

Statement of Environmental Effects Section 4.55(2) Modification

Seniors Living and Mixed Use Development
5 Skyline Place, Frenchs Forest



Prepared for Platino Properties Pty Ltd
Submitted to the Northern Beaches Council

REV2019/014
Modification No. 1
December 2019

Contact

**KEYLAN**
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095
ABN 51 45 22 11 892
ACN 613 590 775

Cover image: the site (Source: PA Studio)

Dan Keary
Director
E: dan@keylan.com.au

Michael Woodland
Director
E: michael@keylan.com.au

All Rights Reserved. No material may be reproduced without prior permission of KEYLAN Consulting Pty Ltd. While KEYLAN Consulting Pty Ltd working on this project has tried to ensure the accuracy of the information in this publication, it accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in the information in this report. This report has relied on information provided by Platino Properties Pty Ltd in good faith and accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in the information in this report.

Table of Contents

1	Introduction.....	4
2	The Existing Site	6
3	Surrounding Locality.....	10
4	Application history	11
5	Proposed modification	12
5.1	Proposed modifications to Development Consent	14
6	Section 4.55 Assessment	16
6.1	Section 4.55(2)	16
6.2	Section 4.55(3)	17
6.2.1	Section 4.15(1)(a)(i) Environmental Planning Instruments	17
6.2.2	Section 4.15(1)(a)(ii) Draft planning instruments	20
6.2.3	Section 4.15(1)(a)(iii) Any development control plan	20
6.2.4	Section 4.15(1)(a)(iv) The Regulations.....	20
6.2.5	Section 4.15(1) (b) Likely impacts of the development	21
6.2.6	Section 4.15(1)(c) Suitability of the site for the development	26
6.2.7	Section 4.15(1)(e) The public interest.....	27
7	Conclusion	28

Figures

Figure 2:	Bushfire prone land	7
Figure 3:	Existing gym and office space (Building E), at grade carparking and landscaping.....	8
Figure 4:	Existing gym and office space (Building E) and at grade carparking.....	8
Figure 5:	Existing at grade carparking and warehouses within the southern section of the site	9
Figure 6:	Approved Building - looking west from Skyline Place	24
Figure 7:	Proposed building - looking west from Skyline Place	24
Figure 8:	Approved building - looking south from Frenchs Forest Road	24
Figure 9:	Proposed building - looking south from Frenchs Forest Road	25
Figure 10:	Approved southern elevation	25
Figure 11:	Proposed southern elevation.....	25

Tables

Table 1:	Proposed Modifications (Source: PA Studio).....	13
Table 2:	Approved and Proposed Comparison Table (source: Platino Properties)	14
Table 3:	Section 4.55(2)	17
Table 4:	Projected net change in peak hour traffic generation potential (source: Varga)	22

Appendices

Appendix 1	Original Development Consent REV2019/014
Appendix 2	Architectural Plans prepared by PA Studio
Appendix 3	Traffic Report prepared by Varga Traffic Planning
Appendix 4	Economic Multiplier Update prepared by HillPDA
Appendix 5	Bushfire Advice prepared by ABPP
Appendix 6	BASIX Letter prepared by Greenworld Architectural Drafting
Appendix 7	Design Verification Statement

1 Introduction

This Statement of Environmental Effects has been prepared by Keylan Consulting Pty Ltd (Keylan), on behalf of Platino Properties Pty Ltd (the Applicant), to accompany a Section 4.55(2) application to modify the consent for a seniors living and mixed use development at Skyline Place, Frenchs Forest (REV2019/014).

The original application DA2018/0995 was refused by the Sydney North Planning Panel on 18 December 2018, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Following this refusal, a request to review the determination was submitted pursuant to section 8.2 of the EP&A Act. REV2019/014 was subsequently approved by the Sydney North Planning Panel on 18 June 2019. A copy of the development consent is provided at Appendix 1.

Following ongoing discussions with potential operators of the seniors living development, the Applicant proposes several internal reconfigurations aimed at improving the operational efficiency of the development.

Accordingly, the proposal seeks approval to modify the consent to enable the reconfiguration of the internal layout of the building at the Lower Ground Level, Ground Level, Level 1 and Level 2, including:

- the reduction in the amount of commercial/retail floorspace from 2,219m² to 1,652m²
- reconfiguration of level 1 to provide for kitchen, dining, common area, bathrooms, and recreational facility rooms and 2 additional seniors living apartments
- reconfiguration of level 2 to provide for 5 additional seniors living apartments and courtyard areas
- extension of outdoor courtyard area on level 3

The proposal also seeks minor amendments to the façade design that reflect the internal changes (but no changes to overall height, bulk or scale of the approved development) and to reduce the size of Lot 2 to from 4,886m² to 4,759m² to allow for an axe handle to facilitate the future installation of required servicing along the western boundary of the site without the requirement for an easement.

This Statement should be read in conjunction with the following documents:

- Statement of Environmental Effects, Seniors Living and Mixed Use development, 5 Skyline Place, Frenchs Forest, June 2018, prepared by Keylan Consulting Pty Ltd
- Section 8.2 Review of Determination, 5 Skyline Place, Frenchs Forest, March 2019, prepared by Keylan Consulting Pty Ltd
- Original Development Consent REV2019/014 (Appendix 1)
- Architectural plans prepared by PA Studio (Appendix 2)
- Traffic Report prepared by Varga Traffic Planning (Appendix 3)
- Economic Multiplier update prepared by HillPDA (Appendix 4)
- Bushfire Advice prepared by ABPP (Appendix 5)

BASIX Letter prepared by Greenworld Architectural Drafting (Appendix 6) This Statement concludes that the proposed modification warrants approval as it:

- is minor in nature and will result in substantially the same development as the development for which consent was originally granted
- does not result in any changes to the height, scale or footprint of the approved development
- is acceptable as the proposed works will not result in any adverse impacts on neighbouring properties
- will provide for a better design outcome and operational efficiencies for the future seniors living development on the site
- will not result in any significant environment impacts
- provides for greater housing diversity in terms of the mix of apartment sizes than the approved development
- will continue to provide for local employment opportunities

2 The Existing Site

The site is located at 5 Skyline Place, Frenchs Forest, within the Northern Beaches Local Government Area (LGA). The site has an area of approximately 1.3 ha. The land is legally described as Lot SP49558. The location of the site is shown in the figure below.



Figure 1: Site location (Base source: SIXMaps)

The site is bound by Frenchs Forest Road East to the north, Skyline Place to the east and existing warehouse development to the west and south. The site is accessible by vehicle from a T-way intersection on Frenchs Forest Road East and Skyline Place. Roadworks to Frenchs Forest Road associated with the Northern Beaches Hospital have recently been completed.

The site currently comprises an office and warehouse complex originally constructed in 1980. Current tenants include sub-contractors constructing the roadworks in the vicinity of the site, offices, offices with warehousing and a 24 hour gym. There is onsite, on-grade parking for 168 cars.

Existing building E (proposed to be demolished as per approval REV2019/014) is currently tenanted by a 24 hour gymnasium on the ground floor, with office uses above.

There are a number of large established trees along the north and east boundaries of the site.

The adjacent property to the west, 79 Frenchs Forest Road, is traversed by high voltage power lines in an easement granted to Energy Australia.

The site includes a Bushfire Vegetation Buffer on its south western corner (Figure 2). The site is not flood affected and there are no heritage items located on the site.

Photographs of the site are provided at Figures 3 to 5.



Figure 2: Bushfire prone land (Site outlined in blue) (Source: Warringah Bushfire Prone Land Map)



Figure 3: Existing gym and office space (Building E), at grade carparking and landscaping (Source: Keylan)

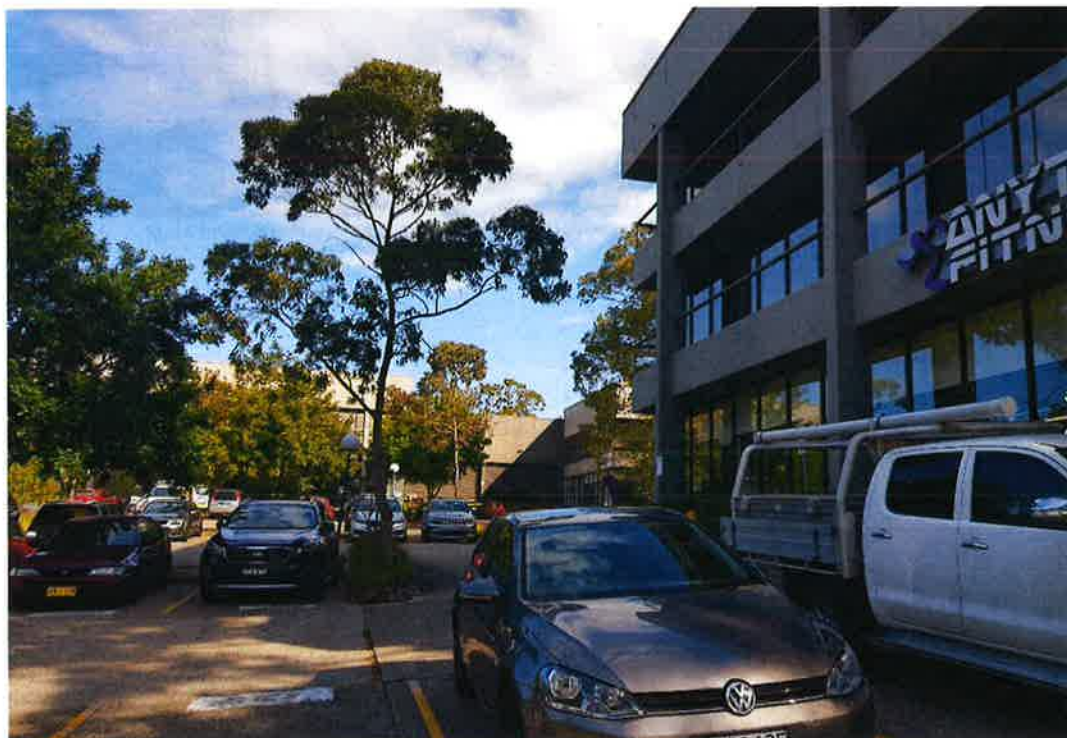


Figure 4: Existing gym and office space (Building E) and at grade carparking (Source: Keylan)



Figure 5: Existing at grade carparking and warehouses within the southern section of the site (Source: Keylan)

3 Surrounding Locality

The site is located within the Frenchs Forest Business Park. The Business Park comprises warehouses and commercial/retail buildings ranging from single three to five storeys.

To the north of the site, beyond Frenchs Forest Road East, is land comprising low density residential dwellings. The dwellings are typically 1-2 storey detached dwellings. As part of the work undertaken for the Hospital Precinct Structure Plan (November 2016) properties fronting Frenchs Forest Road East and Frenchs Forest Road West were identified as having capacity to accommodate for residential uplift to allow for medium density residential in the future.

To the immediate east of the site are commercial premises and large format warehousing ranging between 2 to 4 storey in height within the business park. The business park has also seen an increase in medical related services, such as imaging, pharmaceutical and research uses that complement the hospital precinct.

The precinct is also generously landscaped, providing areas of amenity for workers and visitors, as well as effectively screening the built form. Building heights within the park sit below the existing tree canopy.

To the north-east are the Skyline neighbourhood shops offering a variety of convenience shops including small-scale supermarket, chemist, post-office and bakery. A number of medical suites also front Frenchs Forest Road. The site is also within a 1 kilometre (to the west) of Forest Way Shopping Centre a strategic centre with full line supermarkets, convenience shopping, post office, banking, cafes and restaurants.

The Northern Beaches Hospital Precinct is situated approximately 240 metres to west of the site, beyond Wakehurst Parkway, within the broader Frenchs Forest Priority Growth Area. The uses and character of this area are expected to transition into a variety of new housing and employment opportunities to support the ongoing operation of the new hospital. This precinct is subject to controls adopted in the Structure Plan and will be the strategic centre of Frenchs Forest. It is expected that the Hospital Precinct will deliver approximately 5,360 new dwellings and 2,300 new jobs to address demand and support the hospital over a 20 year period. This area has also been identified as a Priority Precinct by the Department of Planning and Environment.

4 Application history

On 13 June 2018, the Applicant lodged a DA (2018/0995) seeking consent for subdivision of land into 2 allotments, demolition of existing structures, and construction of a mixed use development containing 78 Seniors Housing units, and commercial space.

On 18 December 2018, the Sydney North Planning Panel (SNPP) determined to refuse consent for the DA.

On 29 March 2019, the Applicant lodged a request to review the determination under section 8.2 of the EP&A Act. This request included an amended scheme aimed at addressing issues raised in the assessment and determination of the DA. These amendments included:

- reduced building height to a maximum of 6 storeys
- introduction of a stepped and articulated building form, with the development now delineated as two distinct and separate building forms sited above a single base
- increased setback from Frenchs Forest Road (western position of building)
- removal of seniors living units from the ground level
- additional landscaped areas, particularly adjacent to the northern side of the building

On 18 June 2019, the SNPP considered the section 8.2 review request and approved the DA. The approved works comprise:

- Subdivision to create 2 lots:
 - Proposed Lot 1: area of 7,684m² and site of the proposed development and current review of determination (see Section 2.3 below)
 - Proposed Lot 2: area of 4,886m² and would contain the existing buildings and car parking south of the site.
- Demolition of existing building (Building E) located in the northwest corner of the site
- Construction of a 6 storey mixed use development comprising seniors living and a mix of office/business uses and café with associated basement car parking
- Reconfiguration of the existing on-grade car parking on proposed Lot 1
- Landscaping
- Civil and roadworks

A copy of the Development Consent is provided at Appendix 1.

5 Proposed modification

Following approval of the DA, the Applicant has consulted potential operators of the seniors living component of the development. As a result of these consultations, a number of internal reconfigurations have been identified which would improve the operational efficiency and viability of future seniors living development on the site.

In addition, the proposed modification includes a minor reduction in in the size of proposed Lot 1, minor reconfiguration of the basement levels and minor amendments to the façade design (but no changes to overall height, bulk or scale of the approved development). It also results in a more diverse dwelling mix, with the inclusion of 2 x 1 bedroom and 4 x 3 bedroom units in addition to 2 bedroom and 2 bedroom + study units.

The proposed modifications are described in the Table below:

Plan of Subdivision	Modification
Proposed Lots 1 and 2	<ul style="list-style-type: none"> Reduction in size of Lot 2 to provide an easement for services, air and light to benefit Lot 1. Lot 2 will be reduced from 4,886m² to 4,759m² to allow for an axe handle to be created along the western boundary of the site. The axe handle will be 2.8 metres wide and 44.99 metres in length and will allow for the installation of necessary site servicing without the requirement for an easement burdening Lot 2.
Level	Modification
Basement	<ul style="list-style-type: none"> Very minor changes to the footprint of the basement level with no net change to the size of the basement Removal of 1 public lift Conversion of 1 residential lift to public lift Minor reconfiguration of car parking spaces, storerooms, access, plant room and exit stairs
Lower Ground Level	<ul style="list-style-type: none"> Minor modifications as per Basement level. Reduction in commercial floor space from 382m² to 346 m²
Ground	<ul style="list-style-type: none"> Relocation and reconfiguration of residential entry lobby Residential entry lobby and public lift lobby separated Introduction of north-south through-site link from new internal road to Frenchs Forest Road East Relocation of car park stairs Retention of 3 trees previously to be removed Area of commercial / café floor space increased from 938 m² to 1,306 m²)
Level 1	<ul style="list-style-type: none"> Replacement of commercial floor space with seniors living common areas and recreational amenities including Arts and Craft room, Library and games room Increased common lounge area in hallway Removal of public lift Two additional seniors living apartments Reduction in apartment size L by 31m²

Plan of Subdivision	Modification
Level 2	<ul style="list-style-type: none"> Replacement of commercial floor space with five additional seniors living apartments Increased common lounge area in hallway Provision of new winter gardens for common use and for apartment Q
Level 3	<ul style="list-style-type: none"> New balconies to apartments B1 to the south Amended bedroom and bathroom of apartment A2
Level 4	<ul style="list-style-type: none"> Increased winter garden and balcony area New balcony for apartment B1
Level 5	<ul style="list-style-type: none"> Awnings added to northern and southern facades
Level 6	<ul style="list-style-type: none"> Awnings added to northern and southern facades
Façade/external design	Modification
External	<ul style="list-style-type: none"> North-south Through site link created at ground floor New awnings on northern and southern facades (Levels 5 and 6) Additional solar hoods above apartment windows Windows reconfigured along the eastern and southern elevations on level 1 and 2 Minor façade and fenestration changes along the northern, eastern and southern elevation of the building Window panels reduced and replaced with cladding and new windows to service seniors living apartments

Table 1: Proposed Modifications (Source: PA Studio)

A summary of the approved development and proposed modifications is outlined in Table 2 below.

	APPROVED	PROPOSED
Height	6 storeys	6 storeys
Site area		
Lot 1	7684m ²	7811m ²
Lot 2	4886m ²	4759m ²
Total GFA LOT 2	8991m ²	8269
FSR	1.84:1	1.73:1
No. of seniors units TOTAL	49	56
	GFA 6211m ² (incl. common area)	GFA 6841m ² (incl. common area)
1 bedroom	-	2
2 bedroom	23	24
2 bedroom + study	26	26
3 bedroom	-	4
Seniors common area	561m ²	450m ²
Commercial / cafe floorspace	2219m ²	1652m ²
Car parking spaces:		
total	127	124
Seniors	62	72
commercial	55	41
Visitors	10	11

	APPROVED	PROPOSED
Landscaped area	34.6% landscaped area and 1,234m ² (25.3%) deep soil zone within proposed Lot 2 within front and side setbacks	No change

Table 2: Approved and Proposed Comparison Table (source: Platino Properties)

5.1 Proposed modifications to Development Consent

The proposed works described above necessitate modification of the Development Consent, as outlined below.

The words proposed to be inserted are shown in bold underline and words proposed to be deleted are shown in ~~bold strikethrough~~.

Development Consent Operational Conditions

It is recommended that Condition 1 be amended as follows:

1. *Approved Plans and Supporting Documentation*
The development must be carried out in compliance (except as amended by any other condition of consent with the following:

- a) *Approved Plans*

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA201 - Subdivision Plan (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA301 - Basement and Lower Floor Plan (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA302 - Ground Floor Plan I (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA303 - Levels 1 & 2 Floor Plans (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA304 - Levels 3 & 4 Floor Plans (Issue BD)	25/03/2019 <u>23/19/2019</u>	PA Studio
DA305 - Levels 5 & Roof Plans (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA401 - Sections (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA501 - North Elevation (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA502 - West Elevation (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA503 - South Elevation (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA504 - East Elevation (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio
DA601 - Materials Plan (Issue BD)	25/03/2019 <u>23/10/2019</u>	PA Studio

Reports / Documentation - All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
<u>BASIX Letter</u>	<u>09/12/19</u>	<u>Greenworld Architectural Drafting</u>
<u>Economic Multiplier Update</u>	<u>04/12/2019</u>	<u>HillPDA</u>
Traffic and Parking Assessment Report	28/03/2019 <u>04/12/2019</u>	Varga Traffic Planning
Amended Bushfire Protection Assessment	13/12/2019	ABPP

6 Section 4.55 Assessment

6.1 Section 4.55(2)

Section 4.55(2) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with—
 - i. the regulations, if the regulations so require, or
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

An assessment of the relevant provisions of the Section 96(2) is detailed below:

Section 4.55(2) Provision	Response
(a) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>The modification seeks mostly internal amendments to approved DA plans which have arisen from discussions between Platino Properties and potential operators. The built form remains unchanged and the overall appearance of the development also remains largely unchanged from that approved by the Panel.</p> <p>The proposed modification is substantially the same development as the development for which consent was originally granted, i.e, a seniors living and mixed use development. While the number of seniors living apartments has marginally increased from 49 to 56, the development as modified would still retain a substantial area (1,652m²) of commercial floor space. Furthermore, there are no substantial external changes to the building sought as part of this modification.</p> <p>On this basis, the proposal would result in development that is substantially the same as the originally approved development.</p>
(b) <i>it has consulted with the relevant Minister, public authority or approval body</i>	The proposed development is Integrated Development for the purposes of section 4.46

Section 4.55(2) Provision	Response
<p><i>(within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i></p>	<p>of the EP&A Act as it requires approval in accordance with section 100B of the Rural Fires Act 1997 (Fire Act).</p> <p>The NSW Rural Fire Service issued its Bushfire Safety Authority and General Terms of Approval for the original DA on 3 August 2018.</p> <p>Advice has been provided by a specialist bushfire consultant that the proposed amendments do not change in any way the requirements for bushfire protection as detailed in the ABPP Bushfire Protection Assessment Report – 21.05.2019 and should therefore not require referral to the NSW Rural Fire Service or the issue of a new Bushfire Safety Authority.</p>
<p>(c) <i>it has notified the application in accordance with:</i></p> <ul style="list-style-type: none"> i. <i>the regulations, if the regulations so require, or</i> ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i> 	<p>Council will notify the modification application in accordance with the regulations.</p>
<p>(d) <i>it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p>	<p>Consideration will be given to any submissions (if required) to the application should Council deem it necessary to advertise and/or notify the proposal in accordance with its notification requirements</p>

Table 3: Section 4.55(2)

6.2 Section 4.55(3)

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

6.2.1 Section 4.15(1)(a)(i) Environmental Planning Instruments

The original Statement of Environmental Effect (SEE) and Section 8.2 Review Report addressed the development's compliance against relevant planning instruments, including:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas;*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *Warringah Local Environment Plan 2011 (and Warringah Development Control Plan 2011)*

The proposed modification will not affect the consistency of the proposed development with the relevant planning instruments, as outlined below:

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The development, as proposed to be modified, remains consistent with the aims, objectives and key provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD). As the proposed modification is minor, and the development remains substantially the same as that approved, the original assessment against the SEPP HSPD remains relevant to the modification. Furthermore, it does not alter the SNPP's finding, in approving the DA, that the proposal is consistent with the SEPP as:

- (a) It is consistent with the aim of clause 2(c) that it be of good design*
- (b) It satisfies the requirements of clause 19 regarding the use of seniors housing in commercial zones*
- (c) In terms of clause 33(a), the amended development application is compatible with the current character of the area, which features as desirable elements landscaped setbacks with mature tree canopies*
- (d) The previous Panel reasoned that the proposed development does not comply with the requirements of clause 50 with regard to building height, density and scale and solar access. The review Panel considers that clause 50 does not impose any such requirements. Rather it prescribes standards that cannot be used to refuse consent. The amended development application exceeds those standards with regard to the above matters and therefore it is not forbidden to refuse consent on the basis of those matters. However, the mere fact that they exceed "no refusal" standards is not a reason for refusing consent.*
- (e) In terms of clause 33(c), the amended development application maintains reasonable neighbourhood amenity and appropriate residential character.*
- (f) The amended development application satisfies the infill self-care housing provisions in clause 31, specifically the Seniors Living Policy – Urban Design Guidelines for Infill Development*

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The section 8.2 Review Request was accompanied by BASIX advice, prepared by Wood and Grieve Engineers, which confirmed that the proposal achieves the required energy efficiency targets of the BASIX SEPP.

The proposed modified development, including 7 additional seniors living apartments, has now been reviewed against the BASIX SEPP by Greenworld Architectural Drafting (Appendix 6) who have advised that the proposed modified scheme will pass both BASIX and NatHERS assessments. The BASIX project title is currently being transferred from the previous consultant to the new consultant this process should be completed shortly.

State Environmental Planning Policy No. 19 Bushland in Urban Areas

The SEE submitted with the original DA assessed the relevant clauses of the State Environmental Planning Policy No. 19 Bushland in Urban Areas (SEPP 19). As the proposed modifications are minor and largely internal, the original assessment against the SEPP 19 remains relevant to the modification and the proposed modification remains consistent with the aims, objectives and key provisions of the SEPP 19.

State Environmental Planning Policy No. 55 Remediation of Land

Council's assessment report for the section 8.2 Review states:

A Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP), prepared by Benviron Group, dated April 2019 have been submitted with the application. The DSI confirms that the site can be made suitable for the proposed development, subject to the implementation of remediation and validation works in accordance with this RAP.

Consequently, it is recommended this reason for refusal be deleted.

Furthermore, the SNPP's determination report found that the amended development application is consistent with the provisions of SEPP 55.

As the proposed modifications are minor, they do not alter the original assessment and determination against the provisions of SEPP 55.

State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development

The amended scheme will continue to generally satisfy the principles of SEPP 65. The proposed modified scheme, as outlined in this application, generally meet the guidance and targets of the ADG, in particular with regards to solar access, cross ventilation and south facing units, as summarised in the table below:

SEPP 65	Approved scheme	Proposed modified scheme
No seniors living units	49	56
Solar access	94%	82%
South facing units	6%	16%
Cross Ventilation	61%	55%
Seniors living units per corridor	5	4-8

Table 4: ADG Compliance Table

Whilst there is a very minor decrease in the development's ability to meet the ADG's 60% cross ventilation target for all apartments, there is still a high degree of amenity maintained through solar access and the on-site recreational facilities to be provided. In terms of cross-ventilation, the proposed development results in a deficit of only 2 units, with 33.6 units required to achieve 60% and 32 units proposed.

The modification includes additional private winter gardens and a north-facing communal winter garden to promote social interaction and residential amenity.

A Design Verification Statement has been prepared in support of the modification application, in accordance with clause 115(3) of the Environmental Planning and Assessment Regulation 2000 and is provided at Appendix 7.

Warringah Local Environmental Plan 2011

A detailed assessment of the proposal against the relevant provisions of the *Warringah Local Environmental Plan 2011* (WLEP 2011) was undertaken in the original SEE and the Section 8.2 Review Report. Given the minor nature of the proposed modification and that it results in substantially the same development as approved, the outcomes of this assessment are not changed.

Furthermore, we note that the SNPP, in approving the DA, stated the following:

The original Panel's reason 4 was that the proposed development is inconsistent with the desired future character established by the objectives of the B7 Business Park zone under the Warringah Local Environmental Plan 2011, and in relation to the Warringah Development Control Plan as well as the Sydney North District Plan, which references the importance of the retention of employment zones and uses.

....

The review Panel considers that such inconsistency is to be expected given that the Warringah LEP prohibits residential development in the B7 zone yet the overriding SEPP (HSPD) permits it and, in the interests of its overall aim of encouraging seniors housing, specifies that its aims will be achieved by "setting aside local planning controls that would prevent the development of seniors housing that meets the development criteria and standards specified in this Policy (SEPP cl 2(2)).

6.2.2 Section 4.15(1)(a)(ii) Draft planning instruments

Given the minor nature of the proposed modifications, the assessment of the proposal against the *draft State Environmental Planning Policy (Environment)* (Environment SEPP) and *draft Remediation of Land State Environmental Planning Policy* (Remediation SEPP).

No further relevant draft EPs have been exhibited since determination of the DA.

6.2.3 Section 4.15(1)(a)(iii) Any development control plan

As the proposed modifications relate largely to internal reconfigurations and minor façade refinements, they will not affect the development's compliance with the Warringah DCP including:

- Part B – Built Form Controls
- Part C – Siting Factors
- Part D – Design
- Part E – The Natural Environment

6.2.4 Section 4.15(1)(a)(iv) The Regulations

The SEE submitted with the original DA states that there are no known matters prescribed by the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) that are relevant to the consideration of the DA. Furthermore, the proposal is compliant with the National Construction Code (NCC).

Given the minor nature of the proposed modifications, these conclusions are not altered.

6.2.5 Section 4.15(1) (b) Likely impacts of the development

Section 4.15(1)(b) of the EP&A Act 1979 requires an assessment of the impact of development on environmental impacts on both the natural and built environments, and social and economic impacts in the locality. These are discussed in detail below.

Economic and Socio Impacts

HillPDA have provided an updated economic impact analysis in response to the proposed modification (Appendix 4). This analysis supplements the earlier economic advice provided by HillPDA in support of the original DA and assesses the economic impact of the proposed changes in terms of construction multipliers, employment, remuneration, Industry Value Added (IVA), and retail expenditure from workers on site.

In summary, the updated analysis finds that:

- The estimated construction cost for the proposed scheme of \$32 million would generate further economic activity including:
 - Production induced effects of \$41.5 million
 - Consumption induced effects of \$29.3 million
 - Total economic activity of \$103.3 million.
- Including the multiplier impacts the DA is forecast to generate a total of 325 job years directly and indirectly in construction.
- Around 69 post-construction jobs could be supported on site comprising 22 jobs associated with the seniors living component and 47 jobs associated with the commercial floor space. This is a net increase of 54 jobs compared to existing employment on the site.
- The combined total workers' salaries generated onsite is estimated at approximately \$2.9 million (a reduction of \$0.5 million per annum from that generated under the approved scheme.)
- The value added from the proposal is in the order \$3.8 million per year (a reduction of \$0.7 million per annum from that generated under the approved scheme.)
- Workers on the site could generate a combined annual retail spend of around \$217,350 (a reduction of around \$44,100 per annum compared to the approved scheme). Given the proximity of the proposed new Frenchs Forest town centre, these future worker's expenditure would be directed towards this proposed centre and contribute to its viability and vibrancy in the near future.
- The modified scheme would continue to provide significant investment stimulus for further investment and development in the immediate area.

In addition to the above, it is noted that as the proposed modifications result in substantially the same development as that approved, the following positive economic and social impacts, as identified in the original SEE and section 8.2 Review Report, will continue to result:

- The proposal retains the existing B7 Business Park zoning of the site and will increase the employment capacity of the site.
- The proposal is for seniors housing, which is operated as a business, unlike most other forms of residential accommodation. The proposal will not provide a precedent for general residential development in the Frenchs Forest business park.
- The Frenchs Forest B7 Business Park zone has an area of approximately 59 hectares. The subject development (proposed Lot 2) has an area of 4,759 m², equating to 0.8% of

the total business park area. There is significant capacity in the Frenchs Forest business park for future employment-related development and the proposed development will not jeopardise the potential for employment uses to be intensified, should this be appropriate.

- The proposal is located in a fringe location of the business park, within the Health and Education Precinct, with an interface to existing residential areas, and will not impede the continued operation or future intensification of employment-generating uses in the broader business park.
- The space being provided on the site for commercial and health related uses, albeit slightly reduced from the approved scheme, is likely to attract allied health care workers and other health professionals, leading to employment growth across a range of industries including health professionals, which is entirely in line with the strategic positioning of the area as a Health and Education Precinct.
- The proposal is consistent with the evolution of Frenchs Forest to a mixed use innovation precinct, and it is also consistent with the relevant objectives of the Greater Sydney Region Plan and the North District Plan as it will broaden the range of employment opportunities within a range of land uses.
- The proposal will increase housing supply and diversity and provide opportunities for older people to continue living in their community, close to family, friends, services and established health and support networks, in accordance with the Greater Sydney Region Plan and North District Plan. In this regard, we note that the North District Plan states: *“More diverse housing types and medium density housing, as well as the design of walkable neighbourhoods, will create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people’s wellbeing.”* The proposal provides for additional seniors housing in a site that is demonstrably suitable for this form of development given its proximity to the Northern Beaches Hospital, transport and other services.

On the basis of the above, the proposed modification of the approved development will continue to contribute to the provision of employment opportunities and other economic benefits and the co-location of health services, seniors housing, public transport, and services. Furthermore, it does not give rise to any impacts or issues that were not previously addressed in the approval REV2019/014.

Traffic and Transport

A revised Traffic and Parking Assessment Report (TPA) has been prepared by Varga Traffic Planning (Appendix 3).

In relation to traffic generation, the projected change in peak hour traffic generation potential of IN and Out traffic combined is outlined in Table 4 below.

Projected change in peak hour traffic generation potential (Lot 2)		
	AM	PM
Approved	49 vph	59 vph
Proposed	39 vph	50 vph
Net change	-10vph	-9vph

Table 5: Projected net change in peak hour traffic generation potential (source: Varga)

As shown above, the proposed modification will result in an overall reduction in the traffic generation potential of the site by 10 vehicles per hour in AM peak period and 9 vehicles per hour in PM peak periods when compared to the approval.

The TPA concludes that:

“... the s4.55 scheme which involves converting a portion of approved commercial space into residential space will not result in any unacceptable traffic implications in terms of road network capacity and no further road improvements or intersection upgrades will be required as a consequence of the proposed development.”

In relation to parking, the TPA notes that the amended scheme makes provision for a total of 124 off-street car parking spaces, comprising 72 seniors living spaces, 11 visitor spaces and 41 commercial spaces, which satisfy the relevant provisions of Warringah DCP 2011 and the Seniors SEPP.

In addition:

- the 3 previously approved short-term at-grade spaces, including a drop-off space, are to be retained
- The geometric design layout of the proposed Lot 2 car parking facilities is consistent with the DA approved scheme which has been designed to comply with the relevant requirements specified in the Standards Australia publication Parking Facilities Part 1 - Off-Street Car Parking AS2890.1 and Parking Facilities Part 6 - Off-Street Parking for People with Disabilities AS2890.6 in respect of parking bay dimensions, ramp gradients and aisle widths.
- The proposed seniors living parking area comprises a mix of 2.4m wide spaces and 3.2m wide spaces, whilst 5% of the total requirement is also capable of being widened to 3.8m.

On the basis of the above, the TPA concludes that:

the proposed s4.55 scheme involving the conversion of a portion of commercial space into residential space will not have any unacceptable implications in terms of road network capacity or off-street parking/loading/access requirements.

Built Form

The proposed modifications do not change the built form of the approved development in terms of height, bulk, scale or footprint. The amended proposal maintains a maximum height of 6 storeys as well as the setbacks of the approved development. This will ensure that the landscaped areas, including deep soil, will remain as approved.

Notwithstanding minor façade amendments (discussed below), the development will not materially change in appearance when viewed from the surrounding locality.

A Design Verification Statement (Appendix 7) has been prepared which confirms that the proposed modifications do not diminish or detract from the design quality, or compromise the design intent of the development.

Figures 6 and 7 show the approved and proposed building when viewed from Skyline Place. The modification presents minor changes to the façade of the building with a reduction in windows, whilst maintaining high quality articulation.



Figure 6: Approved Building - looking west from Skyline Place (Source: NBC)



Figure 7: Proposed building - looking west from Skyline Place (Source: PA Studio)

The proposed modification includes a north-south through-site link at ground level which provides further articulation to the building's northern along Frenchs Forest Road (Figure 8 and 9). This minor amendment contributes further to the delineation of the building as two distinct and separate building forms when viewed from Frenchs Forest Road.



Figure 8: Approved building - looking south from Frenchs Forest Road (Source: NBC)



Figure 9: Proposed building - looking south from Frenchs Forest Road (Source: PA Studio)

8.5.3.1 Façade refinements

The proposed minor façade amendments are shown on the plans at Appendix 2 and include:

- New awnings on northern and southern facades (Levels 5 and 6)
- Additional solar hoods above apartment windows
- Removal of some windows along the eastern and southern elevations on level 1 and 2 resulting from the replacement of commercial floor space with seniors living apartments
- The replacement of large window panels with cladding and smaller windows on the north and south elevations to service the proposed additional residential apartments, as shown in Figures 10 and 11 below
- Minor façade changes and further articulation along the northern, eastern and southern elevation of the building



Figure 10: Approved southern elevation (Source: NBC)



Figure 11: Proposed southern elevation (Source: PA Studio)

These proposed façade refinements will continue to present a highly articulated form that will, on balance, improve the external appearance of the building viewed from Skyline Place and Frenchs Forest Road. The proposed minor amendments to the facades will ensure that the articulation of the building remains in line with the Panel's reasons for approval. A variety of materials and finishes will continue to be used to create visual interest and minimise any large blocks and walls along the front façade. These are detailed in the revised plans

prepared by PA Studio in Appendix 2. The development will also continue to utilise generous plantings and canopy trees to reduce any perceived visual bulk of the building. The modification does not present any additional impacts or issues that were not relevant to the DA as originally submitted and will continue to positively contribute to the surrounding locality.

Other Issues

The modifications do not alter the conclusion of the assessment of the following issues undertaken through the approval of the DA:

- **Noise:** An Acoustic Report submitted with the original SEE found that construction noise levels will be within the acceptable limits nominated in the Interim Construction Noise Guideline. will continue to present an acceptable level of noise in line with the original approval. It also concluded that operational noise impacts, including impacts on proposed units from surrounding uses, impacts on proposed units from traffic noise, and impacts on nearby sensitive receivers, could all be satisfactorily addressed at detailed design stage. The minor nature of the proposed modifications do not alter the conclusions of this assessment. Relevant conditions of consent will continue to apply.
- **Waste:** The modification will not require any changes to the detailed waste collection measures in the Waste Management Plan submitted with the original DA. The 7 additional seniors living apartments will not place an unacceptable demand on approved waste management procedures and collection. Relevant conditions of consent will continue to apply.
- **Contamination:** Given the minor nature of the proposed modifications, they do not alter the SNPP's determination that the amended development application is consistent with the provisions of SEPP 55. Relevant conditions of consent will continue to apply.
- **Infrastructure and servicing:** a number of conditions of consent were imposed in relation to infrastructure and servicing, including protection of Council-owned infrastructure, stormwater management, and Sydney Water Compliance Certificate. The proposed modifications do not necessitate amendments to these conditions or any additional conditions of this nature.

6.2.6 Section 4.15(1)(c) Suitability of the site for the development

The proposed modifications are minor in nature and result in substantially the same development as approved and, accordingly, the site remains suitable for the proposed development for the reasons outlined in the original SEE and Section 8.2 Review Report. In summary:

- the site remains suitable for seniors housing given its proximity to the Northern Beaches Hospital and new town centre;
- the proposal maintains the approved building form and the overall appearance (including articulated facades) that formed the basis of the Panel's reasons for approval;
- the proposal will contribute to a vibrant new neighbourhood, including the provision of a mix of uses, buildings and public domain
- the proposal will contribute to the French's Forest Health and Education Precinct's economic growth, housing targets and housing diversity;
- the site is capable of being developed in a manner that will minimise impacts to the environmental qualities of the site and neighbouring sites.
- the site is well served by public transport and is in close proximity to existing health facilities, public open spaces and recreational facilities, and retail and other services.

- there are no natural, physical or cultural constraints on the site or in the surrounding locality that preclude the proposed development.

6.2.7 Section 4.15(1)(e) The public interest

The proposed modifications are minor in nature and result in substantially the same development as approved and, accordingly, the development remains in the public interest for the reasons outlined in the original SEE and Section 8.2 Review Report. In summary:

The provision of seniors housing in the Precinct will result in significant public benefits including:

- increased housing supply and diversity for seniors in a site well located relative to transport
- services, health facilities and other essential services
- increased employment generating uses through the provision of commercial uses
- a positive contribution to the built form character of the locality through high quality architectural design, new landscaped areas and improved streetscape of Frenchs Forest and Skyline Place

7 Conclusion

The proposed modifications to the approved seniors living and mixed use development at Skyline Place, Frenchs Forest (REV2019/014) have resulted from ongoing discussions between the Applicant and potential operators of the seniors living development and are aimed at improving the operational efficiency of the development.

The proposed modifications generally relate to the reconfiguration of the internal layout of the building at the Lower Ground Level, Ground Level, Level 1 and Level 2. They also entail minor amendments to the façade design (but no changes to overall height, bulk or scale of the approved development) and a minor reduction in the size of Lot 2 to allow for an easement along the western side to benefit Lot 1.

It is concluded that the proposed modification is in the public interest and warrants approval as it:

- is minor in nature and will result in substantially the same development as the development for which consent was originally granted
- does not result in any changes to the height, scale or footprint of the approved development
- is acceptable as the proposed works will not result in any adverse impacts on neighbouring properties
- will provide for a better design outcome and operational efficiencies for the future seniors living development on the site
- will not result in any significant environment impacts
- provides for greater housing diversity in terms of the mix of apartment sizes than the approved development
- will continue to provide for local employment opportunities

5 SKYLINE PLACE FRENCHS FOREST – 4.55 scheme FINAL 16.12.2019

	APPROVED	PROPOSED
Height	6 storeys	6 storeys
Site area		
Lot 1	7684m ²	7811m ²
Lot 2	4886m ²	4759m ²
Total GFA LOT 2	8991m ²	8269
FSR	1.84:1	1.73:1
No. of seniors units TOTAL	49	56
<i>1 bed - x2</i>	GFA 6211m ² (incl. common area)	GFA 6841m ² (incl. common area)
2 bedroom		24
2 bedroom + study		26
3 bedroom		4
Seniors common area	561	450
Commercial / cafe floorspace	2219m ²	1652m ²
Car parking spaces		
total	127	124
Seniors	62	72
commercial	55	41
Visitors	10	11
Landscaped area	34.6% landscaped area and 1,234m ² (25.3%) deep soil zone within proposed Lot 2 within front and side setbacks	No change

- 507m²

SEPP65	APPROVED	PROPOSED
No of seniors units	49	56
Solar access	94%	82%
South facing units	6%	16%
Cross ventilation	61%	55%
Seniors units/corridor	5	4-8



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 1

Original Development Consent
REV2019/014r

Provided by the Northern Beaches Council



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 2

Architectural Plans
Prepared by PA Studio



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 3

Traffic Report
Prepared by Varga Traffic Planning



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 4

Economic Multiplier Update
Prepared by HillPDA



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 5

Bushfire Advice
Prepared by ABPP



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 6

BASIX Letter

**Prepared by
Greenworld Architectural Drafting**



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Appendix 7

Design Verification Statement

Prepared by
George Revay Architect