessment - Fire and Disability upgrades	<p>Supported (subject to conditions) The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Contaminated Lands)	<p>Supported (subject to conditions) Detailed Site Investigation prepared by Foundation Earth Sciences dated February 2021 has identified some below surface contamination.</p> <p>Remedial Action Plan and site Validation required, relevant to the results, discussion, conclusion and recommendation sections of the report</p>
Environmental Health (Industrial)	<p>Supported (subject to conditions) Environmental Health support the proposal based on parameters such as noise and light emissions.</p>
Environmental Health (Food Premises, Skin Pen.)	<p>Supported (subject to conditions) There is a proposed commercial floor space which may include allied health, restaurants, co-working spaces, dentistry, hospital uses, home care provision and/or day-care respite centres. If future occupation involves a food premises and/or a skin penetration business then a separate Development Application would be required to assess internal fit out.</p>
Landscape Officer	<p>Supported (subject to conditions) The application is noted to comprise demolition of existing buildings and car parking, tree removal, construction of seniors living and mixed use area, provision of commercial space, basement parking, internal roads and landscaping.</p> <p>Councils Landscape Referral section has considered the application against the Warringah Local Environment Plan, and the following Warringah DCP 2011 controls:</p> <ul style="list-style-type: none"> • D1 Landscaped Open Space and Bushland Setting • E1 Preservation of Trees or Bushland Vegetation <p>The Arborist's Report and Landscape Plans submitted with the application are noted.</p> <p>The Arborist's Report indicates that 43 trees are to be removed and 22 trees are to be retained.</p> <p>Of the 43 trees to be removed, 30 are rated Low/ Very Low significance, 12 High significance and 1 Very High significance.</p> <p>Of the 22 trees to be retained, 7 are rated Low/Very Low significance, 14 High significance and 1 Very High significance.</p> <p>The Landscape Plans provided indicate replanting of 56 new canopy trees throughout the site, with numerous other small trees, shrubs and groundcovers.</p> <p>The design indicates dense canopy planting to the perimeter of the site in the setbacks, with additional, though more sparsely planted canopy trees in the central communal areas to accommodate grassed areas, play equipment, vegetable gardens, seating, paths and other landscape features.</p>

Internal Referral Body	Recommendation/ Comments
	<p>Whilst no assessment has been made of numerical compliance in terms of quantity of soft landscape areas and required setbacks, the proposed planting is considered suitable for the spaces created and replaces the canopy to be removed for construction.</p> <p>It is however recommended that additional trees, shrubs and groundcovers be provided along the Skyline Place frontage of the development. The landscape plans indicate turf areas with new/existing trees and narrow planted areas. It is considered more appropriate to provide additional trees, shrubs and groundcovers to the street frontage to assist in softening the built form at ground level and provide a more human scale to the pedestrian areas, reflective of existing landscape treatment.</p> <p>To this end, it is recommended that the plans be amended to reflect this and recommended conditions have been included to make the amendments.</p> <p>In consideration of the above, no objections are raised to approval subject to conditions as recommended.</p>
NECC (Development Engineering)	<p>Supported (subject to conditions)</p> <p>The stormwater drainage plans/DRAINS model has been reviewed and the onsite stormwater detention system is satisfactory.</p> <p>Please note the architectural plans detail two indented drop off bays in Skyline place, however the inclusion of the bays is not supported given the existing narrow footpath width and potential conflict with existing utility services and they do not form part of this approval.</p>

Internal Referral Body	Recommendation/ Comments
NECC (Water Management)	<p data-bbox="630 239 1018 264">Supported (subject to conditions)</p> <p data-bbox="630 293 1358 427">The applicant has provided further drawings and reports to demonstrate how the resolution in the design of the development to address previous comments of the Northern Beaches Water Management Officer (provided as a superseded response under the following comments).</p> <p data-bbox="630 456 1366 566">The following comments are provided in response to reference to the Sustainability Report (Northrop, 02/06/21), revised architectural plan DA201 and DA202 rev B and relevant stormwater and water quality report and plan (ING Consulting, 25,05,2021)</p> <p data-bbox="630 595 900 620">Proposed Development</p> <p data-bbox="630 622 1382 813">The development application consists of construction of a mixed-use development comprising 3 separate buildings with heights proposed from 3 - 12 storeys with a maximum height of 30-35 metres. The proposed development includes 941m² of commercial floor space and 133 apartments comprising. Approximately 3,200m² (42% site of area) of landscaped open space is provided as well as basement parking.</p> <p data-bbox="630 842 1318 952">The proposal was assessed under the current creek and water management legislation framework, the relevant parts of the Warringah LEP, DCP and Protection of Waterways and Riparian Lands Policy (Policy PL740).</p> <p data-bbox="630 987 1362 1097">The supplied reports and plans were considered. It is noted that the water quality treatment chain has been modified with the inclusion of a 65 000L tank for reuse (irrigation and communal use), refer page 9 and 25 sustainability report.</p> <p data-bbox="630 1133 1362 1216">The community submissions for the review were considered. For the purpose of the development application the supplied documentation has been assessed satisfactory.</p> <p data-bbox="630 1252 1353 1335">The proposed stormwater treatment chain includes a stormwater reuse and proprietary cartridges system prior to the connection with local stormwater network system.</p> <p data-bbox="630 1348 1273 1431">The proposed treatment chain performance is satisfactory in principles and comply with Council Water Management for Development Policy objectives.</p> <p data-bbox="630 1458 1362 1541">Due to the sensitivity of the downstream environment it is imperative that an erosion and sediment management strategy is developed to ensure protection of this area. .</p> <p data-bbox="630 1543 1382 1704">Construction activity and scheduling impacting on the downstream environment requires further assessment to determine acceptable water quality and water quantity thresholds during construction. Should the applicant demonstrate that this is achieved, the application can be supported, and on this basis conditions of consent are provided.</p>

Internal Referral Body	Recommendation/ Comments
<p>Strategic and Place Planning</p>	<p>Not supported</p> <p>The application is for the demolition of the existing warehouse and associated at-grade parking and construction of a 3 to 12 storey seniors living and mixed use development comprising 133 independent living units at Lot 1 of 5 Skyline Place, Frenchs Forest. Of the 133 independent living units, 12 will be assigned as affordable housing for seniors and 10 will be assigned for disability housing, to be managed by Project Independence. In addition, the development proposes stratum subdivision into 3 lots (disability and affordable housing; seniors housing; commercial uses), 941m² of commercial floor space, associated communal facilities and 232 parking spaces.</p> <p>The application relates to Lot 1, which is located to the rear of Lot 2. Lot 2 was approved under Section 8.2 of the Environmental Planning and Assessment Act 1979 by the Sydney North Planning Panel (SNPP) on 18 June 2019. This approval specified that the amendments to the application satisfactorily addressed the concerns raised by the previous decision of the SNPP on the application. It is also noted that Lot 1 was approved on the basis of retaining the existing warehouse at Lot 2, which is now proposed to be demolished under the current application.</p> <p>Notwithstanding the approval obtained for Lot 2, fundamental concerns regarding the introduction of residential land uses (in the form of seniors, affordable and disability housing) into the Frenchs Forest B7 Business Park zone remains. Whilst housing for seniors, affordable housing and those living with a disability is recognised as important within proximity of the new Hospital, the B7 Business Park zone is not the appropriate location as it will further compromise the existing strategic advantage of the business park and the future capacity of surrounding businesses to respond to economic opportunities.</p> <p>Key concerns with the proposal are discussed below.</p> <p>1) The proposed land use (seniors housing, affordable housing, disability housing) is inconsistent with Council’s Hospital Precinct Structure Plan and Local Strategic Planning Statement (Towards 2040), impacting on the delivery of the Frenchs Forest Strategic Centre</p> <p>The Hospital Precinct Structure Plan (HPSP) was adopted by Council in 2017. Whilst this is not a statutory document, the document guides future land use planning decisions in Frenchs Forest over the next 20 years. Council is working with the NSW Department of Planning and Environment to implement Phase 1 of the HPSP into the statutory planning framework as part of the Frenchs Forest Planned Precinct project.</p> <p>The subject site is located within the B7 Business Park zone of the Frenchs Forest Business Park, located east of Wakehurst Parkway. The HPSP notes that there whilst there are no changes to the existing land use zone, this precinct can grow and mature under its current zoning to support the new hospital and deepen the locality’s employment place.</p> <p>A key recommendation arising from the HPSP is the development of an Economic Development Strategy to facilitate employment growth in the area. This is currently underway as part of Council’s work to consolidate the existing statutory planning framework (Local Environmental Plans and Development Control Plans).</p> <p>Council’s Place and Economic Development Team will provide further commentary on the future direction of the Frenchs Forest B7 zoned Business Park.</p>

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	<p>The HPSP does not contemplate or refer to the consideration of residential land uses in any form within the business park. This is a deliberate policy position of Council which is aimed at encouraging a range of employment generating uses, primarily office and light industrial uses, and preserving the land for further specialisation and innovation in its future employment options. The current planning regime recognises that many employment uses that are permitted in the zone may not be deemed compatible to co-locate with residential uses, hence residential accommodation is prohibited as a land use in the B7 Business Park zone under Warringah LEP 2011.</p> <p>The position to safeguard employment lands is further strengthened by Council's Local Strategic Planning Statement (LSPS) known as Towards 2040. The LSPS was adopted by Council on 25 February 2020 and sets out the 20 year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. Whilst the LSPS is not an explicit matter for consideration in the development assessment phase, it will inform Council's strategic planning and the development controls in the comprehensive Northern Beaches LEP, which is currently under preparation.</p> <p>The relevant priorities in the LSPS for this application are identified below.</p> <ul style="list-style-type: none"> • Priority 12 – an inclusive, healthy, safe and socially connected community <p><u>Comment:</u> the intent of this priority is to facilitate social inclusiveness in centres with access to high-frequency public transport. Whilst the subject site is located within the Frenchs Forest Strategic Centre, consideration of other competing priorities in the LSPS is required including Priority 28, to safeguard employment lands.</p> <ul style="list-style-type: none"> • Priority 15 – housing supply, choice and affordability in the right locations <p><u>Comment:</u> this priority recognises that future growth will implement the HPSP through the phased delivery of 4,360 new homes over the next 20 years. The subject site is inconsistent with the HPSP by introducing residential land uses in the B7 Business Park zone and is therefore not considered the right location for residential growth.</p> <ul style="list-style-type: none"> • Priority 16 – access to quality social housing and affordable housing <p><u>Comment:</u> whilst the proposal for affordable rental housing is consistent with this priority, consideration of other competing priorities in the LSPS is required including Priorities 15 and 28, which recognise that housing needs to be in the right locations and that employment lands need to be safeguarded.</p> <ul style="list-style-type: none"> • Priority 22 – jobs that match the skills and needs of the community <p><u>Comment:</u> the residential component of this proposal will diminish employment or economic opportunities for office and light industrial uses, along with further specialisation and innovation in the future. The HPSP already allocates ample commercial, office and retail floor space west of Wakehurst Parkway, particularly around the town centre site.</p>

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	<ul style="list-style-type: none"> • Priority 23 – Frenchs Forest as a sustainable health and education precinct <p><u>Comment:</u> this priority recognises that the Frenchs Forest Business Park will focus on attracting health-related businesses and that the precinct will function together with the town centre, hospital and Forest Way Shopping Centre. The residential component within the business park will impact on the delivery of the HPSP and desired future character of the Frenchs Forest Strategic Centre.</p> <ul style="list-style-type: none"> • Priority 28 - safeguarded employment lands <p><u>Comment:</u> this priority acknowledges that the Frenchs Forest Business Park is the fourth largest (developed) business park in Greater Sydney and makes up 54% of the 100 hectares of business park zoned land on the Northern Beaches. Whilst the application notes that the subject site comprises a minor proportion of the overall business park, the cumulative impact of multiple seniors housing developments will result in a loss of available employment land and diminishing of the business park's employment role. This priority also emphasises the importance of safeguarding employment land from non-compatible uses, particularly residential and mixed-use development. Further, the priority notes the importance of focusing on economic outcomes that support population rather than job numbers. The application is inconsistent with this priority.</p> <p>2) The proposed land use (seniors housing, affordable housing, disability housing) is inconsistent with the desired future character established by the objectives of the B7 Business Park zone under Warringah Local Environmental Plan 2011, which seeks development of a non-residential character and significantly less scale</p> <p>The application is not considered to meet the objectives of the B7 Business Park zone under Warringah LEP 2011, which aims:</p> <ul style="list-style-type: none"> • 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. • to minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses. <p>Whilst the commercial floor space is consistent with the objectives, the residential component of the development is clearly inconsistent as it will not provide employment opportunities and minimise land use conflicts in the B7 zone.</p> <p>Whilst the application has noted that the architectural design, site and operational planning has carefully considered land use conflicts, concern remains that:</p> <ul style="list-style-type: none"> • amenity for residents can be impacted by the operation of nearby businesses due to the different needs and requirement of the respective land uses • Operators of certain employment uses will decide not to locate in the B7 zone due to perceived limitations on their operation

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	<p>that will result due to conflict between their different needs and requirements and those of a residential population.</p> <p>3) The proposed land use (seniors housing, affordable housing, disability housing) is inconsistent with the desired future character established by State Government metropolitan planning, which reinforces the importance of retaining and enhancing employment uses within the Business Park</p> <p>The future strategic planning directions of the State Government continue to support and build on Council's current planning directions for the B7 Business Park zone are contained in the HPSP and LSPS. It is noted that the State Government has declared a Planned Precinct at Frenchs Forest and current planning does not contemplate residential land uses in the B7 Business Park zoned land.</p> <p>The broader strategic planning directions contained in the Greater Region Plan (A Metropolis of Three Cities) and North District Plan reinforce the importance of retaining and enhancing employment uses.</p> <p>The relevant objective from the Greater Sydney Region Plan are:</p> <ul style="list-style-type: none"> • Objective 10 – greater housing supply • Objective 11 – housing is more diverse and affordable • Objective 12 – greater places that bring people together • Objective 21 – internationally competitive health, education, research and innovation precincts • Objective 22 – investment and business activity in centres • Objective 23 – industrial and urban services land is planned, retained and managed <p>The relevant priority from the North District Plan is:</p> <ul style="list-style-type: none"> • Planning Priority N11 – retaining and managing industrial and urban services land <p>Whilst the proposal is consistent with some objectives and priorities in the Greater Sydney Region and North District Plan, consideration of the conflicting objective to retain and manage industrial and urban services land is important. The residential component of this application does not meet this objective and will have implications on the gradual loss of urban services found in the Frenchs Forest Business Park.</p> <p>The application notes that the subject site is not industrial and urban services land and considers the B7 Business Park zone to be a mixed use zone as it permits a range of uses and prohibits a range of industrial uses, as per the definition of industries and urban services in the District Plan. Whilst this interpretation is debatable, it is noted that there are new and emerging light industrial uses that are relocating to Frenchs Forest, which are permissible in the B7 Business Park zone under Warringah LEP 2011. For example, an emerging manufacturing business located nearby is Black Lab Design. In 2017, this business was identified as 45th on the prestigious 2017 AFR Fast Starters List, providing innovative end-to-end design and production service for sheet metal based projects. This business relocated to accommodate their rapid expansion and growth and demonstrates that there is light industry occurring in the B7 zoned lands, which provides an important urban service.</p> <p>4) The proposed development raises potential for land use conflict with surrounding businesses</p>

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	<p>The introduction of a residential land use to this zone would impact the future commercial and industrial activities that could take place in this Business Park zone (including office, research and development, manufacturing and warehouse).</p> <p>The current absence of residential land use is a key differentiator for this employment land precinct from others in the region. Removing this point of difference would impact the attractiveness of this business park to prospective businesses and undermine its ability to cater for a diversity of business types, affecting the resilience of the Northern Beaches economy.</p> <p>Any future industrial and commercial developments and activities within this zone would have to consider impacts to the amenity of this proposed residential population. Noise concerns could impact hours of operations and truck movements for nearby businesses.</p> <p>5) The subject site is not the right location for seniors housing, affordable housing and disability housing</p> <p>Frenchs Forest is characterised by a separation between the new hospital and future town Centre from the Business Park, which is to the eastern edge of the suburb by the Wakehurst Parkway and Warringah Road.</p> <p>As a result, there are severance issues with the hospital and business park, located either side of Warringah Road and the Wakehurst Parkway. Pedestrian access to the subject site is unappealing given the slope of Frenchs Forest Road East and Frenchs Forest Road West and large intersections at Wakehurst Parkway. Access will likely be via the private vehicle, adding further to the traffic and transport capacity of the surrounding road network.</p> <p>It is noted that future housing growth will be focused west of Wakehurst Parkway with opportunities for seniors housing envisaged in the town centre under the B4 Mixed Use zone and R3 Medium Density Residential zone, west of Wakehurst Parkway. This area is seen as more appropriate to locate seniors housing, affordable housing and disability housing given its topography and accessibility to services and public transport.</p> <p>6) The proposed development will set a precedent for the introduction of residential land uses into the B7 Business Park zoned land within Frenchs Forest</p> <p>The approval of the proposed development at Lot 1 will signalise to the market that residential uses within the B7 Business Park zoned lands is acceptable. Whilst the business park is currently underutilised, the development of the hospital and synergies with medical uses will stimulate growth over time. Retaining and managing the B7 Business Park zone solely for employment purposes is crucial for the success of this business park.</p> <p>The application relies on the approval at Lot 2 as a precedent, with the justification that increasing net jobs will enhance the overall economic growth of the business park. However, it is important to note that the strategic planning for this precinct also documents the importance of retaining and managing employment lands and supporting jobs which provide an important service to the community, rather than focusing on job numbers. A reliance on Lot 2 as a precedent is therefore not considered appropriate.</p> <p>In conclusion, Strategic and Place Planning does not support the application for the following reasons:</p>

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	<ol style="list-style-type: none"> <li data-bbox="678 239 1377 376">1. The proposed land use (seniors housing, affordable housing, disability housing) is inconsistent with Council's Hospital Precinct Structure Plan and Local Strategic Planning Statement (Towards 2040), impacting on the delivery of the Frenchs Forest Strategic Centre. <li data-bbox="678 405 1377 568">2. The proposed land use (seniors housing, affordable housing, disability housing) is inconsistent with the desired future character established by the objectives of the B7 Business Park zone under Warringah Local Environmental Plan 2011, which seeks development of a non-residential character and significantly less scale. <li data-bbox="678 598 1377 734">3. The proposed land use (seniors housing, affordable housing, disability housing) is inconsistent with the desired future character established by State Government metropolitan planning, which reinforces the importance of retaining and enhancing employment uses within the Business Park. <li data-bbox="678 763 1377 815">4. The proposed development raises potential for land use conflict with surrounding businesses. <li data-bbox="678 844 1377 896">5. The subject site is not the right location for seniors housing, affordable housing and disability housing. <li data-bbox="678 925 1377 1010">6. The proposed development will set a precedent for the introduction of residential land uses into the B7 Business Park zoned land within Frenchs Forest

Internal Referral Body	Recommendation/ Comments
<p>Economic Development & Tourism</p>	<p>Not supported</p> <p>The comments are in relation to the potential impact on the future economic function of the Frenchs Forest Business Park from further senior housing within the park. These comments draw upon the draft Northern Beaches Employment Study which as informed the Northern Beaches LEP Discussion Paper currently on exhibition.</p> <p>The EIA report is a thorough and robust analysis, especially on current utilisation of the FFBP compared to other metropolitan business parks, available development capacity and likely future demand of office park space.</p> <p>While correct that there is significant potential capacity that could accommodate demand for future business park uses with the loss of the 7,800 sqm site for senior housing, the concern is more around future land use conflicts of expanded senior housing in the business park.</p> <p>In particular, the EIA does not recognise the important logistic and manufacturing role that the Frenchs Forest Business Park plays for the Northern Beaches region and how these vital uses may be impacted by permitting residential uses. This is especially significant given the limited space for manufacturing/industrial uses across the LGA. As noted in the Northern Beaches LEP Discussion Paper, the draft Northern Beaches Employment Study identifies demand for an additional 51.600sqm of industrial floorspace across the LGA by 2036, including manufacturing and logistic uses which could be located in FFBP.</p> <p>The demand for industrial floorspace is largely driven by forecast growth in the logistic sector which despite declining forecast job growth in this sector, due to increased ratios of space per worker and trends in on-line retailing and faster delivery, sees continued strong demand.</p> <p>As shown in tale 1 wholesale trade is the largest employer in the business park and as noted warehouse space in previous landuse audit has been highly utilised (only 3.3% vacancy). Most recent developments in the FFBP have also been in logistics, including an Amazon distribution centre. This is reinforcing the role of FFBP as a logistic hub for the Northern Beaches.</p> <p>In recent years there has also been estimated strong growth in ‘white collar’ or ‘advanced’ manufacturing jobs, especially “machinery and equipment manufacturing” and “basic chemical and chemical product manufacturing” across the LGA (source : .ID The Population Experts). The FFBP provides one of the few settings in the Northern Beaches for such industries to emerge and grow, which tend to provide highly skilled and high value add jobs, well suited to our local resident workforce.</p> <p>The draft Employment Study undertaken by SGS Economics & Planning in 2019, acknowledges that the changing function of the FFBP will take time. This identified that FFBP has potential to attract large flooplate uses that require a mix of office, warehouse and manufacturing. Its future role is also seen has intrinsically linked to Brookvale industrial area and may soak up demand for displacement of manufacturing and logistic businesses in Brookvale overtime, becoming the key location for distribution and storage functions. These 24/7 operations would not be conducive with senior housing and could impact future operations.</p> <p>The draft Employment Studies cites the recently approved aged care facility at 5 Skyline Place (Stage 1) along with Private Hospital in Mona Vale Business Park, as demonstrating a continued trend for health related services coming into the B7 zones. It recommends that given the general amenity of business parks, it is considered appropriate that</p>

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	<p>the B7 zones continue to focus on business and light industry rather than increase the diversity of land uses, such as health.</p> <p>The draft LEP Discussion Paper that is currently on exhibition, builds on the findings and recommendations of the draft Employment Study. This recommends no changes to the B7 zoning at FFBP and that the LGA's business parks will continue to provide a professional environment for specialised businesses, including high technology industries, wholesale trade and logistic activities, while more diverse range of floor plate options and shared space business models can emerge. This focus, it states, must be protected from competing uses (p172).</p> <p>In particular, it specifies that hospitals are to be prohibited to prevent further expansion of private hospitals and to protect the non-residential character of the business park, given senior housing is permissible where hospitals are permitted. It acknowledges that this position will be subject to consent by the Department of Planning, Industry and Environment, as hospitals are permitted under the Infrastructure SEPP.</p> <p>Whilst recognising the low demand for office space over recent years, the development of a new town centre, with open space and amenities and improved transport connections (Beaches Tunnel and East/West bus links) could provide the catalyst for renewed market interest in office park space at FFBP.</p> <p>As the EIA notes, the investment in a new shopping centre, open space and recreation facilities and public transport, were key factors in the success of Norwest business park. Similar State and local government's investment for the Frenchs Forest Planned Precinct, could create the same pre-conditions for renewed market interest at FFBP.</p> <p>Consequently, safeguarding the FFBP for future industrial, logistic and office opportunities will enable it to strengthen its role as a specialised business and logistic hub for the Northern Beaches.</p> <p>Further expansion of senior housing into the FFBP, could impact this role over the next decade and beyond, and as identified in the draft Northern Beaches Employment Study and LEP Discussion Paper, should not be permitted.</p>
Strategic Planning - Urban Design	<p>Not supported</p> <p>The applicant has provided further drawings and reports to demonstrate how the resolution in the design of the development to address comments provided from the Northern Beaches Council Design and Sustainability Advisory Panel (DSAP) addresses the concerns of the Council urban design officer and DSAP.</p> <p>The following comments are provided in response to reference to the DSAP Report on the development and the initial comments from Council (provided as a response under the following comments).</p> <p>Proposed Development</p> <p>The development application consists of construction of a mixed-use development comprising 3 separate buildings with heights proposed from 3 - 12 storeys with a maximum height of 30-35 metres and a proposed FSR of approximately 3:1. The proposed development includes 941m² of commercial floor space and 133 apartments comprising seniors living and affordable apartments; a mix of 1,2 and 3 bedrooms. Approximately 3,200m² (42% site of area) of landscaped open space is provided as well as basement parking.</p>

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	<p>RESPONSE: The development is substantially the same as previous iterations of the proposal.</p> <p>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 The application is lodged pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD) considering part of the development is for 'Seniors Housing'.</p> <p>The subject site is zoned B7 Business Park under Warringah Local Environmental Plan 2011 (WLEP 2011). Development for the purposes of seniors housing is permitted with consent pursuant to the State Environmental Planning Policy (Housing for seniors or people with a Disability) 2004 (SEPP HSPD) by virtue of 'hospitals' being permitted in the B7 Business Park zone.</p> <p>Issues are raised with the development's consistency with the Aims of the Policy, namely;</p> <ul style="list-style-type: none"> • Clause 2c in relation to design and compatibility, • Clause 33 (a) in that the bulk, scale and height of <p>The proposal is not found to be compatible with the existing and desired future character, nor the quality and identity of the locality, and - Clause 50 (standards that cannot be used to refuse development) Height, Density and Scale.</p> <p>As a state wide policy the SEPP HSPD provisions cannot anticipate the conditions where it might be applied. Reflected in the height and density provisions; 8m and 0.5:1 respectively as that which cannot be used as the basis for refusal, the development exploits this weakness in the policy (SEPP HSPD) to the extent the proposed development could not be seen be reasonably compatible with low density residential zones.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal.</p> <p>Site Analysis - Built Form Context The site locality is ringed by major transport corridors, is surrounded by a variety of built form uses including warehouses, multi storey commercial and business parks typified by commercial and office uses and further out, residential zones. The site itself sits within the middle of the block and as such does not benefit from broader vistas to the greater landscape conditions of the locality.</p> <p>The proposed development is of a perimeter block form with a generous central landscaped open space, with buildings articulated as two diagonally opposed tower forms (11 and 12 storey or 39 metres) complemented by lower rise (6 storey or 10 metres) blocks and a three storey communal building with facilities.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal. The site analysis in the form of view corridor analysis from various locations around the site has been provided on page 13 of the Amended Design Report (15.06.2021). The analysis provided show photographs of views to and from the site that reference the location of the Northern Beaches Hospital as the height precedence. They do not provide any further information to support the application.</p> <p>Bulk and Scale The scale and massing across the site is uncharacteristic of the locality; the proposed residential building is significantly higher than surrounding development, by up to 6 storeys. Given there is no FSR control applicable to the site, the combined impacts of the intensity and the proposed scale of development across the site cannot be</p>

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	<p>supported on merit.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal. The DSAP noted that options analysis could provide further option studies with more rigorous analysis and design exploration rather than just alternate options of the same massing yield across the site. This has not been adequately addressed. Further to this, page 29 of the Amended Design Report (15.06.2021) shows the proposed massing of the development through Visual Impact Analysis demonstrating the intensity of the development as viewed from various locations. The bulk and scale is significant and cannot be supported.</p> <p>Open Space and Public Domain</p> <p>The proposal sets a central open space piazza within a perimeter block form comprising two long linear blocks with a north south axis on the east and west boundaries. Each of these blocks is comprised of a six storey element and an 11/12 storey element.</p> <p>The central landscaped piazza is designed with access pathways and varying levels of planting detail. Given the scale, intensity and length of these buildings, the street wall effect created by the length of the block is somewhat monolithic. Breaking down the scale of the block form and mass further to create an open to the sky through site link mid-block is recommended for both the east and west linear blocks. Whilst it is noted there is a through building link at ground level the broader view aspects from a pedestrian scale will be dominated by the scale and height of the proposed development. A less intense proposal across the site is highly recommended to address the human scale in this distinct and unique urban context.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal, however the engagement of a professional landscape architect to address the ground plan and public domain design has been provided and demonstrates further considered landscape response to internal amenity and communal spaces.</p> <p>Wayfinding and Access</p> <p>Similarly, further refinement of a clear wayfinding strategy from public street to internal street is recommended. The potential opportunity to introduce an internal street network that includes a shared zone would benefit access for the residents. The current proposal does not include this in the whole of site strategy and as such may be a missed opportunity to achieve a finer grain public domain strategy. The public domain and open space requires further detailed planning and options analysis to achieve a higher level of public domain amenity. Additionally, it is noted there is a 20 metre break between the development and the buildings on the adjoining lot. Whilst this assists to relieve the impact of the development somewhat it is driven predominantly by the requirement for extensive driveway access to the underground carparks of both sites. This has the effect of lessening the gesture of open space and building separation.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal, however a simplified and more legible wayfinding strategy has been somewhat addressed in the scheme through the addition of the landscape plans.</p> <p>Circulation</p> <p>It is noted that the two linear blocks share a central vertical circulation core. Whilst there are efficiencies to this strategy it remains that as a Seniors development a more fine grain approach to building identity and individual address is appropriate for this type and scale of development. The current plan sets the lobbies/ circulation cores deep within the plan of each of the long linear blocks. Articulated as a small rebate in the facade this is less identifiable than providing a clear street address and entry sequence for the blocks. The location of lift lobbies should be clearly identifiable from central courtyards, streets or shared zones. Additionally, circulation cores and lobbies should have access to natural daylighting and cross ventilation. As a minimum, the</p>

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	<p>two linear blocks should be scaled down to four smaller blocks with individual address and circulation core to each.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal. However, an additional lift is added and some corridor lengths shortened.</p> <p>Amenity - solar and cross ventilation Aspects of the proposal's planning regime requires further demonstration that principles of solar access and cross ventilation can be achieved. Double loaded corridors with single aspect apartments off a central corridor will find it difficult to achieve these principles. The south western corner accommodating the accessible housing does not demonstrate a high level of amenity with apartments in the least optimal zone of the site, particularly those facing directly west. For people with disabilities the location of these apartments present as the least desirable zone on the lot and could be viewed as discriminatory. Principally, the dominant courtyard/perimeter block typology demonstrates various opportunities to bring majority of aspects back to the central piazza for all residents. This specifically goes to the comments regarding double loaded corridors vs double aspect apartments.</p> <p>RESPONSE: The development is substantially the same as previous iterations of the proposal. Floor plate depths generally remain the same with double loaded corridors making it difficult to cross ventilate through apartments. Any breeze through fenestrations have a circuitous route to find exhaust and thus does not represent optimum outcomes for internal amenity.</p>
<p>Traffic Engineer</p>	<p>Supported (subject to conditions)</p> <p>The proposal is for the demolition of the existing commercial/warehouse development and constructing a seniors living development of up to 11 stories comprising 133 residential units, communal open space and recreational spaces and approximately 941m² of commercial space, to be used for ancillary purposes including medical, allied health, cafe, and retail.</p> <p>Parking Provision The proposed development makes provision for a total of 232 off-street car parking spaces, comprising 172 residential spaces, 34 visitor spaces and 26 commercial spaces, thereby satisfying Council's requirements for commercial and visitors and also SEPP requirements for seniors living.</p> <p>Parking Design The 2 levels of basement parking comply with the requirements of AS 2890.1 and AS 2890.6 where required for the adopted use for seniors living. The applicant will be required to demonstrate that all spaces within the development meet the requirements for vehicle access through the provision paths prior to the issue of a construction certificate.</p> <p>Access to Public Transport Services The proposed development is serviced by the 166, 193 and 280 bus services, with the 160X and 141 routes in the area as well, however these services are considerably outside the maximum walking distance of 400 metres as both services stop outside the Northern Beaches Hospital on Frenchs Forest Road west of Wakehurst Parkway.</p> <p>Whilst the westbound bus stop is located immediately at the frontage of the overall site (lot 2), the eastbound services require the resident to either cross 4 lanes of traffic or walk from the mid-block bus stop to either the traffic signals and Romford Road or Wakehurst Parkway. The road corridor is currently not wide enough to provide a</p>

Internal Referral Body	Recommendation/ Comments
	<p>compliant mid-block pedestrian refuge to service this location. It may be possible to provide a signalised intersection at Skyline Place and Frenchs Forest Road inclusive of a suitable pedestrian leg to allow residents to safely cross back to the development.</p> <p>This will be the subject of a condition to provide a suitable safe pedestrian crossing facility to the satisfaction of the Northern Beaches Council Local Traffic Committee.</p>
Roads and Assets	<p>Supported (subject to conditions) There is limited impact on existing road infrastructure.</p> <p>Whilst there is nearby public transport with bus shelters on both sides of Frenchs Forest Road, the only safe crossing point is at the signals at Romford Road. Given the width of Skyline Place, a pedestrian refuge is recommended to the Traffic Engineering team to facilitate the safety of seniors crossing Skyline Place when walking from Romford Road.</p> <p>It is noted the existing footpath on the western side of Skyline Place terminates at the turning circle. The applicant shall be required to extend the existing pathway around the head of the turning circle.</p> <p>The existing footpath shall be widened to 1.5m minimum width to ensure accessibility and safe passing of those in wheelchairs and mobility scooters.</p> <p>The proposal is therefore supported.</p>
Waste Officer	<p>Supported (subject to conditions) No objections subject to conditions.</p>

EXTERNAL REFERRALS

External Referral Body	Comments
NSW Rural Fire Services (NSW RFS)	<p>The application was referred to the NSW RFS as Integrated Development.</p> <p>Section 100B of the <i>Rural Fires Act 1997</i> enables the Commissioner of the NSW RFS to issue a Bushfire Safety Authority for 'Special Fire Protection Purpose' development. Section 100B (6) of that <i>Rural Fires Act 1997</i> identifies Subdivision of the Land and Seniors Housing (within the meaning of the <i>SEPP (HSPD) 2004</i>) as such development.</p> <p>In their response on 17 May 2021, the NSW RFS issued their Bushfire Safety Authority and General Terms of Approval which are to be included in a consent should this application be approved.</p>
Ausgrid: (SEPP Infra.)	<p>The application was referred to Ausgrid under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007.</p> <p>A response from Ausgrid was received on 25 March 2021, raising no objection to the proposed development.</p>
Concurrence Transport for NSW (SEPP Infrastructure. Traffic generating development)	<p>The application was referred to the TfNSW for comment as traffic generating development under Schedule 3 of SEPP Infrastructure. The TfNSW provided their comments on 14 April 2021, raising no objection to the proposed development subject to conditions.</p> <p>The conditions provided by TfNSW may be included in a consent should this application be approved.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, EPIs (State Environmental Planning Policies (SEPPs), Regional Environment Plans (REPs) and Local Environment Plans (LEPs)), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each EPIs (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development does not constitute State Significant Development under SEPP.

Of more relevance, clause 20 of the SEPP and Section 2.12 and 2.15 of the EPA Act, identifies a range of developments that either due to their nature, scale, value, impact or location are deemed to be of regional significance and which, as a result, require that a regional panel become the consent authority.

In this regard, Schedule 7 of the SEPP indicates that development that has a capital investment value of more than \$30 million is of regional significance. As indicated on the DA form, the proposed development has a capital investment value of \$60.090 million, as such, the SNPP is the determining authority.

State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65)

Clause 4 of State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) stipulates that:

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

As previously outlined the proposed development is for the construction of an up to 12 storey residential flat 'housing' development plus basement car parking for the provisions of 113 self-contained dwellings. As such, the principles and standards of the ADG have been considered as follows:

DESIGN REVIEW PANEL

The current application was considered by DSAP, where the panel made the following recommendation:

The Panel does not support the design.

The building is significantly higher than the development on Lot 2 and closer to the ridge and of a similar height to the hospital and will be visible from many locations. The presentation at the Panel session explained the context for the heights but did not provide an analysis from various locations on the ground.

Given the determination by the Sydney North Planning Panel that the development on lot 2 was only acceptable after having the height reduced from 9 storeys to 6 after refusal by the SNPP in December 2018, no compelling arguments have been presented as to why 12 storeys should be supported on Lot 1 given the impacts and overshadowing of the central court area.

The Panel recognises that there have been a range of improvements to the design. However the landscape design is not adequate, and given the importance of this central shared space to the overall character and amenity of the project, it is important that the nature of the commercial activities is known.

The Panel observes that these difficulties arise directly from the proposal to develop the site as seniors housing in the B7 zone, and that it is therefore reasonable for these matters to be resolved as part of this Development Application.

Failure to provide a sustainability strategy or commitments to achieving environmental performance greater than the bare minimum for compliance on a site of this size where there are no set planning controls cannot be considered adequate.

In response to the concerns raised by the DSAP, the applicant has recently submitted additional information including a detailed sustainability strategy, which has been considered in the assessment of the application.

However, the overall height and built form remains unchanged.

DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The site is located within the Frenchs Forest Business Park to the east of Wakehurst Parkway, north of Warringah Road and South of Frenchs Forest Road East. The business park generally comprises of warehouses and commercial/retail buildings ranging from large-format single storey warehouses to five storey buildings.

North of the site and across Frenchs Forest Road East is land zoned for R2 Low Density Residential development which comprises predominantly of one and two storey dwelling houses situated within a landscaped setting.

Surrounding recent development approvals comprise of the 40m high Northern Beaches Hospital some 240m away and across Wakehurst Parkway; Court approved and currently under construction is Parkway Hotel at a height of 26.4m, and the immediately adjoining on Lot 2 is Jardin development approved by the SNPP at a height of 24.6m.

The subject development proposes two diagonally opposed towers of 11 and 12 storeys or 39m in height complemented by lower rise six storey blocks and a three storey block. The proposal will introduce (in addition to the unbuilt Jardin development and Parkway Hotel) a high-density residential development into a business park area in buildings that are significantly larger than the surrounding environment.

For the above reasons, the development is not considered to be appropriate nor compatible with the key built features of the area.

It is considered that the proposal fails to accord with Principle 1: Context and Neighbourhood Character.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The development has been conceived on the basis that the B7 Business Park zone does not have a height limit and that the proposal is reflective of a transition from the height of the hospital to the west to other recent approvals to the east.

The site is bound by development typologies of varying land use, scale and design ranging from large format industrial buildings and a hospital to single storey detached dwelling houses. The land is bound by major transport corridors.

The scale of the proposal, by virtue of its height, is uncharacteristically proportionate to surrounding developments and is of a height seldom seen across the Northern Beaches let alone Frenchs Forest. The scale of the Northern Beaches Hospital is not comparable to that of the development given both the land use (a hospital vs. housing) and the fact that the two buildings are not near each other – separated by a major road and dense bushland.

Whilst the architectural language of the façade design has positive elements, it is found that the building height reaching 12 storeys is contextually inappropriate and harmful to the characteristics of the local context.

Accordingly, it is considered that the proposed does not satisfy Principle 2: Built Form and Scale.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The planning controls under the Warringah Local Environmental Plan 2011 and Development Control Plan 2011 do not specify a maximum housing density for the zone. Therefore the appropriate density is determined by the level of compliance and response to the Design Quality Principles of SEPP 65 and the relevant controls contained within the SEPP (HSPD) 2004, WLEP 2011 and WDCP 2011.

Clause 50 of the SEPP (HSPD) describes an appropriate density and scale of the development to be determined by an FSR of 0.5:1 or less. If the proposal complies with that standard then it cannot be used to refuse consent. The proposal does not comply with that standard, instead proposing an FSR of 2.42:1.

The proposal can be considered to be an overdevelopment of the site if it is found to be incompatible with the character of the area as discussed in the SEPP (HSPD) section of this report.

This report demonstrates that the proposed development is not of a scale or proportion deemed to be sympathetic to the character of the location nor its interface with surrounding and nearby land uses. Whilst the proposal does not directly adjoin the R2 zone, it would be readily visible from this zone given its towering height well above that of surrounding developments.

In this regard it is found that the proposal is inconsistent with Principle 3: Density.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

Perhaps the most commendable aspect of this development application is the efforts gone to by the applicant to create both an ecologically but also socially sustainably building.

The cross-section of the community which the proposal seeks to cater for is seldom seen within the Northern Beaches and co-mingling of diverse groups is considered to significantly enhance the living conditions for occupants of the development.

The applicant has gone to lengths to develop a thorough sustainability strategy as advised by the DSAP and as such, the building now achieves the following minimums:

- An energy score of 35 against a target of 25;
- An average 7 Star NatHERSs Rating;

- 5 Star Greenstar Design and Build 'Australian Excellence';
- 5 Star Greenstar Communities Rating 'Australian Excellence';
- Water score of 41 against a target of 40;
- Provision of a 65,000 litre rainwater tank; and
- 90kW solar system.

Additional to these technological measures are the passive architectural principles employed in the design inclusive of cross ventilation, solar access and thermal design. The development seeks to provide more landscaping on site than what exists currently both on-structure and deep-soil which could enhance the green corridor adjacent to Frenchs Forest Road East for the benefit of wildlife and a reduction in the urban heat island effect.

The development achieves and exceeds the expectations of Principle 4: Sustainability.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comment:

The landscape open space requirements specified within the SEPP (HSPD) 2004 require at least 30% of the site area to be landscaped open space, in addition to the requirement of 15% deep soil planting.

The site exceeds the numerical requirements of landscaped open space and deep soil planting zones. Landscaping is primarily utilised to enhance amenity for occupants and for biodiversity, but it also plays an important part in screening the bulk and scale of development. The landscape zones and ratios are not considered sufficient in proportion or soil depth to screen the height of the development.

At grade the integration of landscaping with communal open spaces results in an attractive landscaped setting albeit this setting is somewhat marred by the visual dominance of the two towers bounding the communal open space.

Whilst the landscaped area is acceptable, it is considered that the overall pedestrian experience through the site would be significantly enhanced by a reduced built form that is more in keeping with the scale of mature landscaping. However, on balance the objects of Principle 5: Landscaping are considered to be met.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of

mobility.

Comment:

The architecture of the proposed development affords an appropriate level of internal amenity and comfort for occupants by virtue of large living spaces, numerous areas of communal open space and solar access. Internal of the site, amenity is satisfactory.

However, tying back to the siting and context of the site it is not envisioned that an appropriate level of amenity would be afforded to occupants by surrounding developments. The land uses permitted on neighbouring land include, but are not limited to childcare centres, hardware and building supplies, light industry self-storage units and warehouses and distribution centres. These land uses are frequently granted consent to operate 24/7 given their isolation from residential land. These land uses can also be readily expected to generate significant more noise than a residential development.

Whilst it is noted that the *Greater Sydney Region Plan* and *North District Plan* by the Greater Sydney Commission support the “*transition of business parks into higher amenity and vibrant mixed-use precincts, including opportunities for residential development which supports the function of the business park*” it is not considered that that objective is met in this case. It is considered that the acoustic impacts of existing and future businesses upon the amenity of occupants would be both detrimental to their living conditions and could jeopardise the ability for the business park to flourish in accordance with the permitted land uses. Such an issue would not exist if the development were not located within a business park.

Therefore, given the conflict of land uses it is considered likely that an inferior acoustic amenity would be afforded to occupants of the development, and thus the proposal does not satisfy Principle 6: Amenity.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The development is considered capable of providing a safe living environment for occupants and their guests. The scheme proposes secure access separate from vehicular access points. The communal areas, commercial premises and units themselves provide passive surveillance over the central courtyard area and surrounding curtilage of the site.

It is considered that the proposal satisfies Principle 7: Safety.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

The principle of residential development in this location is not supported as described elsewhere in this report. Putting aside this fundamental objection to the principle of the development, the proposal does afford a diversified tenure of residents and scale of accommodation.

The proposal provides a mixed tenure of residents across the 133 apartments inclusive of standard over-55 living apartments; twelve Affordable Housing units for older women (over 55) at risk of homelessness; and ten studios operated by Project Independence offered as Social Housing for persons living with an intellectual disability.

This tenure mix represents a cross-section of the community and is anticipated to result in an improved quality of life and social interaction for all residents. To the extent of tenure mix, the proposal is commendable.

With regard to the physical diversity of units to meet different needs, the development provides 10 studios for Project Independence (located on the ground floor for people with an intellectual disability); four studios; five one-bedroom; 23 two-bedroom; 18 two-bedroom + study; and 73 three bedroom apartments.

The range of unit sizes provided will cater for differing household needs and budgets.

It is considered that the proposal satisfies Principle 8: Housing Diversity and Social Interaction.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The façade design and composition of materials selected for the development are attractive commensurate to surrounding developments, however this positive does not outweigh the fundamental objection to the proposed building height. That height is visually jarring and diminishes the overall quality of the building and the surroundings.

On that basis, the proposal does not satisfy Principle 9: Aesthetics.

APARTMENT DESIGN GUIDE

The following table is an assessment against the criteria of the ‘Apartment Design Guide’ as required by SEPP 65.

Development Control	Criteria / Guideline	Comments
Part 3 Siting the Development		
Site Analysis	Does the development relate well to its context and is it sited appropriately?	Not Consistent The development fails to achieve an appropriate compatibility with the surrounding context. The proposal is for a residential development within a business park. The proposal achieves a height only matched (in the vicinity) by

		<p>a hospital. The development will tower over adjacent developments and is reliant upon landscaping on other land to screen it.</p> <p>Inherently residential accommodation is not suited to the activities and noise generated by a business park. The introduction of residential land use into an established business park may jeopardise either the amenity of occupants, or the longevity of the business park which plays a vital infrastructure role within the Frenchs Forest economy.</p> <p>The building is inappropriately sited and does not relate well to its context.</p>												
Orientation	Does the development respond to the streetscape and site and optimise solar access within the development and to neighbouring properties?	<p>Consistent</p> <p>The development is appropriately orientated to respond to the Skyline Place streetscape and solar arc both for the development itself and neighbouring properties.</p> <p>The building has four commercial premises addressing the street.</p>												
Public Domain Interface	<p>Does the development transition well between the private and public domain without compromising safety and security?</p> <p>Is the amenity of the public domain retained and enhanced?</p>	<p>Not Consistent</p> <p>Whilst the existing pedestrian experience along Skyline Place is not ideal, the height of the development will reduce the existing provision of amenity and will appear as excessively visually dominant.</p>												
Communal and Public Open Space	<p>Appropriate communal open space is to be provided as follows:</p> <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable parts of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid-winter) 	<p>Consistent</p> <p>The development provides communal open space exceeding 25% of the site area which achieves a minimum of two hours of sunlight between 9am and 3pm on the winter solstice.</p>												
Deep Soil Zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="418 1563 951 1942"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	<p>Consistent</p> <p>The site provides 2,711m² (or a ratio of 34.7% of the site area) as a deep soil zone.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
Less than 650m ²	-	7%												
650m ² – 1,500m ²	3m													
Greater than 1,500m ²	6m													
Greater than 1,500m ² with significant existing tree cover	6m													

Visual Privacy	<p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="421 311 949 600"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of rooms.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Not Consistent</p> <p>The proposal provides 9m setbacks to the southern and western boundaries for a building which exceeds 9 storeys.</p> <p>Minimum ADG requirements should be met.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
Pedestrian Access and entries	<p>Do the building entries and pedestrian access connect to and addresses the public domain and are they accessible and easy to identify?</p> <p>Large sites are to provide pedestrian links for access to streets and connection to destinations.</p>	<p>Consistent</p> <p>The development provides easily identifiable level pedestrian access to all floors including the basement.</p>												
Vehicle Access	<p>Are the vehicle access points designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes?</p>	<p>Consistent</p> <p>The vehicle access and egress points are appropriately sited to utilise existing infrastructure and to minimise conflicts with pedestrians and other vehicles.</p>												
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> On sites that are within 80m of a railway station or light rail stop in the Sydney Metropolitan Area; or On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Visual and environmental impacts are minimised.</p>	<p>Consistent</p> <p>The development provides a total of 232 spaces comprising of 172 residential, 34 visitor spaces and 26 commercial spaces.</p> <p>The car parking provision is compliant in accordance with SEPP (HSPD).</p>												
<p>Part 4 Designing the Building</p>														
<p>Amenity</p>														
Solar and Daylight Access	<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p>	<p>Consistent</p> <p>92% of apartments receive at least two hours of direct sunlight between 0900 and 1500 in mid-winter.</p>												

	Living rooms and private open spaces of at least 70% of apartments in a building are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.													
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Consistent												
Natural Ventilation	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents by: At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Consistent 115/133 or 86% of the apartments are naturally cross ventilated.												
	Overall depth of a cross-over or cross-through apartment must not exceed 18m, measured glass line to glass line.	Consistent												
Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table border="1" data-bbox="422 896 949 1355"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Consistent Ceiling heights within the apartments exceed 2.7m with a 3.1m FFL to FFL.
	Minimum ceiling height													
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
Apartment Size and Layout	Apartments are required to have the following minimum internal areas: <table border="1" data-bbox="422 1467 949 1668"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Consistent The minimum size of all bedrooms are consistent with the requirement of this Clause.		
	Apartment type	Minimum internal area												
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Consistent												

	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Consistent															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Consistent															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Consistent															
	Bedrooms have a minimum dimension of 3.0m and must include built in wardrobes or have space for freestanding wardrobes, in addition to the 3.0m minimum dimension.	Consistent															
	Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments	Consistent															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Consistent															
Private Open Space and Balconies	All apartments are required to have primary balconies as follows: <table border="1" data-bbox="422 875 951 1111"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> The minimum balcony depth to be counted as contributing to the balcony area is 1m	Dwelling Type	Minimum Area	Minimum Depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	Not Applicable The private open space requirement is stipulated under SEPP (HSPD) 2004
Dwelling Type	Minimum Area	Minimum Depth															
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Consistent The maximum number of apartments off a circulation core on a single level is less than 8.															
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Consistent The development is serviced by four lifts meaning that 123 apartments (excluding the 10 ground floor studios) would result in a ratio of 30.75 apartments per lift.															
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" data-bbox="422 1615 951 1850"> <thead> <tr> <th>Dwelling Type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m²</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m²</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m²</td> </tr> </tbody> </table> At least 50% of the required storage is to be located within the apartment.	Dwelling Type	Storage size volume	Studio apartments	4m ²	1 bedroom apartments	6m ²	2 bedroom apartments	8m ²	3+ bedroom apartments	10m ²	Consistent (subject to condition) The proposed building includes resident storage areas for all units within the building and as well as within the basement levels. A condition of consent could be recommended, if the application was recommended for approval to ensure the proposed storage areas are allocated in accordance with the size requirements of the ADG for the respective units.					
Dwelling Type	Storage size volume																
Studio apartments	4m ²																
1 bedroom apartments	6m ²																
2 bedroom apartments	8m ²																
3+ bedroom apartments	10m ²																
Acoustic Privacy	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open	Consistent															

	spaces and circulation areas should be located at least 3m away from bedrooms.	Internal of the curtilage of the site the development affords an appropriate degree of acoustic privacy to occupants and thus strictly speaking, the objective of this control is met, however this statement should be read in conjunction with the below assessment.
Noise and Pollution	Siting, layout and design of the building is to minimise the impacts of external noise and pollution and mitigate noise transmission.	<p>Not Consistent</p> <p>The siting of a residential development within a business park shall create inherent acoustic issues for occupants. Land uses permitted with consent in the B7 zone include, but are not limited to child care centres, hardware and building supplies, light industry self-storage units and warehouses and distribution centres. These land uses generate more noise than residential development and frequently (if approved) operate 24/7.</p> <p>The siting of the building in a business park creates an inappropriate relationship between land uses which will impact on the living conditions of occupants</p>
Configuration		
Apartment Mix	Ensure the development provides a range of apartment types and sizes that is appropriate in supporting the needs of the community now and into the future and in the suitable locations within the building.	<p>Not Consistent</p> <p>The development provides the following apartment mix:</p> <ul style="list-style-type: none"> • Project Independence studio – 10 • Studio – 4 • 1 Bed – 5 • 2 Bed – 23 • 2 Bed + Study – 18 • 3 Bed – 73 <p>The provision of apartments is heavily weighted to 3 bedroom/ 2 bedroom and study apartments which does not provide an adequate dwelling size mix to cater for persons with different housing needs or economic circumstances.</p>
Ground Floor Apartments	Do the ground floor apartments deliver amenity and safety for their residents?	<p>Consistent</p> <p>The ground floor apartments are to be used by Project Independence as housing for persons with an intellectual disability. Those apartments are reminiscent of a boarding or group home whereby individual rooms are large and have private bathrooms, but those rooms share communal cooking and living facilities.</p>

		Each room is afforded an outlook and a private patio area and is considered to be safe.																																			
Roof Design	Ensure the roof design responds to the street and adjacent buildings and also incorporates sustainability features. Can the roof top be used for common open space? This is not suitable where there will be any unreasonable amenity impacts caused by the use of the roof top.	Consistent Given the height of the buildings the roof is not suitable for communal open space and as such, this has not been proposed.																																			
Landscape Design	Was a landscape plan submitted and does it respond well to the existing site conditions and context.	Consistent Refer to Landscape Referral comments and Principle 5 above.																																			
Planting on Structures	When planting on structures the following are recommended as minimum standards for a range of plant sizes: <table border="1" data-bbox="405 728 965 1512"> <thead> <tr> <th>Plant type</th> <th>Definition</th> <th>Soil Volume</th> <th>Soil Depth</th> <th>Soil Area</th> </tr> </thead> <tbody> <tr> <td>Large Trees</td> <td>12-18m high, up to 16m crown spread at maturity</td> <td>150m³</td> <td>1,200mm</td> <td>10m x 10m or equivalent</td> </tr> <tr> <td>Medium Trees</td> <td>8-12m high, up to 8m crown spread at maturity</td> <td>35m³</td> <td>1,000mm</td> <td>6m x 6m or equivalent</td> </tr> <tr> <td>Small trees</td> <td>6-8m high, up to 4m crown spread at maturity</td> <td>9m³</td> <td>800mm</td> <td>3.5m x 3.5m or equivalent</td> </tr> <tr> <td>Shrubs</td> <td></td> <td></td> <td>500-600mm</td> <td></td> </tr> <tr> <td>Ground Cover</td> <td></td> <td></td> <td>300-450mm</td> <td></td> </tr> <tr> <td>Turf</td> <td></td> <td></td> <td>200mm</td> <td></td> </tr> </tbody> </table>	Plant type	Definition	Soil Volume	Soil Depth	Soil Area	Large Trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent	Medium Trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent	Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent	Shrubs			500-600mm		Ground Cover			300-450mm		Turf			200mm		Consistent Refer to Landscape Referral comments.
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Turf			200mm																																		
Universal Design	Do at least 20% of the apartments in the development incorporate the Liveable Housing Guideline's silver level universal design features	Consistent																																			
Adaptable Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A no adaptive reuse proposed																																			
Mixed Use	Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	Consistent The development is located near public transport facilities and has commercial premises at ground floor facing the street, where residential use would not be appropriate. Putting aside the impact which the building height has to the public domain, the mixed use component of the development is acceptable.																																			

Awnings and Signage	Locate awnings along streets with high pedestrian activity, active frontages and over building entries. Awnings are to complement the building design and contribute to the identity of the development. Signage must respond to the existing streetscape character and context.	Consistent The proposal is not located on a street with high-pedestrian activity. The building does have awnings, however they are all located inward of the boundaries and are for the benefit of residents, not the public. The design of the awnings is appropriate. The application does not propose any signage
Performance		
Energy Efficiency	Have the requirements in the BASIX certificate been shown in the submitted plans?	Consistent A BASIX certificate report has been prepared for the development. The BASIX certificate confirms that required targets for water, thermal comfort and energy efficiency will be met.
Water Management and Conservation	Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Consistent Water management and conservation through the means of retention of stormwater for reuse has been assessed as compliant and further, compliance with the supplied BASIX Certificate can be conditioned, if the application was recommended for approval.
Waste Management	Has a waste management plan been submitted as part of the development application demonstrating safe and convenient collection and storage of waste and recycling?	Consistent Subject to condition
Building Maintenance	Does the development incorporate a design and material selection that ensures the longevity and sustainability of the building?	Consistent The material proposed are suitable for the location of the site and are expected to last in longevity.

SEPP (Housing for seniors or People with a Disability) 2004

Seniors Housing can either be specifically permissible within land use zones or, in certain circumstances permissible under SEPP. The Policy encourages the provision of housing for seniors and people with a disability in areas where this form of housing might otherwise not be permissible. It specifically applies to land zoned for urban purposes where dwellings houses, residential flat buildings, hospitals and special uses are permissible.

Clause 4 - Land to Which This Policy Applies

Clause 4 of the SEPP stipulates the land to which this policy applies.

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

- (i) dwelling-houses,*
- (ii) residential flat buildings,*
- (iii) hospitals,*

(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or

(b) the land is being used for the purposes of an existing registered club.

The site is zoned B7 Business Park under the provisions of WLEP 2011. The proposed development is permissible under the SEPP (HSPD) by virtue of 'hospitals' being permitted in the B7 Business Park zone.

Council obtained legal advice in relation to whether the B7 Business Park zone is "primarily for urban purposes", as residential developments are prohibited within this zone.

The legal advice confirmed that based on the objectives of the zone and the nominated (and innominate) permissible uses, it is apparent that the B7 Business Park zone is primarily for urban purposes, that is "*pertaining to or constituting a city or town*" which is consistent with the decision of the Land and Environment Court in *Modog Pty Ltd v Baulkham Hills Shire Council (2000) 109 LGERA 443 at 448.*

Further to the above, the legal advice has also confirmed that the B7 Business Park zone is not zoned for industrial purposes, therefore Clause 4(6) (b) of SEPP (HSPD) 2004 is not applicable to the proposed development.

Therefore, the Seniors Housing is permitted within the B7 zone.

The detailed assessment of the application against the provisions of the SEPP HSPD has identified a number of areas of non-compliance which support the refusal of the application.

These matters are addressed below:

Chapter 1 – Preliminary

The aims of the Policy are set out in Clause 2 and are as follows;

This Policy aims to encourage the provision of housing (including self-contained dwellings) that will:

- a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- b) make efficient use of existing infrastructure and services, and*
- c) be of good design.*

Comment:

The proposed development is consistent with the first two aims of the policy, in that the proposed development will increase the supply and the diversity of residences that meet the needs of seniors or people with a disability.

The proposed development also makes efficient use of existing infrastructure and services, in that the site is serviced by existing public transport and is located within 400m of the nearest bus stop.

The last aim of the development must be considered in context with other provisions of the SEPP (HSPD). The aim of the policy is to encourage seniors housing to be of a good design outcome which maintains and minimises the impacts on the amenity and character of the area. The proposed built form and the location of the site does not minimise the impact on the character of the area as detailed later in this report.

Accordingly, the proposed development has been found to be inconsistent with the aims of this policy and this issue has been included as a reason for refusal.

Chapter 2 – Key Concepts

The proposed development is consistent with the key concepts contained within SEPP (HSPD). The proposed development comprises *self-contained dwellings (In-Fill Self Care Housing)*, which are to be occupied by *seniors* or *people with a disability*. On this basis, it is considered that the proposed development is consistent with Chapter 2 of SEPP (HSPD).

Chapter 3 – Development for seniors housing

Chapter 3 of the SEPP (HSPD) contains a number of development standards applicable to DA that are made pursuant to SEPP (HSPD), specifically:

Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter

This clause states that development allowed by Chapter 3 may only be carried out for the accommodation of:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

Consent must not be granted to a development application unless a condition reinforcing the above through a requirement to register a restriction to user on the property title has been imposed. Subclause (3) of clause 18 states that subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

Clause 19 – Use of seniors housing in commercial zones

Clause 19 of the SEPP restricts the occupation of seniors housing as follows:

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes

The site is zoned B7 Business Park and accordingly is zoned primarily for commercial purposes. The proposed development includes commercial type uses in those parts of the buildings that front the street, with residential units away from the street frontage, therefore the proposed development is consistent with the requirement of this Clause.

Part 1A – Site Compatibility Certificates (SCC)

The requirements as they relates to SCC's are not applicable to the proposed development.

Part 2 - Site Related Requirements

Development Criteria			
Clause	Requirement	Proposal	Complies
PART 2 - Site Related Requirements			
26(1)	Satisfactory access to: (a) shops, banks and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner	The subject site has satisfactory access to: a) shops, banks and other retail and commercial services that residents may reasonably require, and b) community services and recreation facilities, and c) the practice of a general medical practitioner.	Yes
26(2)	Access complies with this clause if: (a) the facilities and services referred are located at a distance of not more than 400 metres from the site or (b) there is a public transport service available to the residents not more than 400metres away.	The site is not located within 400 metres of all the essential facilities and services. However, the site is located within 400 metres of a public transport service. Bus services are located within the 400m walking distance from the site on Frenchs Forest East which travels to Forestway Shopping Centre, Warringah Mall, Manly, and Chatswood.	Yes
27	If located on bush fire prone land, consideration has been given to the relevant bushfire guidelines.	The Application was referred to the NSW RFS for comments. The NSW RFS has raised no objection to the proposed development subject to conditions.	Yes
28	Consideration is given to the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	Reticulated water and sewerage infrastructure is presently available to the site. The seniors housing is able to be connected to a reticulated water system, in accordance with the provisions of Clause 28.	Yes
29	Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply.	The proposed development is found to be inconsistent with the requirement of Clause 25 (5) (i) & (v) for the following reasons: <i>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development.</i> <u>Comment:</u> The subject site's location in a business park has the potential to affect the amenity of future residents, with regards to noise concerns, hours of operation and truck movements for nearby businesses which can occur at various hours of the night. Therefore, the proposed use (being seniors housing) is inconsistent with the permissible and approved land uses within the vicinity of the site. <i>(v) without limiting any other criteria, the impact that the bulk, scale, built form</i>	No

Development Criteria			
Clause	Requirement	Proposal	Complies
		<p>and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p> <p><u>Comment:</u> This issue is discussed in detail in the various section of this report, where it is found that the bulk and scale, built form and character of the proposed development is found to be inconsistent with the character of the area.</p> <p>This issue has been included as reason for refusal.</p>	
PART 3 - Design Requirements – Division 1			
30	A site analysis is provided.	A site analysis plan and Statement of Environmental Effects submitted with the application satisfactorily address the requirements of this clause.	Yes

Clause 31 Design of in-fill self-care housing

Pursuant to Clause 31 in determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the former NSW Department of Infrastructure, Planning and Natural Resources dated March 2004.

It is noted that the Seniors Living Policy is geared towards low scale development located in residential zones. The key principles of the policy have been reviewed and the proposed development is not considered to enhance internal site amenity and respond appropriately to its context for the reasons stipulated within following sections of this report.

Clause 32 – Design of residential development

In accordance with clause 32 of SEPP (HSPD), a consent authority must not consent to a DA made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 of Part 2.

The following assessment outlines compliance with the principles set out in Division 2, Part 3 of SEPP (HSPD).

Clause 33 - Neighbourhood amenity and streetscape

The site is zoned B7 Business Park. The planning controls which apply to that zone are designed to ensure that developments provide employment opportunities and do not anticipate or promote significant or abrupt changes to the character of the area.

The SEPP requires that development should recognise the desirable elements of the locations character so that new buildings contribute to the quality and identity of the area and retain, complement the locality. In this regard, to determine the compatibility of the proposed development with the surrounding environment, reference is made to the Planning Principle established by the Land and Environment Court in the *Project Venture Developments v Pittwater Council (2005) NSWLEC 191(Project Venture)* where Senior Commissioner Roseth

set out Planning Principles to better evaluate how a development should respond to the character of its environment.

The following provides an assessment of the proposal against the above Planning Principle:

a) Capable of existing together in harmony

In particular circumstances, some developments are able to co-exist in harmony despite there being different densities, scales and visual appearances between the buildings.

Desirable elements of the character of the area can be described as warehouses and commercial/retail buildings ranging from large-format single storey warehouses to five storey buildings. Other development approved within the vicinity of the site, are discussed as follows:

SNPP Approval for Lot 2

The proposed development on Lot 2 fronting Frenchs Forest Road was originally 9 storeys and 26.5m, but was later reduced to 6 storeys and 18.8m via a S8.2 Review of Determination approval by the SNPP, a reduction of 3 storeys and 7.7m to satisfy the Panels concerns in relation to excessive and incompatible building height with development in the B7 zone and the adjoining R2 Low Density Residential zone.

Parkway Hotel Development

The court approved Parkway Hotel development was assessed under existing use rights at a height of 6 storeys and 23.0 metres (to main parapet). That approval was 4.2m higher than the approval for the senior's development on Lot 2, which is equivalent to 1.5 additional storeys. That development is considered to be a unique situation in the business park, not reflective of the predominant character of the park, which the prevailing planning controls seek to maintain and should not be viewed as a precedent for other sites in the business park. Therefore, little weight should be given to that approval to justify the current proposal.

Northern Beaches Hospital

The Northern Beaches Hospital development is State Significant Infrastructure (SSI) under State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) and outside the regulatory control of Council. It bears no relationship to the subject site apart from being in the same suburb of Frenchs Forest and being in the near vicinity (380 metres away). It is not located within or adjacent to the B7 Business Park and is separated from the business park by Wakehurst Parkway and areas of dense bushland. The height of the hospital is only 9 storeys.

Again, this development is a unique situation in the area, it is associated with a transition in land use and density as part of the future Frenchs Forest urban village on the western side of Wakehurst Parkway and is not reflective of the desired future character for the Frenchs Forest Business Park.

The proposed development with a height up to 12 storeys and up to 39.2m is excessive in height and out of character with the business park and the 2 exceptions being the Parkway Hotel and Northern Beaches Hospital. It will be viewable from the nearby R2 Low Density Residential area to the north and from distant areas outside the park. It will set an undesirable precedent for similar height and scale of development across the business park and approval of the proposal would change the manner in which building height and character is dealt with

The character outcome generated by building density and narrow building separations which do not allow for any significant open space or landscaping is reflective of the proposed intensity of the use. The proposed development is an unsuitable and inappropriate development of the site. The built form has a relatively continuous footprint and height across the site. The scale of the development is uncharacteristic and therefore the proposed development would not exist in harmony with the surrounding land uses.

b) Relationship of built form to surrounding space.

The relationship of a building to surrounding spaces is determined by the height, setbacks and provision of open space that are afforded by development.

The height and scale of the development are not considered to be in keeping with the size and scale of existing development in the area. In this regard, the horizontal built form (massing) of the development consists of a continuous 6-12 storey built form which contains little building separation.

The extent of true separation between the respective buildings is minimal. The design is not considered to be conducive to providing a good outcome for the character of the development and the area when viewed from the adjoining R2 zoned land, as well as when viewed from the other vantage points.

The proposed development would not be compatible with the surrounding development.

c) Architectural Style

The proposed built form has been generated with a high degree of emphasis on the functional and practical needs of the development as a seniors housing. However, the resultant built form of the development is not appropriate for the site or the locality, resulting in an unacceptable character, and inconsistency with the existing character of the area.

The proposed scale and built form is contrary to the business park character of the site.

Conclusion on Character Assessment

In this regard, the proposal does not provide a good design response to the requirements of the planning controls that apply to the site. Whilst the SEPP (HSPD) permits a higher density and occupancy of use on the land. The proposal does not recognise or implement the desirable elements of the location's current character nor contribute to the quality and identity of the area, therefore failing to meet clause 33 of SEPP (HSPD), and this issues has been included as reason for refusal.

Clause 34 - Visual and acoustic privacy

This clause states that development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) *appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) *ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Comment

The proposal has addresses these requirements by incorporating appropriate setbacks, privacy screening, landscaping opportunities and sensitive window locations.

However, as discussed previously the amenity for residents will be impacted by the operation of nearby businesses due to the different needs and requirement of the respective land uses.

Clause 35 - Solar access and design for climate

This clause specifies that:

The proposed development should:

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Comment

The shadow diagrams clearly demonstrate that the orientation of the site, location of proposed built form elements, spatial separation maintained between adjoining properties and topography will ensure that the development will not unreasonably shadow any adjoining properties at any time during the day.

Clause 36 - Stormwater

This clause specifies that:

The proposed development should:

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

Comment

Council's Development Engineers have reviewed the proposal and have raised no objection to the proposed development subject to conditions.

Clause 37 - Crime prevention

This clause specifies that:

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

Comment

The arrangement and configuration of buildings is satisfactory in achieving adequate casual surveillance through the appropriate placement of balconies and windows and pedestrian access within the development and to adjoining streets.

The proposal is satisfactory with regard to this design quality principle.

Clause 38 - Accessibility

This clause specifies that:

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

Comment

The issue as it relates to requirement (a) above has been addressed under clause 26 of the SEPP (HSPD) section of this report and found to be satisfactory.

Internally, the development has a series of interlinking walkways and pedestrian tracks between the buildings and around the site. The access driveway to the individual residences has a separate pedestrian pathway, to provide adequate sightlines to enhance visibility for motorists and pedestrians.

Clause 39 - Waste management

This clause specifies that:

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities

Comment

The waste facilities of the development has been design to comply with Clause C9 of WDCP 2011, and is found to be satisfactory.

Part 4 - Development standards to be complied with

Clause 40 – Development standards – minimum sizes and building height

Pursuant to Clause 40(1) of SEPP (HSPD) a consent authority must not consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in the Clause.

The following table outlines compliance with standards specified in Clause 40 of SEPP (HSPD).

Control	Required	Proposed	Compliance
Site Size	1,000m ²	7,811m ²	Yes
Site frontage	20 metres	96.085 to Skyline Place	Yes

The requirement of Clause 40 (4) which relates to Building Height is not applicable to the subject site, as the subject is not zoned for residential development.

Clause 41 Standards for Hostels and Self-Contained Dwellings

Clause 41 prescribes various standards concerning accessibility and useability having regard to relevant Australian Standards. The applicant has submitted a report and checklist prepared by an accredited access consultant verifying that the proposal will comply with the relevant standards. These standards may be reinforced via suitable conditions of consent, should the application be worthy of approval.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

Clause 50 prescribes that consent to development for the purpose of self-contained dwellings must not be refused on the grounds of building height, density and scale, landscaped area, deep soil zones, solar access and parking, if certain numerical standards are met. It is noted that these standards do not impose any limitations on the grounds on which a consent authority may grant development consent.

The following table outlines compliance with the standards specified in Clause 50 of SEPP (HSPD):

Control	Required	Proposed	Compliance
Building Height	8m or less (measured vertically from ceiling of topmost floor to ground level immediately below).	10m – 39m The proposed height will create a buildings that are excessive height, bulk or scale and it cause undue impacts upon the character area. Accordingly, the height of the building is not supported in this particular circumstance.	No
Density and scale	0.5:1 or less	FSR: 2:42:1 The proposed density and floor space ratio are not considered to be appropriate for the site or its context and is included as reason for refusal.	No (Refer to discussion below)
Landscaped area	30% of the site area is to be landscaped.	42% of the site area is proposed Landscape area	Yes
Deep soil zone	15% of the site area and two thirds of the deep soil zone should be located at the rear of the site. Each area forming part of the zone should have a minimum dimension of 3m.	The site provides 2,711m ² (or a ratio of 34.7% of the site area) as a deep soil zone	Yes
Solar Access	70% of the dwellings of the development to receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter	92% of apartments receive at least three hours of direct sunlight	Yes
Private open space	In the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area.	The POS of all units meet the minimum requirement.	Yes

Parking	0.5 car spaces for each bedroom. The proposed development provides a total of 320 bedrooms, therefore 160 car spaces are required.	172 spaces provided for seniors housing development plus 34 visitors spaces.	Yes
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Clause 50 – Density and Scale

The proposed development does not comply with the density and scale as prescribed in Clause 50 of SEPP (HSPD). If a proposal complies with that Clause it cannot be used to refuse consent. However, as the proposed development does not comply with that clause, the proposal can be considered to be an overdevelopment of the site if it’s found to be incompatible with the character of the area, as established by the LEC in *Salanitro-Chafei v Ashfield Council [2005] NSWLEC 366*. The case establishes a threshold of density at paragraph 27, which states:

27 The above [reference to SEPP Seniors and SEPP 53] suggests that there is a general acceptance by the planning profession that an open suburban character is most easily maintained when the FSR of buildings does not exceed 0.5:1. The question raised above may therefore be answered thus:

The upper level of density that is compatible with the character of typical single dwelling areas is around 0.5:1. Higher densities tend to produce urban rather than 17 suburban character. This is not to say that a building with a higher FSR than 0.5:1 is necessarily inappropriate in a suburban area; only that once 0.5:1 is exceeded, it requires high levels of design skill to make a building fit into its surroundings

As detailed in this report, the proposed development in terms of height and built form is found not to be sympathetic to the character of the location and its interface with low density residential development adjoining the site. In this regard, the proposal is considered to be overdevelopment of the site.

This issue constitutes a reason for the refusal of the application.

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

The SEPP establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers in determining when the land has been at risk.

Clause 7 of the SEPP requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In response to the requirement of the SEPP, the applicant has submitted a site investigation report, which concludes the site can be made suitable for the proposed development subject to the implementation of a Remediation Action Plan.

The application was also referred to Council's Environmental Health Officer who raised no objection to the proposal subject to conditions. Accordingly, based on the information submitted, the requirements of SEPP have been satisfied and the land can be made suitable for the purpose for which the development is proposed to be carried out and the recommendations included in the investigation can be included conditions, if the application was recommended for approval.

SEPP (Building Sustainability Index: BASIX) 2004

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposed development. Nonetheless, a condition could be imposed, should the application be worthy of approval to ensure such commitments are fulfilled during the construction of the development.

SEPP (Infrastructure) 2007

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to development adjacent to a rail corridor, traffic generating development and development with access to a classified road. The following clauses of the SEPP are applicable to the proposed development and addressed as follows:

Clause 45

Clause 45 of the SEPP requires the Consent Authority to consider any DA (or an application for modification of consent) for any development carried out:

- Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);
- Immediately adjacent to an electricity substation;
- Within 5m of an overhead power line;
- Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.

The application was referred to Ausgrid under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007.

Ausgrid response raised no objection to the proposed development.

Development with frontage to a classified road

Clause 101 of SEPP relates to Development with frontage to classified road and aims to:

- a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

The site is directly adjacent to Warringah Road which is a classified road under the Roads Act 1993. Accordingly, the consent authority must be satisfied that the proposed development will not affect the safety, efficiency and ongoing operation of the classified road. Additionally,

the consent authority must also consider the impacts of traffic noise and vehicle emissions from the adjacent classified road.

The proposed development does not rely on direct vehicular access to Warringah Road. Accordingly, the proposal will not adversely affect the safety, efficiency and ongoing operation of Warringah Road. The Development Application was accompanied by an Acoustic Assessment prepared by Acoustic Logic and dated 25 January 2021. The assessment identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The assessment concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Industrial Noise Policy and Road Noise Policy subject to the implementation of noise mitigation measures.

Therefore, the subject application is considered to satisfy the provisions of Clause 101 subject to a condition to be included in the consent if the application is worthy of approval to adopt the recommendations of the acoustic report in the design of the proposed development.

Clause 106

Pursuant to Clause 106(1) (a) the clause applies to new premises of the relevant size or capacity. (2) In this clause, "relevant size or capacity" means: *"in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3"*.

Clause 106 'Traffic generating development' of the SEPP Infrastructure requires the application be referred to the Transport for NSW (TfNSW) within seven days, and take into consideration any comments made within 21 days, if the development is specified in Schedule 3 of the SEPP Infrastructure.

Schedule 3 of SEPP Infrastructure requires that the following residential flat developments are referred to the RMS as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road)
Apartment or residential flat building	300 or more dwellings	75 or more dwellings

The development consists of 133 residential apartments and proposes a new crossover onto Skyline Place which is within 90 metres of Warringah Road, a classified road (Arterial Road).

The application was referred to the TfNSW for comment as traffic generating development under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

The TfNSW has provided their response which raises no objection to the proposed development subject to conditions.

STATE REGIONAL ENVIRONMENTAL PLANS

There are no SREPs applicable to the site.

LOCAL ENVIRONMENTAL PLANS

WARRINGAH LOCAL ENVIRONMENT PLAN 2011

The Warringah Local Environmental Plan 2011 is applicable to the development.

Is the development permissible with consent?	Land Use Definition:	Permitted or Prohibited
	Senior's Housing and associated uses	Permissible via SEPP HSPD 2004
	Commercial premises	Permissible with consent
After consideration of the merits of the proposal, is the development consistent with:		
Aims of the LEP?	No	
Zone objectives of the LEP?	No	

Principal Development Standards

Relevant Development Standard	Requirement	Proposed	Variation (%)	Compliance
Clause 4.3 Height of Buildings	There are no height controls applicable to the subject site in WLEP2011	Up to 39m to the top of the lift overrun	N/A	N/A

Compliance Assessment Summary

Relevant Clauses	Compliance with Requirements
Part 1 Preliminary	
1.2 Aims of the Plan	No
Part 2 Permitted or prohibited development	
2.1 Land Use Zones	No
2.6 Subdivision –Consent requirements	Yes
2.7 Demolition requires consent	Yes
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	N/A
4.3 Height of buildings	N/A
4.6 Exceptions to development standards	N/A
Part 5 Miscellaneous Provisions	
5.9 Preservation of trees or vegetation	Yes
Part 6 Additional Local Provisions	
6.2 Earthworks	Yes
6.3 Flood planning	N/A
6.4 Development on sloping land	Yes
6.7 Residential Flat Buildings in Zone B4 Mixed Use	N/A

Zoning and permissibility

The site is zoned 'B7 Business Park' and residential development (including seniors housing) are prohibited within the B7 Zone. However, seniors housing of the development is permissible under the SEPP (HSPD) 2004 by virtue of 'hospitals' are being permitted in the B7 Business Park zone.

Accordingly, the proposed development is permissible with consent.

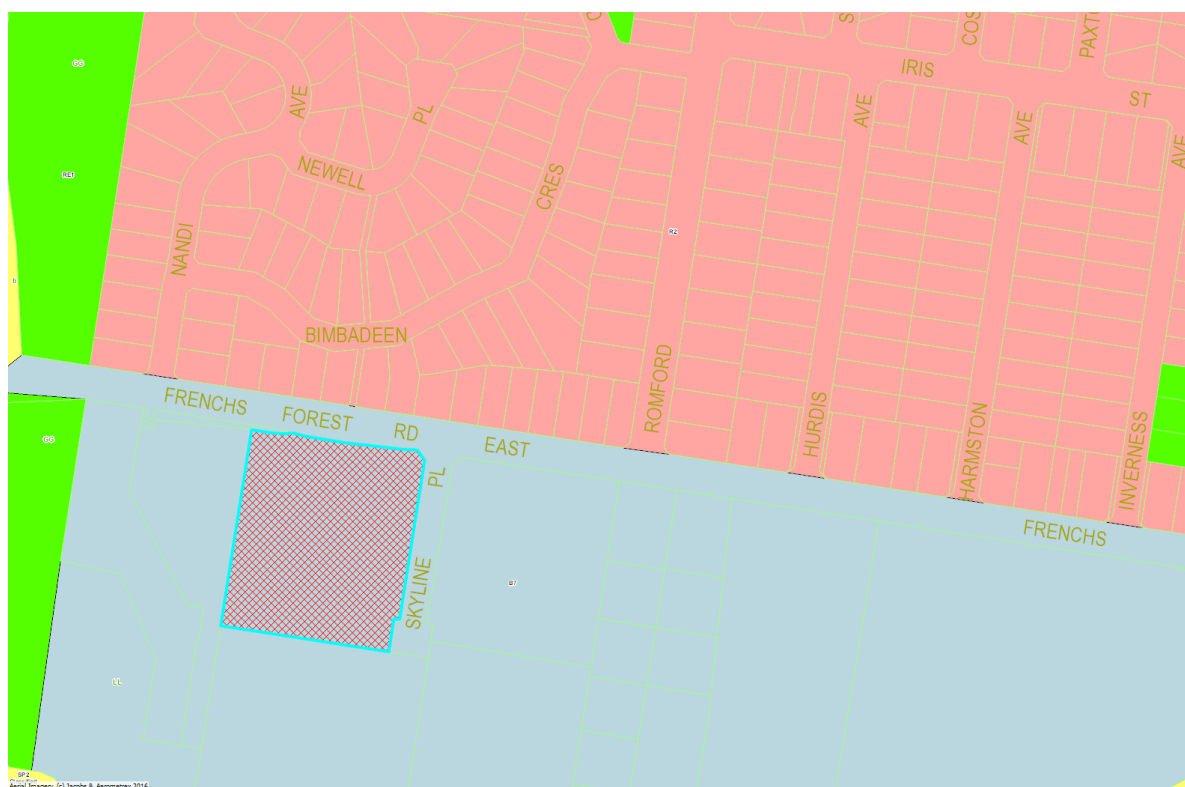


Figure 5 – Site zoning under WLEP 2011 (note: site boundaries shown in blue)

Zone objectives

Clause 2.3(2) of the WLEP 2011 requires the consent authority to have regard to the zone objectives when determining a development application. The underlying objective of the B7 zone and it how it relates to the proposed development is addressed as follows:

The objectives of the B7 zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provides 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.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

Comment

The proposal to introduce a residential use in the form of seniors housing is inconsistent with the objectives of the B7 Business Park for the following reasons:

- The intention for the B7 Business Park is to foster continual employment growth that does not include a residential population. The State Government and Council's desire to increase employment opportunities in Frenchs Forest is strongly reliant upon the B7 Business Park zone being utilised for employment purposes in the future. The introduction of seniors housing is in conflict with the strategic objective for this regionally important precinct.

- There is potential land use conflicts and residential amenity will be impacted by noise for occupants, truck movements, hours of operation of nearby businesses, accessibility, safety, amenity impacts on surrounding residents associated with increased traffic and noise.
- The proposed development with a height of 12 storeys and up to 39.2m is excessive in height and out of character with the business park.

Given the strategic importance of maintaining the objectives of the zone and preserving employment land, the inconsistency of the seniors housing with the objectives of the zone has been included as reason for refusal.

Clause - 6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and

(b) to allow earthworks of a minor nature without requiring separate development consent.

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality

Comment:

The proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality.

(b) The effect of the proposed development on the likely future use or redevelopment of the land

Comment:

The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) The quality of the fill or the soil to be excavated, or both

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition can be included, if the application was worthy of approval requiring any fill to be of a suitable quality.

(d) The effect of the proposed development on the existing and likely amenity of adjoining properties

Comment:

The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions can be included, if the application was worthy of approval to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment:

The excavated material will be processed according to the Waste Management Plan for the development. A condition can be included, if the application was worthy of approval requiring any fill to be of a suitable quality.

(f) the likelihood of disturbing relics

Comment:

The site is not mapped as being a potential location of Aboriginal or other relics.

DEVELOPMENT CONTROL PLANS

WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The Warringah Development Control Plan 2011 is applicable to the development.

Built Form Controls

Principle Numerical Controls	Requirement	Proposed	Complies
B4 Site Coverage	Max 33.3% (2,601m ²)	40% (3,124.4m ²)	No
B5 Side Boundary	Nil	The proposed development includes side setbacks of 9m to the western boundary and 7.6m to 8.8m to Skyline Place.	Yes
B7 Front Boundary Setback	10m	7.6m to Skyline Place	No
B10 Merit Assessment of Rear Setback	Merit	The southern boundary setback is 5.3m	Yes

Compliance Assessment Summary

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction		
A.5 Objectives	No	No
Part B Built Form Controls		
B4 Site Coverage	No	No
B5 Side Boundary	Yes	Yes
B7 Front Boundary Setback	No	No
B10 Merit Assessment of Rear Setback	Yes	Yes
Part C Siting Factors		
C1 Subdivision	N/A	N/A
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - 3 or more dwellings	Yes	Yes
Part D Design		
D2 Private Open Space	N/A	N/A
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	No	No
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment		
E1 Private Property Tree Management	Yes	Yes
E10 Landslip Risk	Yes	Yes
Part H Appendices		
Appendix 1 Car Parking Requirements	Yes	Yes

Clause A.5 Objectives

Given the non-compliances of the proposal with other specific requirements of WDCP 2011 (discussed elsewhere in this report) the application is not consistent with the following primary objectives of WDCP 2011:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome.*

Clause B4 Site Coverage

Area of Non-compliance

The control requires the building footprint of a development to cover a maximum 33.3% of the total site area. Areas such as at grade, open air car parking areas, driveways and the like are excluded from the calculation as they do not constitute a 'building'.

The proposed building footprint has a total site coverage of 40% (3,124.4m²), the proposal does not comply with the requirement of this control.

The non-compliance with the site coverage is not supported due to inconsistency with the objectives of the site coverage control, as follows

Merit consideration of non-compliance

In assessing this element of the proposal, it is necessary to consider the merit considerations of the site coverage objectives. Accordingly, consistency with the merit considerations are addressed below

- *To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation*

Comment: As discussed previously, the proposed development whilst improving the provision of the landscaping in comparison to existing situation, given the scale and height of the development proposed, the landscape zones and ratios are not considered sufficient in proportion or soil depth to screen the height of the development.

Therefore, the development is not found to be consistent with this objective.

- *To minimise the bulk and scale of development*

Comment: The combination of the vertical and horizontal massing of the side elevations of the development in conjunction with the proposed front setbacks results in visually dominant building bulk that has no sympathy or relationship to the bulk of surrounding development within the B7 zone or the residential development located on the opposite side of Frenchs Forest Road East.

Therefore, the development is not found to be consistent with this objective

- *To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.*

Comment: The proposed development is considered to be satisfactory in respect this objective.

- *To limit impervious areas and encourage natural drainage into the sub-surface.*

Comment: The application was referred to Council's Development Engineer who raises no objection to the proposed development subject to condition.

The proposed development is considered to be satisfactory in respect this objective

B7 Front Boundary Setback

Clause B7 of WDCP 2011 prescribe a 10m setback to Skyline Place. The proposed development provides a 7.6m setback to Skyline Place.

The proposed setback is not supported due to inconsistency with the objectives of the front setback control, as follows:

- *To create a sense of openness.*

Comment: To ensure a sense of openness is achieved, the proposal needs to be setback and significantly reduced in bulk and scale such that it is not readily visible from the street.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment: The proposed development, in terms of height and setback is inconsistent with the alignment of development in the vicinity of the site.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment: The proposal does not appropriately respond to its context, and in particular, the prominence of the proposed scale of the development does not act to protect or enhance the streetscape.

- *To achieve reasonable view sharing.*

Comment: The proposal is unlikely to impact upon views from adjoining or nearby residences.

Clause D9 - Building Bulk

Clause D9 seeks to minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

The proposed development is unsatisfactory in relation to the requirement of the control for the following reasons:

- The design of the building includes extensive wall planes up to 12 storey high along the side elevations, which translates into excessive building bulk that is incompatible and inconsistent with the surrounding predominant pattern and scale of other development within the area; and
- The development has insufficient building articulation and modulation along the side walls and a distinct absence of significant stepped-in side walls as height increases. The resultant built form does not appropriately respond to the character of the surrounding residential area.

Therefore, this matter forms a reason for refusal.

Appendix 1 – Car Parking Requirements

Appendix 1 of the WDCP 2011 requires a development to provide on-site car parking at the following rates (note: required car parking spaces are rounded up):

Component	Required	Provided	Compliance
Residential Seniors Housing	Requirement under SEPP (HSPD) 2004 0.5 space per bedroom (requirement is 160 spaces)	172 spaces for residential units plus 34 visitors	Yes
Commercial (GFA) Commercial (1,348m ²)	1 space per 40 m ² per 941m ² GFA 24 spaces	26	Yes
Total	184 spaces	232 spaces	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological

Communities or their habitats

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$600,908 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$60,090,782.

CONCLUSION

This report provides a comprehensive assessment of the Development Application for the redevelopment of the site known as Lot 1 of 5 Skyline Place, Frances Forest.

The site has been inspected and the application assessed having regard to the provisions of Section 4.15 of the EP&A Act, 1979, the provisions of relevant EPIs, including SEPP (HSPD) 2004, SEPP 65, SEPP 55, SEPP (Infrastructure), WLEP 2011, the relevant codes and policies of Council, the relevant provisions of the WDCP 2011.

The application has been lodged pursuant to the State Policy for Seniors Housing (SEPP (HSPD) 2004). The detailed assessment against the requirements of the SEPP has concluded that the proposed character and built form does not provide an appropriate contextual fit to the surrounding business park and residential character. The proposal is significantly at odds with the established local pattern, does not provide for a suitable and appropriate response to the existing size, scale, setbacks, street level treatment and streetscape of the surrounding area, and does not allow for adequate separation between the proposed buildings internally.

The subject site is located within the Frenchs Forest Business Park, which performs as employment land and has the potential to contribute to a range of economic opportunities associated with the new hospital. Council's plans and policies do not propose any change to the role and function of the Frenchs Forest Business Park. The proposed senior's housing development within this site is considered inappropriate due to the Business Park's important employment role to the Northern Beaches region and North District.

The assessment of this application concludes that the proposal has not responded adequately to its context and the elements that make up the existing and desired future character of the site under the current and proposed planning controls. For these reasons, it is considered the proposal is not an appropriate development for the site.

The assessment has also found that the seniors housing within this site has the potential to affect the amenity of future and the surrounding locality. This includes impact of the development on other business, amenity concerns associated with the hours of operation of surrounding commercial and industrial uses, and impacts to residents of the surrounding locality.

The assessment of the Development Application against the provisions of SEPP 65 found that the proposal is inconsistent with number of the design principles and a number of relevant requirements as contained under the accompanying ADG.

The assessment of the proposed development against the provisions of WDCP 2011 found that the proposal was not consistent with Built form Controls as it relates to Site Coverage and Front Boundary setback.

The public exhibition of the DA resulted in a significant response from the community, including both concerned residents and a number who supported the proposal. Those objecting to the proposal raised concerns in relation to the building height and consequent visual impacts of the development, impact on the character of the area, inconsistency with the structure plan, and the amount of additional traffic that would be generated by the development. Those supporting the development raised the benefits of providing senior housing on the site, the economic benefit of the development and the fact that development provides other facilities such as Allied Health, restaurant, co-working space, dentistry, hospital support, home care provision, day care/respite, etc.

The issues raised in the submissions have been addressed in the “Public Exhibition & Submissions Received’ section” in this report.

As a direct result of the application and the consideration of the matters detailed within this report, it is recommended that the Sydney North Planning Panel (SNPP), as the consent authority, refuse the application for the reasons detailed within the “Recommendation” section of this report.

RECOMMENDATION (REFUSAL)

That the SNPP as the consent authority pursuant to Clause 4.16(1) (a) of the EP&A Act 1979 (as amended) refuse to grant consent to Development Application No DA2021/0212 for demolition of existing structures, and construction of a mixed use development comprising seniors housing, commercial uses, car parking, landscaping and stratum subdivision on land at Lot 101 DP 1209504, 5 Skyline Place, French Forest, for the reasons outlined below:

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.

Particulars:

- 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.
- d) The proposed development does not comply with the requirement of Clause 50 with regards to Building Height, Density and scale requirements.

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

The proposed development should not be approved in its current form as it fails the principles of SEPP 65 insofar as they apply to context & neighbourhood character, built form & scale, density, landscaping, and amenity.

Particulars:

- 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 area to commensurate with the bulk and scale of the proposed built form.
- c) The proposal is inconsistent with a number of the requirements as contained in the ADG referenced in SEPP 65.

3. Warringah Local Environmental Plan (WLEP 2011)

The proposed development is unsatisfactory in respect to Section 4.15 (1) (a) (i) of the EPA Act, as the application is found to be inconsistent with the provisions of WLEP 2011.

Particulars:

- a) The development is inconsistent with the aims of the Plan, as it relates to promoting development that is compatible with neighbouring development in terms of bulk, scale and appearance and use.
- b) The development is inconsistent with the objectives of the B7 Business Park zone.

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

Particulars:

- a) The proposed development fails to comply with key objectives of WDCP 2011.
- b) The development fails to comply with the Built Controls as it relates to B4 –Site Coverage and B7 – Front Boundary Setbacks.
- c) The proposed development fails to comply with Clause D9- Building Bulk

5. The proposed Land use (Seniors Housing) is consistent with Council’s Northern Beaches Hospital Precinct Structure Plan

Particulars:

- a) The seniors housing on this site will compromise the ability to achieve the vision of Council’s adopted Northern Beaches Hospital Precinct Structure Plan, which seeks to implement the directions and objectives of the Greater Sydney Region Plan and North District Plan.

- b) The seniors housing on this site is inconsistent with State Government metropolitan planning, which reinforces the importance of retaining and enhancing employment uses within the Business Park.
- c) The proposed development has not demonstrated strategic merit or site-specific merit in line with the NSW Planning and Environment's Planning Proposals: A guide to preparing planning proposal (2016).

6. Public Interest

The proposal is not in the public interest

Particulars

- a) A number of objections have been received from surrounding properties raising a range of concerns with the proposal and on this basis, the proposal is not in the public interest.
- b) The site is not considered to be suitable for the development given its location within an area which renders the development, as proposed, to be inconsistent with its desired character.
- c) The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective localities.