

Strategic Planning Referral Response

Application Number:	Mod2023/0617
Proposed Development:	Modification of Development Consent DA2021/0212 granted for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision.
Date:	20/12/2023
To:	Jordan Davies
Land to be developed (Address):	Lot 11 DP 1258355 , 5 Skyline Place FRENCHS FOREST NSW 2086

Officer comments

This application (Mod2023/0617) has been submitted to modify the consent issued under DA2021/0212. It is noted that Council's Strategic and Place Planning unit was unsupportive of DA2021/0212 for a number of reasons.

Notwithstanding this, the application was approved by the Land and Environment Court on 20 April 2023.

The modification application is supported by a Modification Report, dated November 2023, prepared by Keylan Consulting, which outlines the following changes:

- relocate the communal area from the Ground Floor of the western building to the ground level of the central building;
- delete commercial uses at Level 1 of the eastern building and replace with 8 Independent Living Units;
- revise design of pool and recreation facilities on Level 2;
- revise landscape design;
- minor changes to floor levels at each level to ensure floor to floor heights comply with the National Construction Code 2023 (NCC 2023) resulting in an increase in height to the western building of 0.5m;
- minor changes to layout of Independent Living Units to improve amenity;
- minor changes to basement levels, including minor changes to floor levels, location of mechanical plant rooms, the waste collection and storage areas and deletion of garbage lift;
- relocate lift shaft in the eastern building to improve entrance and circulation; and
- reallocation of a minor area of communal space at Level 7 to apartment floor area in the eastern tower.

In terms of Council's Strategic Planning, the deletion of the employment generating uses is of concern, as this will reduce the amount of employment generating floor space that was agreed as the appropriate balance between residential and non-residential uses and therefore, critical to the Land and Environment Court's approval of DA2021/0212.

The proposed reduction of employment floor space from two levels (2,048sqm) to one level (1,079sqm) results in a loss of 969sqm of employment floor space, equating to an approximate 47% reduction in employment floor space. The employment floor space is proposed to be replaced by 8 independent living units and communal purposes associated with the seniors housing development.

Justification for the reduction in non-residential floorspace, prepared by Platino Properties, accompanies the modification application. The justification outlines leasing difficulties associated with the non-residential floor space and supporting references are provided from two real estate agents.

It is noted that a variety of uses are permitted in the SP4 Enterprise zone, which do not appear to have been explored:

3 Permitted with consent

Boat building and repair facilities; Building identification signs; Business identification signs; Community facilities; Early education and care facilities; Educational establishments; Electricity generating works; Environmental protection works; Flood mitigation works; Garden centres; Goods repair and reuse premises; Hardware and building supplies; Health services facilities; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Self-storage units; Service stations; Sewerage systems; Signage; Take away food and drink premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems

Further, it is noted that the site benefits from large floorplates zoned SP4 Enterprise, the scale of which is not common in the Northern Beaches region and broader North District, offering an opportunity to consider a range of more niche and larger format/larger scale businesses which struggle to find appropriate floorspace.

It is recommended that specialist economic advice is sought to assess the proposed reduction in employment floor space, with consideration of the permitted land uses, broader strategic planning context applicable to the Frenchs Forest Precinct and employment lands in the Northern Beaches region.

The comments raised previously as part of DA2021/0212 remain. The proposal remains inconsistent with:

- The Hospital Precinct Structure Plan (HPSP) adopted by Council in 2017.
- The Frenchs Forest 2041 Place Strategy which identifies the business park for continued employment activity.
- Council's Local Strategic Planning Statement - Towards 2040, particularly priority 28 to safeguard employment lands, priority 22 Jobs that match the skills and needs of the community and Priority 23 Frenchs Forest as a sustainable health and education precinct.
- The desired future character established by the objectives of the SP4 Enterprise (B7 Business Park Zone) under Warringah Local Environment Plan 2011.
- The desired future character established by State Government metropolitan Planning, which reinforces the importance of retaining and enhancing employment uses within the Business Park.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Strategic Planning Conditions:

Nil.