

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:	13/12/2023
To:	Jordan Davies
Land to be developed (Address):	Lot 11 DP 1258355 , 5 Skyline Place FRENCHS FOREST NSW 2086

Officer comments

On 30 November 2023, Strategic and Place Planning received a referral request for Mod2023/0617. The application proposes to amend DA2021/0212 for demolition works and construction of a mixed development, comprising seniors housing, commercial uses, carparking, landscaping and stratum subdivision.

DA2021/0212 was approved by the Land and Environment Court on 20 April 2023. The development comprises 98 independent living units including 10 units for disability housing to be operated by Project Independence Limited and 4 affordable units for seniors.

The subject site is 5 Skyline Place, Frenchs Forest. The land is zoned SP4 Enterprise under the Warringah LEP 2011. The site has a frontage to Skyline Place and a battle-axe handle to Frenchs Forest Road East. The Northern Beaches 7.12 Contributions Plan applies to the land and a development contribution is applicable for the approved development. It is noted that the contribution condition was inadvertently missed in the consent issued by the Land and Environment Court.

Mod2023/0617 seeks significant changes to the approved development including an increase in total dwelling numbers. The submitted Statement of Modification, prepared by Keylan Consulting and dated November 2023, identifies the following changes to DA2021/0212:

- 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.

The Statement of Modification advises:

There are no proposed changes to the affordable or disability housing aspect of the approved development, currently proposed to be operated and run by Project Independence (PI). PI ... is a registered Community Housing Provider (CHP) as well as a registered NDIS provider...

It is noted that as PI is a CHP, this aspect of the development is exempt from contributions as per the Northern Beaches Section 7.12 Contributions Plan 2022.

The Northern Beaches 7.12 Contributions Plan applies to the land and a development contribution is applicable to this application. The contribution is calculated based on 1% of the cost of works.

A cost summary report, prepared by Building Logic and dated 6 November 2023, has been submitted with the application. The cost summary report identifies a total construction cost of \$49,090,800 excluding GST. This calculation also excludes costs associated with 784m² of floorspace purported to be managed by a community housing provider.

Chapter 4.3 of the Northern Beaches 7.12 Contributions Plan stipulates that where the proposed cost of carrying out the development exceeds \$1,000,000, the cost summary report must be prepared by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors.

The applicant must provide a cost summary report prepared by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors. This report must clearly separate the costs associated with any dwellings to be managed by a community housing provider.

Chapter 2.5 of the Contributions Plan provides an exemption for *“Social housing and community housing provided by an organisation registered as a social housing provider with the NSW Government. Applicants must demonstrate they meet these criteria within the application”*.

The application states that 14 dwellings will be managed by Project Independence Limited who are a community housing provider registered with the National Regulatory System for Community Housing (NRSCH). The NSW Registrar of Community Housing requires that community housing providers are registered under the NRSCH. A search of the NRSCH database identifies that Project Independence meet these requirements. However, it is noted that there are no conditions on DA2021/0212 requiring the management of the 14 dwellings by a community housing provider in perpetuity. To support an exemption for contributions associated with these 14 dwellings, a condition will be imposed requiring the management of the identified units by a registered community housing provider in perpetuity.

RECOMMENDATION

1. There is insufficient information to determine the applicable development contribution. The applicant should submit an itemised cost estimate report prepared by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors. The report should separately identify the cost associated with the 14 dwellings to be managed by a community housing provider.
2. Upon receipt of the additional information above, the application should be referred to Strategic and Place Planning 3 for consideration.

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.