
Sent: 13/05/2019 2:01:06 PM
Subject: Re: Objection to REV2019/0014, 5 Skyline Place Frenchs Forest
Attachments: Skyline objection REV .pdf;

Please refer to the attached letter in objection to the above mentioned DA

Let me know if you have any questions

Theo Zotos
0466 305 796

12/05/2019

David Kerr
General Manager Planning, Place & Community
Northern Beaches Council

Letter of Objection:

REV of DA 2019/0014 Two lot subdivision and development of Seniors Housing 5 Skyline Place Frenchs Forest.

As the owner of 66 Frenchs Forest Road East Frenchs Forest I strongly oppose the proposed development at 5 Skyline Place.

The amended proposal does incorporate design changes as well as the quantum of residential to commercial floorspace. However, the changes do not substantially change the proposal from that refused by the JRPP panel in December 2019.

As per the initial proposal, there are numerous reasons that renders the proposal unacceptable, both from a built form and strategic/forward planning point of view. The reasons for refusal by Council and the JRPP remain valid.

Several concerns remain, a number of these are summarised as follows;

North District Plan

The limited quantum of employment generating floorspace, particularly as a proportion of the overall gross floor area does not accord with the Districts Plan intent for employment zones.

Detailed consideration was given by the Greater Sydney Commission in regard to the status of this and other business parks within the Sydney Metropolitan area, of which there are few due to strong economics of residential development. The importance of this business park in terms of employment generation is also highlighted in Councils strategic assessment including the NBHSP and previous employment studies that underpinning the community expectation and confidence.

Objectives of the B7 Business Park land use zone

Seniors Living is not a permissible use within the B7 land use zone. The proposal is permissible via the 'Housing for Seniors' SEPP 2004 via inanimate uses rather than being permissible with consent.

Although the primary planning controls are provided via the SEPP, the Warringah LEP is an essential component of the proposals permissibility and therefore the objectives of the zone should also be considered in assessing the appropriateness of the development.

The proposal does not meet the objectives of the B7 land use zone.

Appraisal against the objectives of the zone

- *To provide a range of office and light industrial uses.*

Comment: The proposal does not provide for office or light industrial uses

- *To encourage employment opportunities.*

Comment: The proposal will only result in minimal ongoing employment opportunities via. These uses are permitted in the B7 zone and could be developed irrespective of the seniors housing component (i.e. take away food and drink premises and neighbourhood shops). The proportion of commercial floorspace to residential is also heavily skewed towards residential uses.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Comment: The proposed commercial level is only a small percentage of proposed total floorspace. These uses are permitted in the zone and therefore can be provided irrespective of the seniors housing development.

- *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.*

Comment: The proposal does not integrate with the business park environment. The bulk, scale and height exceed the established character in the locality. Further, the proposal will endanger a significant proportion of vegetation which currently screen the existing buildings and hard stand area from the residential areas on Frenchs Forest Road East.

The applicants analysis and plans sections do not illustrate the significant change in topography. The site is at an increased RL to Frenchs Forest Rd (and subsequently the R2 zoned land) on the western part of the property. As such, the significant building height is exacerbated in bulk and scale, particularly as viewed from 78-80 Frenchs Forest Road East and 29-31 Bimbadeen Crescent.

- *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 increases impacts (visual) upon the adjoining low density residential zone due to the significant bulk and scale of the proposal combined with minimal building articulation and building setbacks.

Considering the B7 zone objectives and permissible uses, it is clear Council did not intend to permit this type of development or any type of quasi residential development within the zone. The proposal is opportunistic in nature and is likely to set an unwanted precedent of SEPP driven development on land set aside to provide local employment opportunities.

EP & A Act and SEPP Seniors Living 2004

The DA documentation does not clearly establish which type of seniors living is being provided within the development (i.e. residential care facility, hostel, self-contained dwelling or a combination of those).

This is particularly relevant to allow assessment under Part 4 & 7 of the SEPP which provides standards to which consent may not be withheld.

The numerical standards under which consent cannot be withheld would result in a considerably different development in terms of building height, building scale, dwelling yield, traffic impacts and provision landscaping. For example, the standards for self-contained dwellings in Division 4 Clause 50 relate to a maximum building height of 8 metres or less, a maximum floor space ratio of 0.5:1; landscaped area of at least 35 square metres of landscaped area per dwelling.

The proposal conveniently remains silent on the type/s of seniors living proposed. The SEPP provides a clear direction as to the acceptable building scale via these controls. The proposal in its amended form does not address the Panels several reasons for refusal, including;

The proposal does not accord with Section 4.15 of the EP & A Act and SEPP. The applicant states that the proposal is substantially the same as that refused. The changes do not challenge the Panel conclusion that the proposal does not comply with the SEPP as follows;

1. 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, in particular:
 - a) The proposed development is inconsistent with the Aims of the Policy (namely Clause 2c) in relation to design and compatibility.
 - b) The proposal development has not satisfied the requirement of Clause 19 of SEPP (HSPD) and therefore consent cannot be granted to the development in its current form.
 - c) The scale, bulk and height of proposal is not compatible with the existing and desired future character of the area and does not contribute to the quality and identity of the area as required by Clause 33 of SEPP (HSPD). Whilst there is no FSR or height standard under the SEPP (HSPD), a FSR of 2.2:1 (0.5:1 being a non-refusable provision) and a height of 26.52 metres (8 metres to the underside of the top most ceiling being the non-refusable provision) is significantly greater than that anticipated by the SEPP (HSPD) for such uses and greater than the likely form of development anticipated in the B7 zone where residential flat buildings are not permitted.
 - d) The proposed development does not comply with the requirement of Clause 50 of SEPP (HSDP) with regards to building height, density and scale and solar access requirements.
 - e) The proposed development is inconsistent with the amenity provisions of Clause 33 of the SEPP (HSPD).
 - f) The proposed development fails to satisfy the infill self-care provisions under Clause 31 of the SEPP (HSPD), specifically the Seniors Living Policy – Urban Design Guidelines for Infill Development.

Suitability of the site

Although located in proximity to the nearly completed NB Hospital, the local topography is undulating and therefore access to the health precinct by foot, electric wheelchair, motorised cart or the like is limited. The need for a suitable access pathway as defined by the SEPP is a significant determinant as to whether a site is suitable for such development.

The proposed design, building height and scale results in a development that will not provide an appropriate transition from the B7 zone to the R2 Low Density Residential zone. The SEE states that landscaping would screen the development from the R2 zone and Frenchs Forest Road which is a throw-away statement considering the development seeks to construct a six and seven storey building, with minimal separation of building elements mid-block.

Sepp 65 Design Verification

The proponents SEPP 65 verification remains inaccurate.

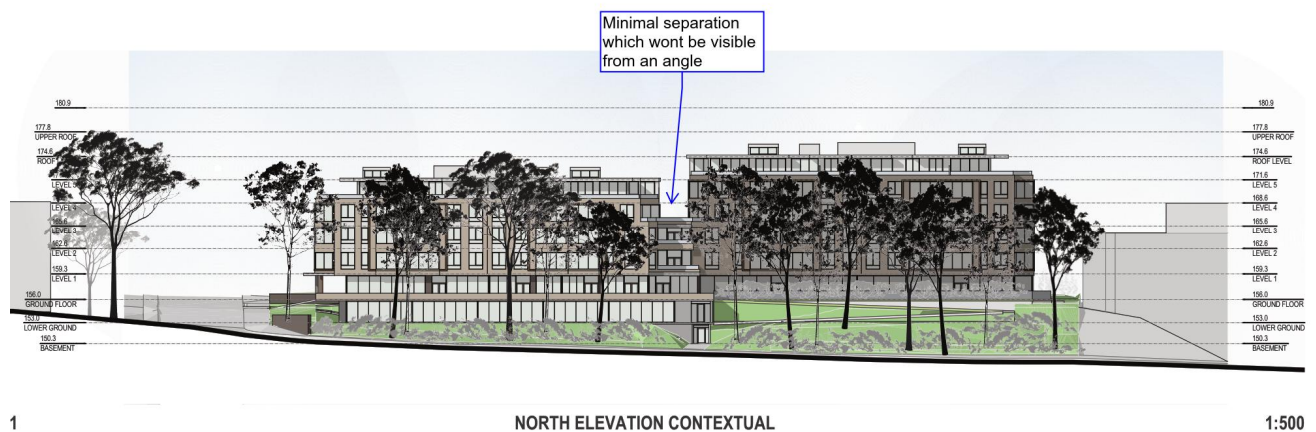
Context and Neighbourhood character

The proposal does not respect the context of the immediate locality. Development on Frenchs Forest Road East is low density residential dwelling upto 2 storeys. Existing development within the business park is limited to buildings up to a maximum of 15m height. The proposal significantly exceeds development seen in Frenchs Forest and for that matter most of development within town centres across the Northern Beaches.

Bulk and Scale

The proposal significantly departs from the local context regarding bulk and scale. The design provides a building length of over a single building block.

The applicant asserts that the building now consists of two distinct building forms however in reality, only the two upper levels have been broken up and only via minimal separation. Due to the minimal separation, the building will be viewed as single monolithic built form when viewed as travelling along Frenchs Forest Road East in either direction, and from the vast majority of residential properties nearby.

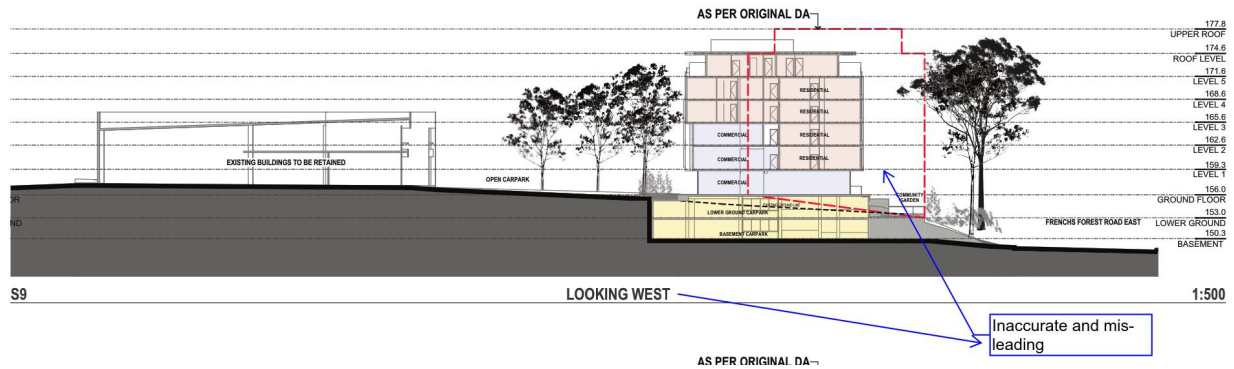


The proposal is a poor example of built form and the attempt to break up the scale only minimally improves its aesthetics.

Note a revised design verification statement has not been submitted.

As seen in the attached mark up plans, the comparison of the proposal to existing buildings in the business park is irrelevant due to the limited height on those buildings as well as significant setback to the R2 zoned land compared to the proposed. (refer to attached mark up on applicants plans)

Further the plans contains errors and are misleading;



The impact of bulk and scale should be also be assessed from the northern side of Frenchs Forest Road East as viewed from the residential area. The scale of the proposal as viewed from residents would be significant considering the proposed building height and lack of articulation, setback and excessive building length. Good design for residential flat building length up to 50metres. The proposal significantly exceeds that principle and exceeds building length permitted by Council in town centres such as Dee Why.

Density

The proposal is an obvious example of over densification. The proposal seeks to maximise floorspace in an opportunistic location considering the cheaper acquisition of land in B7 zones compared to residential zones. The proposal only provides a small amount of communal open space at ground floor.

The proposed FSR significantly exceeds development seen in Frenchs Forest and for that matter the majority of development within town centres across the Northern Beaches.

The proposed communal area is minimal and lacks privacy . The amenity of existing residents will be impacted upon in terms of additional traffic and change in local character. The proposal has no regard to its interface with low density residential housing to the north of the site. Many apartments will not have adequate solar access.

Amenity

Orientation of most apartments is poor. It appears apartments have been designed as residential flat buildings rather than seniors living. Solar access to many apartments does not achieve the requirements under the SEPP or the ADG.

Aesthetics

The immediate locality (east of Wakehurst Parkway) is not undergoing transition; the B7 business zoning and R2 Low Density Residential area are not being rezoned under the NB Hospital Structure Plan. The statement is incorrect. The design review statement has not given regard to the character of the area or the conclusions of the recent Hospital Precinct Structure Plan.

The excessive building length no regard to the interface with the low density residential. The proposed scale exceeds that deemed acceptable in town centres within the LGA.

The proposal seeks to maximise building footprint and yield rather than provide acceptable built form that gives regard to the local context and established scale of development in the area.

The proposal does not comply with numerous requirements of the Apartment Design Guide, including but not limited to controls relating to;

- Articulation
- Modulation of facades
- Building depth and length/proportions,
- Balcony separation distances/visual privacy
- Local context analysis,

Non-compliance with Councils strategic intent

The proposal seeks to develop a significant volume of residential floorspace in an area outside of a recognised town centre. Contrary to statements within the DA documentation, the site is not located within the Northern Beaches Hospital Precinct subject to strategic land use analysis.

The proposal seeks to undermine the objectives of the B7 Business Park area which has been retained (after recent strategic analysis) as an employment hub with the objective of providing the northern beaches population with employment opportunities.

The proposal is seeking to circumvent Councils detailed planning in the area and ignores the objectives for the business park by proposing a development via a SEPP. Supporting the proposal may lead to further significant undermining of employment land (both business and industrial zones) with quasi residential development contrary to Councils long term view of such precincts

SGS had conducted an Employment Lands Study (circa 2015) which further highlighted the importance of the Frenchs Forest business park in minimising commuter trips out of the northern beaches for employment opportunities. The proposal does not align with those findings.

The ongoing North Beaches Hospital precinct planning had ruled out any uplift in density via rezoning on land east of Wakehurst Parkway. This was mainly citing traffic issues and in particular, the fact that the intersection of Wakehurst Parkway and Warringah road was operating at capacity both currently and after road upgrades. This proposal ignores the results of the extensive traffic modelling and undermines Councils negotiations with the RMS and other State Govt authorities.

Review of SEE

Many comments within the SEE are misleading including the statement that the proposal appears as two distinct buildings and that the use is compatible with the evolution of the health precinct even though the business park is not rezoned under the NHBSP.

The statement that the proposal is considerably improved does not consider the fact that the initial proposal was completely inappropriate.

Conclusion

In summary Council are encouraged to refuse this development application due to its poor relationship to surrounding land uses and the reduction in employment land which is contrary to Councils strategic intent for this business park. The bulk and scale are excessive and building design lack of modulation.

At every essential component of assessment, the proposal is deemed unacceptable. If supported, the development would set a dangerous precedent allowing other development such as boarding houses and seniors living to also pursue a quasi-residential use on land not intended and as such, exacerbating traffic issues and eroding employment land site by site. If the applicant believes there is strategic merit in such uses, a Planning Proposal should be submitted and assessed against t Ministerial Directions and the Sydney Region Plan.

The fact that that the applicant has re-submitted a similar proposal is ignoring Councils detailed assessment and the JRPP's reasons for refusal. The applicant's legal advice and SEE does not provide sufficient justification for Council or the JRPP to consider the proposal any differently to that of the initial proposal (DA2018/0995).

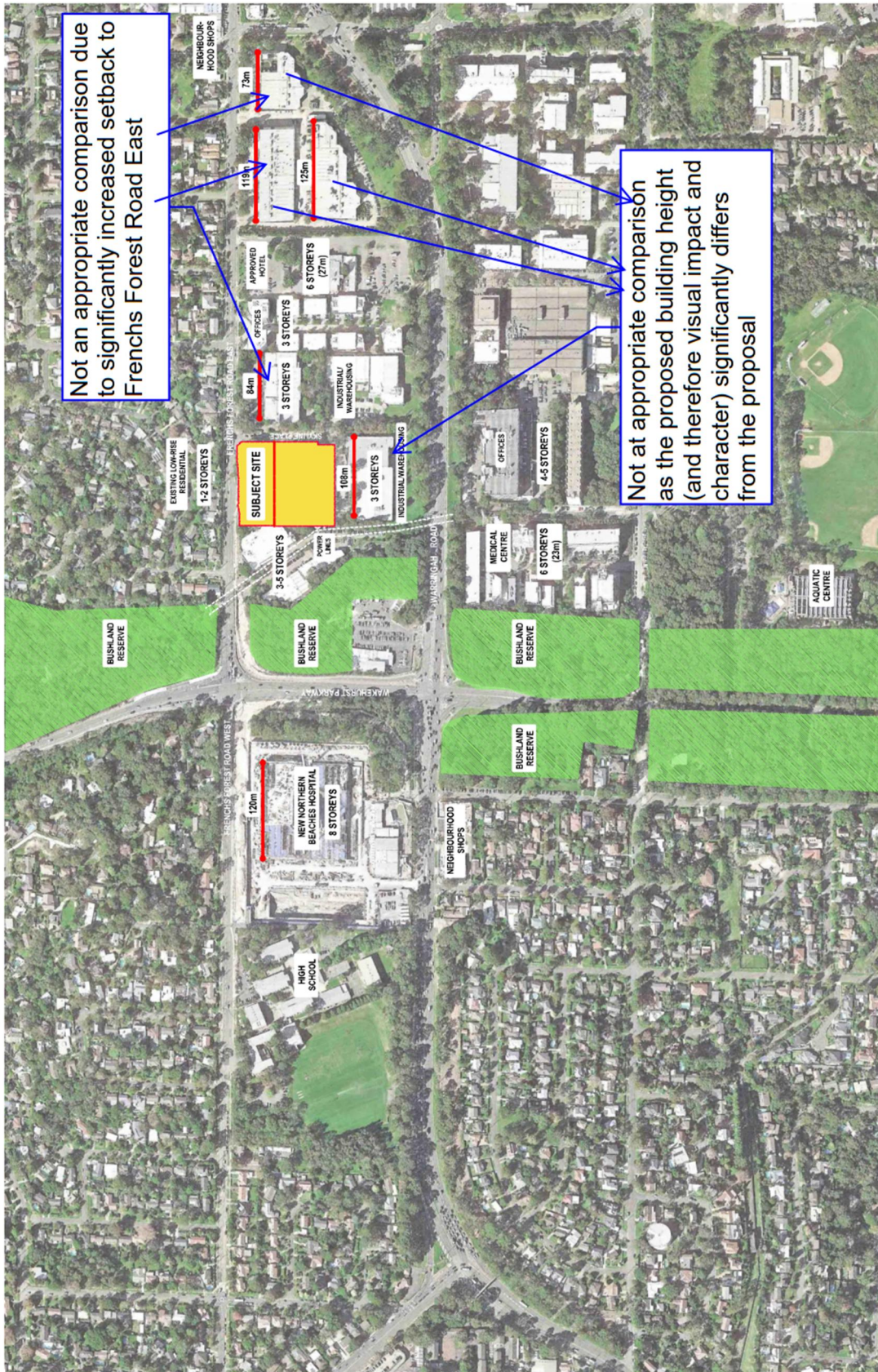
I and many other residents would support Council in refusing the application and challenging any forthcoming appeal in the Land and Environment Court.

Please contact me regarding the upcoming assessment timeline and once known, the timing of JRPP meeting considering the proposal.

Theo Zotos



Bach. Environmental Planning
Dip Building Studies



B SECTOR
 A ORIGIN
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 PROJECT:
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