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WILLOW TREE
PLANNING

49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015)

Prepared by Willowtree Planning Pty Ltd on behalf of Forest
Central Business Park Pty Ltd

Statement of Environmental Effects

Fit for Purpose Medical Centre



Statement of Environmental Effects

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Forest Central Business Park Pty Ltd, and is submitted to Northern Beaches Council to support a Development Application for proposed fit for purpose medical centre on land at 49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015).

The proposed development specifically entails the following:

- Construction and use of a fit for purpose medical centre comprising four levels of medical facilities and four basement levels of carparking;
- Signage; and
- Site landscaping.

The proposal is consistent with surrounding land uses in the locality and would facilitate the development and use of the site for health care services commensurate with other land within the Frenchs Forest locality. Accordingly, the proposal would facilitate the delivery of health care services in the Northern Beaches LGA.

The proposal is located on land that is zoned B7 Business Park and is within the Northern Beaches Local Government Area (LGA). As the Capital Investment Value is more than \$5 Million, the proposal would be determined by the Sydney North Planning Panel.

This SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The relevant planning instruments assessed include *Warringah Local Environmental Plan 2011* (WLEP2011) and Warringah Development Control Plan (WDCP2011).

This SEE describes the site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **Part A** Preliminary
- **Part B** Site Analysis
- **Part C** Proposed Development
- **Part D** Legislative and Policy Framework
- **Part E** Environmental Assessment
- **Part F** Conclusion

Based on the assessment undertaken, it is recommended that Council's favourable consideration to the approval of the Development Application be granted.

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PART B SITE ANALYSIS

2.1 SITE LOCATION & EXISTING CHARACTERISTICS

The site is identified as 49 Frenchs Forest Road East, Frenchs Forest, being legally described as Lot 7 DP1020015.

Existing attributes of the site are noted as follows:

- The site is situated within the Forest Central Business Park and affords an approximate area of 1,776m².
- The site exhibits a street frontage to Warringah Road to the south and the turning bay of the internal road to the north west.
- The site is currently undeveloped with vegetation identified in the south western corner of the site.
- Current vehicular access to the site is facilitated via the internal road off Frenchs Forest Road East.
- The Forest Central Business Park currently provides facilities for medical and commercial uses across the existing nine buildings within the business park.
- The site affords road linkages to Frenchs Forest Road East, Warringah Road, Wakehurst Parkway and Pittwater Road.
- The site is also serviced by an extensive transport network with bus routes along Frenchs Forest Road East, providing connectivity to the surrounding suburbs, Sydney CBD and the wider region.

Surrounding land uses in the immediate vicinity include:

- North – Forest Central Business Park and Frenchs Forest Road East;
- South – Warringah Road, commercial development and industrial development;
- East – Industrial development, Parkway Hotel and industrial development; and
- West – Industrial development.

The site and the surrounding context are shown in **Figures 1** and **2** below.

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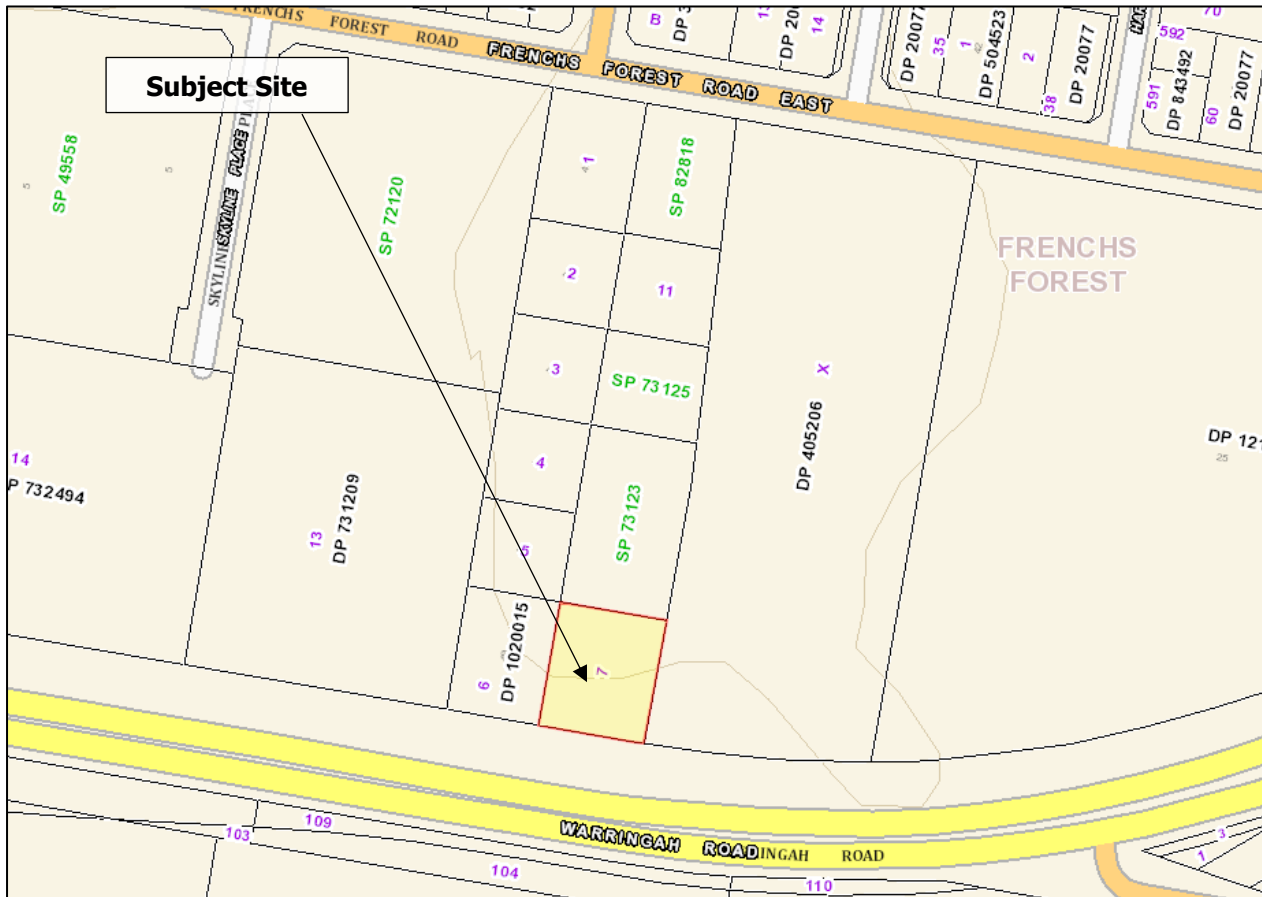


Figure 1 Cadastral Map (SIX Maps 2019)



Figure 2 Aerial Map (Nearmap 2019)

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2.2 PRE-DA MEETING

A Pre-DA Meeting (Application No.: PLM2019/0070) was held with Northern Beaches Council on 2 May 2019 to discuss the proposed fit for purpose medical centre. Consideration of the proposal against the relevant provisions of WLEP2011 and WDCP2011 was discussed in the Pre-DA Meeting. The key matters raised in the Pre-DA Meeting are addressed throughout this SEE as well as the DCP Compliance Table provided in **Appendix 11**. A copy of the Pre-DA Meeting Minutes is attached at **Appendix 1**.

Table 1 below presents the documentation that has been prepared in accordance with the Pre-DA Notes.

Table 1 DA Documentation	
Required Documentation	Comments
All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000	All documentation for this DA has been prepared in accordance with Schedule 1 of the EP&A Regulation.
All information as required on the Development Application form checklist	All documentation for this DA has been prepared in accordance with the DA form checklist.
Site Analysis	A Site Analysis Plan is provided within the Architectural Plans at Appendix 2 .
Site Survey (prepared by a registered Surveyor)	A Site Survey is provided within the Architectural Plans.
Statement of Environmental Effects addressing: <ul style="list-style-type: none">▪ Section 4.15 of EPA Act,▪ all relevant sections of WLEP 2011, including demonstrating consistency with the B7 Business Park zone and the compliance with the Height of Buildings Development Standard.▪ All relevant sections of WDCP 2011;▪ other relevant Environmental Planning Instruments.	This SEE has addressed all relevant provisions of Section 4.15 of the EP&A Act, WLEP2011, WDCP2011 and other relevant environmental planning instruments.
Architectural plans including 4 cross sections and driveway profile to the kerb	The Architectural Plans are provided at Appendix 2 . The Sections and the design of the driveway are provided within the Architectural Plans.
Geo-technical report with Site Contamination Assessment (SEPP 55)	A Geotechnical Report (Appendix 5) and a Stage 2 Environmental Site Assessment (Appendix 4) have been prepared by JK Environments.
Accessibility and preliminary BCA assessment	A BCA Report is provided at Appendix 9 .
Acoustic report (including construction / excavation management considerations)	An Acoustic Report has been prepared by Wilkson Murray Pty Limited and is provided at Appendix 6 . The findings of the acoustic assessment are addressed in Section 5.4 of this SEE.
Traffic and Parking Report	A Traffic Report is provided at Appendix 7 . The findings of the Traffic Report are presented at Section 5.2 of this SEE.
Shadow diagrams (9am, midday ,3pm only)	Shadow diagrams are provided within the Architectural Plans.
Landscape Plan showing the layout of the landscaping within the site	A set of Landscape Plans are provided at Appendix 10 .
Waste Management Plan	A Construction and Ongoing Waste Management Plan has been prepared and is provided at Appendix 8 .
Stormwater Management Plan / Drainage Diagram as required	A set of Civil Drawings and a Stormwater/OSD Report are provided at Appendix 3 .

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Erosion and Sedimentation Plan	The Erosion and Sediment Control Plan is provided within the Civil Drawings.
Colour and Materials Schedule	A schedule of materials and finishes are provided within the Architectural Plans.
Signage Plan or details to be included in DA plans	Details of the proposed signage are provided within the Architectural Plans.
Owners consent (all owners)	Owners consent is provided within the DA form.
Cost Summary Report (Note: S94A Contribution rates) This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.	The Cost Summary Report is provided at Appendix 12 .

2.3 RESPONSE TO COUNCIL RESPONSES AND SUBMISSION

Following the withdrawal of **DA2019/0988** in accordance with Council's request dated 8 November 2019, the supportive documentation was revised and updated with additional information to satisfy Council's referral responses. The updated reports and plans includes but not limited to stormwater detention tank investigations and surveys (**Appendices 15 and 16**), Stage 2 Environmental Site Assessment (**Appendix 4**), updated Traffic Report (**Appendix 7**) and the Operational Management Plan (**Appendix 14**), Construction and Ongoing Waste Management Plan (**Appendix 8**), Architectural Plans (**Appendix 2**) and other supporting documents.

A letter of objection dated 18 October 2019 relating to **DA2019/0988** was submitted by Holding Redlich to Northern Beaches Council. A response to the relevant matters of the letter is provided in **Table 2** below for further clarity.

Table 2 Response to submission by Holding Redlich	
Issues raised by Holding Redlich	Response
Ground 2: Operational discrepancies	
15. The documents lodged in support of the DA appear to provide conflicting information regarding the intended nature and operation of the Proposed Development.	This SEE and the associated consultant reports have been updated to address the matters raised in this submission letter and the withdrawal letter issued by Northern Beaches Council.
16. In particular, the Statement of Environmental Effects (SEE) states that the Proposed Development will accommodate between 86-98 patients per day at full capacity. However, the applicant's Assessment of Traffic and Parking Implications report prepared by TTPA (Traffic Report) relies upon 81-93 patients per day, only 8-9 patients per hour, and only 9 patients at any one time.	As demonstrated in the updated Traffic Report (Appendix 7) and Operational Management Plan (Appendix 14), the proposed fit for purpose medical centre would accommodate a maximum of 144-156 patients per day at operational capacity and a maximum of 23-24 patients per hour.
17. Similarly, discrepancies between anticipated staff numbers also appear when comparing the SEE which estimates 52 staff, with the GenesisCare Maui – Operational Management Plan (Operational Management Plan) which estimates 21 staff, and also the BCA Assessment Report prepared by McKenzie Group (BCA Report) which estimates 32 staff.	The proposed facility would accommodate a total of 37 staff at operational capacity. Further details of the number of staff is provided in the Traffic Report. The operating details of the proposed facility have also been updated in the Operational Management Plan and the BCA Report (Appendix 9).
18. At best, these discrepancies illustrate a lack of understanding and clarity with respect to the intended operation of the proposed facility. Of more concern however, is that the expected numbers will necessarily alter the anticipated impacts of the DA and therefore, the fact that the	The relevant consultant reports have been updated to eliminate all discrepancies and provide consistent information relating to the proposal.

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<p>relevant assessment reports have been prepared with varying numbers calls into question the ability to rely on these reports and the impacts assessed therein.</p>	
<p>19. It is essential that these numbers be clarified as a matter of urgency. Also, in the event that reports have been prepared on the basis of incorrect assumptions (such as the Traffic Report and BCA Report), then these reports must be revised so that the impacts can be correctly identified and fully considered, with all reports to be prepared based upon consistent staff and patient numbers.</p>	<p>As addressed previously, all consultant reports have been updated to provide consistent and accurate information.</p>
<p>20. We are also instructed that these proposed figures are likely a gross underestimation of the actual operational capacity of the Proposed Development. This is because the projected figures:</p> <p>(a) do not include the number of patients anticipated to utilise the 7 consulting rooms, which we estimate may equate to at least 4 patients per hour per room, being a total of over 200 patients per day;</p> <p>(b) fail to account for the number of family members, carers and visitors who may accompany patients while undertaking treatments or appointments at the facility (which given that the proposed use is for cancer treatment is arguably higher than might otherwise be the case if the use were as an ordinary medical centre); and</p> <p>(c) no explanation at all has been provided to justify the anticipated hourly/daily patient rates. We would suggest, at a minimum, some detail be put forward by the applicant justifying these figures, for example on the basis of current patronage of an existing similar development.</p>	<p>A breakdown of the expected number of staff and patients for each group and room are provided in the Traffic Report.</p> <p>Additionally, the following elements have been taken into consideration when estimating the number of patients:</p> <ul style="list-style-type: none"> - Treatment of patients is through booked appointments - Average treatment time for ROs is 15 minutes with the patient being on site for some 30 minutes - A maximum of 1 patient being treated in the bunker, 1 patient waiting and 1 patient preparing to leave - Some patients would come from the adjacent hospitals and arriving via ambulance/patient transport services, rideshares, taxis and being dropped-off. <p>It is also noted that the number of patients is dependent on the linear accelerator and treatment chairs rather than the number of consulting rooms.</p> <p>As such, the abovementioned elements are considered to adequately justify the expected number of patients for the proposed fit for purpose medical centre.</p>
<p>21. Also of note, the DA documents in our view, fail to clearly articulate the intended use of 2 overnight beds. This is because the SEE states that the facility would include 2 beds for "anaesthetic procedure and recovery", which suggests that its use is limited to day only procedures. However, later the SEE states that there will be anaesthetic procedures and patients staying "overnight for recovery and treatment". The Operational Management Plan does not mention these 2 beds at all. The inclusion of overnight beds requires a different licence under the Private Health Facilities Act 2007, higher BCA standards and a different staffing model, especially after hours. Therefore, clarity on whether consent is sought for overnight operations is critical to the</p>	<p>As demonstrated in this SEE, the proposed fit for purpose medical centre would not provide overnight treatment. Rather, the bed bays are required for all radiotherapy and oncology centres under the Australian Health Facility Guidelines.</p> <p>It is noted that a total of two bed bays are provided for patients requiring a higher level of acuity. The bed bays would be used after an adverse reaction to treatment requiring a period of monitoring before discharge, alternatively these bays would be to hold a patient until a patient transport or ambulance can be provided to take them to an appropriate inpatient facility. The proposed fit for purpose medical centre is not licensed by the Ministry of Health for overnight stays.</p>

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assessment of the impacts and suitability of the Proposed Development.	
22. The SEE states that the operating hours of the proposed facility are 7am to 7pm, 6 days a week. However, this is later contradicted by an acknowledge that "patients may be required to stay overnight for recovery and treatment". If this is the case, then the facility should more aptly be characterised as a 24-hour facility.	As addressed above, the patients would not be required to stay overnight and the operating hours would remain to be 7am to 7pm, Monday to Saturday.
23. In addition to this, contradictory hours of operations are also provided in the Operational Management Plan which instead proposes for the facility to operate from 7am to 7pm Monday to Friday, and that sometime "in the future" to extend these hours to 8am to 1pm on Saturdays. It does not mention at all the possibility of overnight stays.	The Operational Management Plan has been updated to demonstrate consistent operating hours.
24. It is therefore entirely unclear regarding the hours of operation of the proposed facility. It is also particularly unclear how and when "in the future" the applicant proposes to amend these hours and change the operation of the facility.	Where the hours of operation are to be amended, the changes would be subject to the approval of a separate Development Application or Section 4.55 Modification Application.
25. Clarification of the above is critical to being able to assess the impacts of the development on the surrounding industrial/commercial uses, as well as the nearby residential area.	In addition, as demonstrated in the Acoustic Report (Appendix 6), the proposal is compliant with the established noise criteria at the nearest residential and commercial receivers. The predicted level of traffic noise associated with the proposal is also acceptable and would not adversely impact on the acoustic amenity of the surrounding residences.
26. The Operational Management Plan states that "GenesisCare will be providing an integrated Cancer treatment centre".	Therefore, the proposed fit for purpose medical centre is deemed suitable for the site and is not anticipated to result in any adverse amenity impacts on the surrounding land uses.
27. We therefore assume that the Operational Management Plan provides the basis upon which GenesisCare will operate the facility in the event that the DA is approved.	As addressed previously, the Operational Management Plan has been updated to provide accurate and consistent operating details of the proposal.
28. This is concerning for various reasons, including that the document is significantly lacking in information about how the facility intends to operate. Also, as noted above, where information is provided it appears to be inconsistent with other documents lodged in support of the DA including the SEE, Traffic Report and BCA Report.	
29. Therefore, at a minimum, the Operational Management Plan must be revised so that it is consistent with the other documents and so that the proposed operation of the facility can be understood.	
30. Also, in the event that consent is granted to the DA, then we would ask that this Operational Management Plan be incorporated by reference into the consent by the consent authority. This will	

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<p>ensure that the development will be carried out in a matter that is consistent with the described use.</p>	
Ground 3: Insufficient patient car parking	
<p>31. The SEE states that the Proposed Development incorporates a total of 56 parking spaces, with 10 spaces reserved for use by patients and the remaining 46 spaces for use by staff.</p> <p>32. It also states that two spaces would be designated for disabled drivers, although of note it is unclear whether these two spaces are in addition to the 56 spaces allocated for patients and staff or whether these spaces are included in that total.</p>	<p>As demonstrated in the Traffic Report, the proposed 75 parking spaces include 44 spaces for patient use and 31 spaces for staff.</p> <p>The proposed 75 parking spaces are also inclusive of the two spaces for disabled drivers.</p>
<p>33. In order to demonstrate alleged compliance with minimum car parking requirements, the Traffic Report has referred to the car parking requirements for "health consulting rooms" under Appendix 1 of the WDCP. This control requires 3 spaces to be allocated per room used to see patients.</p> <p>34. However, in our view, this characterisation of the relevant controls is erroneous. This is firstly because the Proposed Development is not development for the purpose of "health consulting rooms", which is relevantly defined in the Dictionary to the WLEP as:</p> <p style="padding-left: 40px;">health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.</p> <p>35. This development is plainly not development which is proposed to be carried out within a</p>	<p>As addressed in the updated Traffic Report, given that the proposed fit for purpose medical centre would treat patients by appointment only, the proposal does not reflect the characteristics of a medical centre of the type assessed in the former RTA (now RMS) study, which established the DCP parking provision of 4 car spaces per 100m² Gross Floor Area (GFA).</p> <p>While the proposed operational requirement resembles a health care facility with the number of patients limited to the number of treatment rooms, a parking assessment based on WDCP2011 requirements is considered not appropriate of the nature of the proposal.</p> <p>The proposed facility is expected to treat up to 24 patients at any one time with a maximum of 37 staff present. In order to draw comparison with actual comparable types of development as addressed in the RMS Development Guidelines,</p>

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<p>dwelling or within the curtilage of a dwelling. Also, the Proposed Development is to be serviced by approximately 52 staff (according to the SEE), which is far in excess of the maximum limit of 3 staff specified in the definition of health consulting rooms.</p> <p>36. Rather, we are of the view that the Proposed Development is a "health services facility" as defined in the WLEP which comprises both a "medical centre" component and a "hospital" component. This much is admitted in the SEE which states that:</p> <p style="padding-left: 40px;">The proposed cancer treatment centre is identified as a 'medical centre' with a portion of the facility identified as 'hospital'.</p> <p>37. Accordingly, the Proposed Development should in fact be assessed against the car parking requirements for a medical centre and a hospital.</p> <p>38. In this regard, the WDCP provides that for the medical centre, 4 spaces should be allocated per 100m² of GFA, while for a hospital, comparisons should be drawn with developments for a similar purpose.</p> <p>39. Given that the Proposed Development has a GFA of 2,099m², it is required to allocate a minimum of 84 car spaces, based on the below calculation:</p> <p style="padding-left: 40px;">$2099 / 100 = 20.99$ $20.99 \times 4 = 83.96$</p> <p>40. Therefore, we are of the view that the Proposed Development is wholly inadequate in that it provides significantly less car parking spaces than required to meet the demands of a development which, at full capacity, will see and treat 98 patients with at least 52 staff members (assuming that these numbers are not an underestimation, as noted above).</p> <p>41. Alternatively, it is open to Council to calculate the appropriate car parking requirements by reference to the actual number of staff and patients and accompanying support persons and visitors on the site at any one time. However, if this approach is to be adopted, the DA would need to be very precise and accurate in its calculation of these figures.</p> <p>42. This is not the case with the current DA because, as noted above in relation to Ground 2, the DA (and the documents lodged in support of the DA) provide conflicting information regarding the proposed numbers of staff and patients and also fails to put forward a justification or</p>	<p>travel mode surveys have been undertaken by Transport and Traffic Planning Associates (TTPA) at a series of comparable oncology centres in the Sydney area.</p> <p>The following assumption/reference are also made:</p> <ul style="list-style-type: none">- Some parking spaces are required for the drivers after dropping off the patients and prior to picking them up.- The Australian Bureau Statistics (ABS) indicates that the Frenchs Forest – Belrose localities have a higher vehicle usage of 83% driver. <p>Based on the parking assessment, a minimum of 51 spaces are required for the proposed facility.</p> <p>Hence, the proposed provision of 75 car spaces with 44 spaces for patients and 31 spaces for staff would be more than adequate to accommodate the parking demand. It is noted that the patient car spaces include parking provision for the drivers (support persons and carers). The provision of additional parking would avoid any potential use of on- and off-street parking in the surrounding developments.</p> <p>As detailed above, the proposed parking provision was determined based on the results on the parking assessment including travel mode surveys and reasonable assumptions. Therefore, the projected figures are considered to be adequately justified.</p> <p>It is noted that the proposed parking provision is considered adequate and is not anticipated to result in any unacceptable impacts on surrounding land uses.</p> <p>The proposed parking provision would also result in surplus in parking spaces which would avoid the potential use of on- and off-street parking in the surrounding developments including the business</p>
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<p>explanation for these projected figures. We therefore question the accuracy of the figures proposed.</p> <p>43. In our view, this has the consequence that Council is simply unable, on the face of the documents before it, to satisfy itself that the Proposed Development will not lead to unacceptable impacts on surrounding land uses and that sufficient parking has been provided for a facility of this nature.</p> <p>44. Rather, we consider that the DA as currently formulated would necessarily result in impacts to surrounding developments in the Business Park as a result of increased congestion, as well as a likely increase in on-street parking in the surrounding residential area. These traffic impacts are further compounded by the fact that kerb-side parking is generally prohibited on both sides of Frenchs Forest Road.</p> <p>45. Also of note, the Proposed Development currently only seeks to allocate 10 of its 56 spaces to patients. Given the fact that the facility can accommodate at least between 86-98 patients at any one time, we are instructed that the split between patient/staff parking is highly inadequate. This is because this assumes that between 88% and 90% of patients will arrive to the facility by public transport, rather than by private vehicle.</p> <p>46. As no analysis or explanation has been put forward in the DA justifying this assumption, we are of the view that the applicant has failed to demonstrate how the Proposed Development is able to meet the needs of its clientele without resulting in adverse traffic impacts on the surrounding developments.</p>	<p>park and the existing/future 39 Frenchs Forest Road East site.</p> <p>In addition, the traffic generation associated with the proposal would be essentially limited to staff arrivals and departures, although not all staff would be present at the same time. The results of the assessment indicate that the traffic generation associated with the proposal is equivalent to some 1 vehicle every minute during the peak hours, which is considered minor in the context of the local and arterial road system.</p> <p>It is confirmed by TTPA in the Traffic Report that the traffic generation of the proposal would not present any adverse traffic implications and traffic-related environmental impacts.</p>
<p>47. Furthermore, the Proposed Development fails to allocate any car spaces to accompanying support persons, carers and visitor parking. Noting that the proposed use is for cancer treatment, it is unclear why this would be the case. A failure to make adequate provision for these visitors will also further compound the traffic impacts associated with the development, both on the immediate industrial/commercial developments in the Business Park, but also the nearby residential area.</p> <p>48. Also, the DA documentation does not appear to make separate provision for parking for the daily pathology company pick up of specimens and for any other delivery/service vehicles. Rather, it appears that the intention is for vehicles to pull up or park in the "pick up/loading zone" in front of the entry lobby to the building. We consider this to be</p>	<p>As stated previously, the provision of 44 car spaces for patient use has been designed to include parking provision for drivers (support persons and carers).</p> <p>A dedicated delivery area would be provided on the ground level to allow delivery vehicles to park off the road to avoid disruption to traffic. Further details regarding servicing are provided in the Traffic Report.</p> <p>Given that the proposed fit for purpose medical centre would treat patients by appointment only, the proposal is not considered to involve significant patient movements during peak hours. The traffic generated by the development is anticipated to be essentially limited to staff arrivals and departures during the morning and afternoon peak periods.</p>

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unsatisfactory for various reasons including that it would result in the main pedestrian entrance being obscured for an unknown period of time, but also because it will likely result in vehicles idling in the roundabout. This has significant ramifications on the traffic flow entering and leaving the premises as the roundabout services both the pick-up/loading zone and the basement car park.

49. It is also important to acknowledge that the developments in and around the Business Park will continue to grow in the coming years, including as a result of the development on land adjoining the Site for the purpose of modifications to the hotel and the construction of a new Dan Murphy's. We are also instructed that GenesisCare is intending to relocate cancer services from another building in the Business Park to the proposed facility, leading to other additional uses in the vacated space. Given this, we consider that if the DA is approved based on the current design, the traffic impacts discussed above will become increasingly problematic as the Proposed Development will be burdening an already densely developed area. It is therefore critical that the consent authority can be satisfied that the DA will not result in unacceptable traffic impacts. Based on the current information submitted with the DA, we consider that the consent authority simply cannot form this view.

Hence, the proposal would not result in unacceptable traffic impacts on the site and the surrounding area.

Rather, the proposed fit for purpose medical centre would make use of an underutilised site for the development of a health care facility providing cancer treatment services and employment opportunities, which is consistent with the objectives of the B7 Business Park zone under the *Warringah Local Environmental Plan 2011* (WLEP2011).

Ground 4: Excessive earthworks

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50. The Proposed Development currently involves the construction of a 3 storey basement car park. This equates to an anticipated excavation depth of between 9m to 11m below existing surface levels.

51. Accordingly, the DA is required to be assessed against the requirements of cl 6.2 of the WLEP which aims to ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

52. It must also be assessed against Part C7 of the WDCP which establishes various objectives and controls relating to excavation and landfill, including that excavation and landfill works must not result in any adverse impact on adjoining land.

53. The DA responds to this requirement by stating that the development will be constructed in accordance with the recommendations suggested in the Geotechnical Investigation Report prepared by JK Geotechnics (Geotech Report).

54. Unsurprisingly, the Geotech Report identifies that the primary geotechnical issue concerning the Proposed Development is maintaining the stability of the excavation sides and nearby structures during excavation works.

55. The risks here are exacerbated by the fact that the land is mostly comprised of sandstone of a very low to low strength. Accordingly, it is not strong enough to be cut vertically and requires the installation of a full depth shoring system. Of note, the implementation of this shoring system will likely require approval from neighbouring landowners as anchors may need to be installed below their property.

56. Further, the Geotech Report identifies that given the close proximity of the site to adjoining structures, the use of hydraulic rock hammers throughout the excavation process may also lead to additional risks associated with the transmission of vibrations. Given this risk, it recommends the installation of vibration monitors on adjoining structures with real time warning systems to alert construction workers as to vibration impacts on neighbouring properties.

57. In our view, these findings and recommendations noted in the Geotech Report do not demonstrate how the earthworks will not have a detrimental impact on neighbouring uses, as required by cl 6.2 of the WLEP and Part C7 of the WDCP. Rather, it highlights the potentially severe

The proposed fit for purpose medical centre comprises a building with four above ground levels over three levels of basement parking. While the proposed basement carpark on 'Basement 4' would be situated at RL146.95, excavation to depths ranging from about 12m to 14m below existing surface levels would be required.

As part of the updated Geotechnical Report (**Appendix 5**), a geotechnical stability risk assessment has been undertaken. The results of the assessment indicate that there is no evidence of previous instability during the inspection. It is inconceivable that a landslide could occur under existing conditions. In addition, the excavation is proposed to be supported by an engineered designed shoring system. Provided the walls are constructed to the engineered design, the failure of the walls is not expected to occur.

The risk analysis of the potential landslide hazards also indicates that the assessed risk to property varies between 'Very Low' and 'Low', which would be considered 'acceptable' in accordance with the criteria in the *Practice Note Guidelines for Landslide Risk Management*.

Based on the results of the risk analysis, it is considered that the proposal can achieve the 'Acceptable Risk Management' provided the recommendations in the Geotechnical Report are adopted. While the Soil Retention and Excavation Strategy (**Appendix 16**) has also been prepared by Taylor Thomson Whitting (TTW), the Strategy is considered to be consistent with the findings and recommendations of the Geotechnical Report.

Further to the above, compliance with Clause 6.2 Earthworks and Clause 6.4 Development on sloping land of WLEP2011, and Part C7 Excavation and Landfill of WDCP2011 are demonstrated in Section 4.6 this SEE and the DCP Compliance Table at **Appendix 11** respectively.

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risks posed to neighbouring properties as a direct result of the excavation works for the Proposed Development.

58. These risks are exacerbated by the fact that the degree of excavation proposed is very significant, especially when compared with the adjoining buildings.

59. These risks and potential impacts also need to be considered in the context of the surrounding land uses. In particular, many of the existing tenants of the Business Park, including our client, operate medical and health services with sensitive diagnostic and treatment equipment with practices which are open to members of the public. This increases the severity of any potential geotechnical impacts and disturbance experienced as a direct result of the excavation works proposed.

60. Given these risks, we consider that the applicant has not sufficiently demonstrated how the Proposed Development is consistent with cl 6.2 of the WLEP and Part C7 of the WDCP, particularly given the potential detrimental impact on neighbouring properties.

61. Additionally, we note that the Site is also identified on the Landslip Risk Map and accordingly, is subject to cl 6.4 of the WLEP. While the SEE states that the Geotech Report has been prepared "in accordance with the requirements of this clause", we cannot see any express reference to landslip risk or cl 6.4 in the report. As such, we cannot see how the Geotech Report supports compliance with these provisions.

62. On this basis, we conclude that further information needs to be provided by the applicant in relation to how the DA satisfies the requirements of cl 6.4 of the WLEP relating the landslip risk.

Ground 5: Inadequate waste management

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<p>63. An Operational Management Plan prepared by GenesisCare has been lodged in support of the DA.</p> <p>64. Part 5 of this Operational Management Plan states that the following waste management procedures will apply to the Proposed Development:</p> <ul style="list-style-type: none">(a) a bin/waste disposal room will be constructed on the ground floor (Ground Floor Bin Storage Area);(b) general waste, recyclable waste and clinic waste will be stored in a dirty utility room on each floor;(c) waste from each floor will be transported to the Ground Floor Bin Storage Area once daily;and(d) the Ground Floor Bin Storage Area will be emptied twice weekly. <p>65. The Traffic Report also provides that:</p> <ul style="list-style-type: none">(a) waste bins will be removed from the Ground Floor Bin Storage Area by a 6.4m private contractor's small rigid waste vehicle;(b) the collection of waste is to occur "outside of the peak hours"; and(c) a waste vehicle management plan is to be prepared to ensure the appropriate use and prevent overuse of the drop-off space in front of the Ground Floor Bin Storage Area. <p>66. In our view, it is clear that the procedures relating to waste management under the DA are wholly inadequate.</p> <p>67. This is because firstly, the Ground Floor Bin Storage Area is only 6m² and no analysis has been provided by the applicant to substantiate its claim that a room of this size is sufficient to meet the needs of a 4 storey building which is expected to generate general and recyclable waste, as well as clinical and cytotoxic waste which may require specialised storage. Accordingly, it is not possible to be satisfied that the Proposed Development has allocated sufficient space for the safe disposal of waste generated as a result of the proposed use of the Site.</p> <p>68. Further to this, the collection of waste from the Ground Floor Bin Storage Area requires a vehicle to drive onto and reverse across the pick-up/loading zone at the entrance to the medical facility. Despite this, no information has been provided as to when this is to occur, how long the vehicles will need to</p>	<p>A Construction and Ongoing Waste Management Plan have been updated and is provided at Appendix 8. Details of the waste management measures of the proposed facility are provided in the Operational Management Plan and Section 5.10 of this SEE.</p> <p>The proposed fit for purpose medical centre would comprise a series of waste streams including general waste, comingled waste, cytotoxic waste, clinical waste, secure paper, sharps containers and sanitary units. The method of handling of each waste stream is detailed within the WMP.</p> <p>The general waste and comingled bins would be serviced from the Delivery Store area three times a week.</p> <p>As demonstrated in the Traffic Report, the proposed access and manoeuvring arrangements are satisfactory as shown in the turning path assessment for a B85 and B99 car manoeuvres in the carpark as well as a 6.4m SRV and a 7.3m bariatric ambulance accessing the ambulance space.</p> <p>Waste bins would be removed from the ground level drop off area by up to 6.4m private contractor's small rigid waste vehicle (SRV), with the waste collection taking place outside the peak hours.</p> <p>A waste vehicle management plan would be implemented to appropriately manage service vehicle and trade vehicle activity to ensure that no more than one vehicle is using the drop off space at any one time.</p> <p>The building manager would prepare the bins for collection and coordinate with collection vehicle arrival so that the bins do not impeded vehicle access into the drop off space or service road.</p> <p>Other services related to deliveries, courier activity, maintenance etc. would only involve occasional small delivery vehicles (van, utes etc.), which can be reliant on the available off-street staff parking.</p>
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<p>remain parked there and how safety concerns are to be managed given these vehicle movements will obstruct the primary pedestrian thoroughfare.</p> <p>69. Similarly, a copy of the waste vehicle management plan discussed in the Traffic Report has not been exhibited with the DA. Therefore, there is no certainty that the development will utilise only small rigid waste vehicles in the collection of waste on Site. In the absence of this, we take the view that the applicant is required to provide further swept path analysis to show that vehicles of various sizes can safely enter the Site to collect waste without impacting upon pedestrian access.</p> <p>70. Also, for completeness we note that if the Ground Floor Bin Storage Area is to be serviced as described in the Traffic Report, then this information should be incorporated into the Operational Management Plan and/or any consent issued should be subject to conditions to this effect.</p>	
Ground 6: Completeness of DA Application Form	
<p>71. We note that the Council's DA form requires that the applicant state whether the applicant or "any person with a financial interest in this application made a political donation or gift (greater the \$1000) in the previous 2 years".</p> <p>72. We are instructed to request that Council seek confirmation from the applicant in this regard. For example, the Operational Management Plan states that the proposed facility will be operated by GenesisCare Pty Ltd who are listed as a major political donor for the FY 2018/2019 on the register maintained by the NSW Electoral Commission. We are further instructed that there may be other private health service providers who are involved in the planning of the facility and who will be operating businesses in the facility.</p>	<p>The DA form has been accurately completed in accordance with Section 10.4(4) of the EP&A Act.</p> <p>It is confirmed by Erilyan that the subject development application does not involve any persons who has made a political donation or gifts in the previous two years to any local councillor or employee of Northern Beaches Council.</p>

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PART C PROPOSED DEVELOPMENT

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This proposal seeks development consent for a fit for purpose medical centre to provide health care services and complement the medical uses in the locality, consistent with surrounding land uses within the Northern Beaches Local Government Area (LGA). The following objectives have been identified as forming the basis of the proposed development:

- Design the site to accommodate a health services facility thereby providing community benefit;
- Ensure minimal environmental and amenity impact;
- Support employment generating land uses; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as it enables development on land that has been zoned for a health service facility and related uses.

3.2 DESCRIPTION OF THE PROPOSAL

The proposal seeks development consent for construction and use of a contemporary four storey building that would accommodate a fit for purpose medical centre, specifically entailing the following:

- Demolition and minor tree removal;
- Earthworks and excavation;
- Construction of a fit for purpose medical centre comprising four levels of medical facilities and three basement levels of carparking;
- Signage; and
- Site landscaping.

The proposed medical centre would have an overall Gross Floor Area (GFA) of 1,976m² as shown in **Appendix 18**. The proposal would present a contemporary built form that has been designed to be compatible with the surrounding development and local context, whilst providing a valuable service supporting in the local community. The proposed fit for purpose medical centre would provide a cancer treatment centre with radiation oncology, medical oncology and support services for the management and treatment of cancer. Treatment at the facility would be available by appointment only. Additionally, the proposed fit for purpose medical centre is a day patient only facility and do not have the provisions to treat patients overnight. Any patients that require care that is not suitable to an ambulant care area will be referred to the appropriate inpatient hospital setting.

The particulars of the proposed development are summarised in **Table 3** below.

Table 3 Proposed Development Particulars	
Location	Development Particular
Basement 1 to 4	<ul style="list-style-type: none">▪ A total of 75 parking spaces including two disabled parking spaces<ul style="list-style-type: none">○ 44 car spaces for patient use○ 31 car spaces for staff
Ground level	<ul style="list-style-type: none">▪ Pick-up/loading zone▪ Ambulance bay▪ Consulting rooms, dispensary, waiting area, reception, lobby, delivery/store, bin storage area, switch room, shared office, workstations, staff room, meeting room and toilets▪ Substation▪ Landscaping and screen planting
Level 1	<ul style="list-style-type: none">▪ Bunker and bunker control room, CT room and CT control room, equipment store room, reception and waiting area, nurse/treat room, store bay, linen bay, mechanical plant and toilets

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Level 2	<ul style="list-style-type: none"> Patient bays, treatment room, nurse station, linen room, lounge, reception, waiting area, store room, bloody bays, pathology lab and toilets
Level 3	<ul style="list-style-type: none"> CT room and CT control room, support room, interview room, toilets, reception and waiting area, offices/support/patient bays, MRI, MRI equipment store room and MRI control room

The proposed site layout is illustrated in **Figure 3** below and the Architectural Plans in **Appendix 2**.

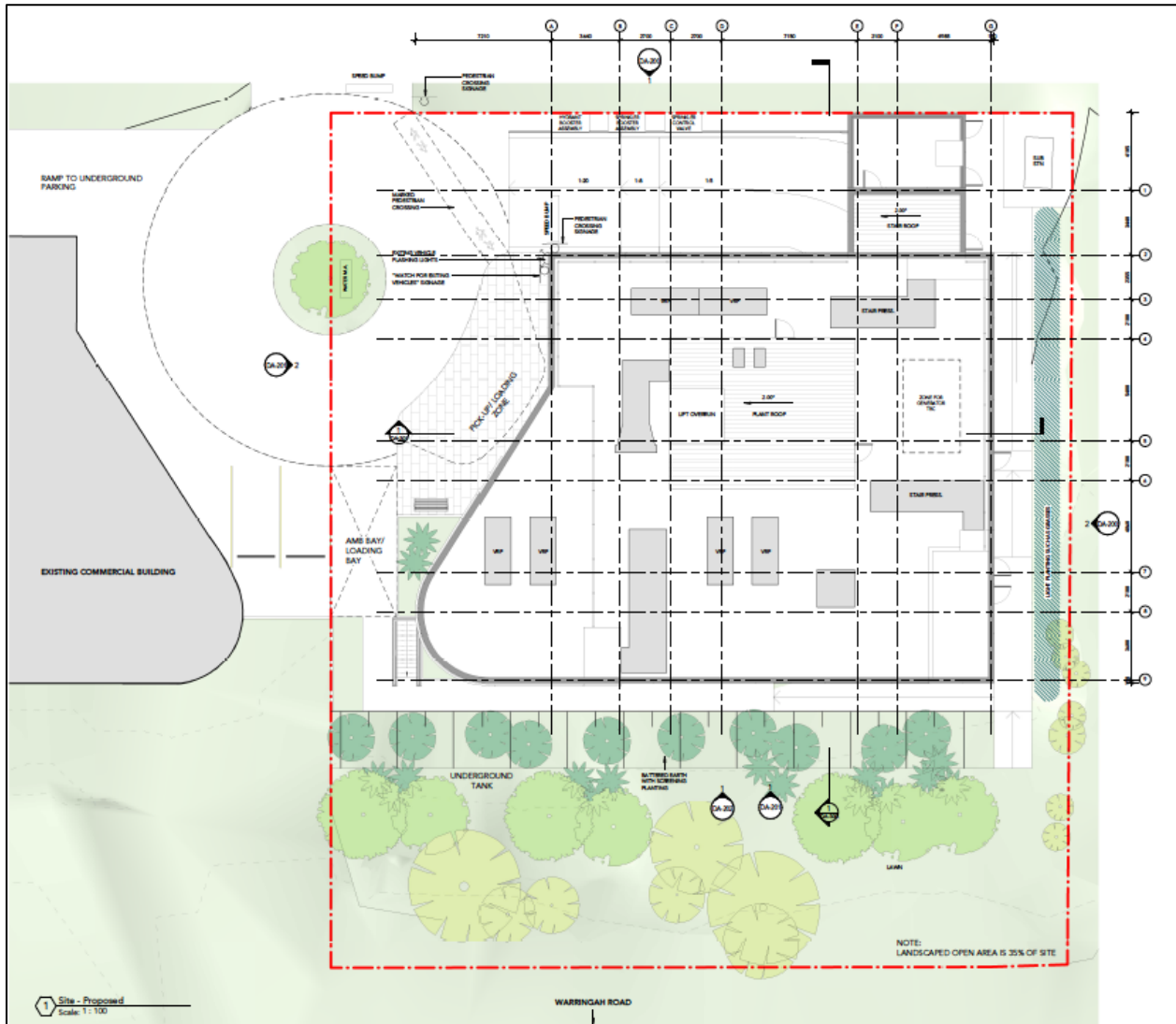


Figure 3 Proposed Site Layout (Team 2 Architects 2019)

The proposal also includes two business identification signs and one directional sign. Details of the proposed signage are provided in **Table 4** below.

Table 4 Proposed Signage						
Sign number	Description/type	Width	Height	Area	Illumination	Location
S-01	Business identification sign (Wall sign)	1.5m	0.46m	0.69m ²	Yes	Pedestrian entry point

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S-02	Business identification sign (Wall sign)	4m	1.225m	4.9m ²	Yes	Top left-hand corner of south elevation
S-03	Directional sign	0.6m	0.75m	0.45m ²	No	Located near the vehicular access point of building

3.3 OPERATIONAL DETAILS

In accordance with the above, consent is sought for a fit for purpose medical centre that would specialise in cancer treatment.

The proposed operating details are provided in **Table 5** below.

Table 5 Proposed Operational Details	
Operational Particular	Details
Hours of operation	<ul style="list-style-type: none">7am to 7pm, Monday to SaturdayClosed for public holidaysRare after-hours emergency treatments (estimated one per quarter) for radiology oncology emergencies (e.g. spinal cord compression)
Number of staff	37 staff at operational capacity
Number of patients	<ul style="list-style-type: none">A maximum of 144-156 patients per day at full capacityA maximum of 24 patients per hour

Further details of the proposed operational details are provided in the Operational Management Plan and Traffic Report at **Appendices 14** and **7**. The site does not immediately adjoin any residential land uses and therefore the proposed operation would not cause any adverse noise or amenity impact.

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PART D LEGISLATIVE AND POLICY FRAMEWORK

Section 4.15(1) of the EP&A Act sets out specific matters that Council is to take into consideration in the assessment and determination of development applications.

The following current and draft State, Regional and Local planning controls and policies have been considered in the preparation of this application:

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*

Local Planning Context

- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan 2011*

This planning framework is considered in detail in the following sections.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching governing statute for all development in NSW. The subject application is made pursuant to Section 4.10 which states:

(1) A person may, subject to the regulations, apply to a consent authority for consent to carry out development.

4.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

In accordance with Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as the proposal has a CIV of more than \$5 million, it is classified as Regionally Significant Development. Accordingly the proposal would be determined by the Sydney North Planning Panel.

4.3 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Stage 2 Environmental Site Assessment has been prepared by JK Environments to undertake a detailed assessment of the soil contamination conditions. The assessment has identified the following potential contamination sources/areas of environmental concern (AEC):

- Fill material;
- Historical agricultural use; and
- Hazardous building material.

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The Environmental Site Assessment included a walkover site inspection, soil sampling from seven test pits for in-situ soil assessment and sampling from eight stockpiles of fill and gravel material for screening purposes. The walkover site inspection confirmed that the site was being utilised as a storage yard and comprised several soil (fill) and gravel stockpiles. As noted in the Environmental Site Assessment, the Lessor Agreement provided by Erilyan indicates that the lessee is to remove all pavement material and a minimum of 300mm of earth below the top of grade from the site prior to the handover of the site.

A selection of soil samples was analysed for the contaminants of potential concern (CoPC) in the conceptual site model (CSM). Elevated concentrations of the CoPC were not encountered above the adopted SAC in any of the in-situ soil samples analysed for the assessment. While one stockpile sample reported an elevated total recoverable hydrocarbon (TRH F2) concentration above the ecological SAC, the ecological risks associated with this exceedance were assessed and were considered to be negligible.

Based on the findings of the assessment and with consideration of the conditions of the Lessor Agreement, it is considered that the site is suitable for the proposed development and that potential risks associated with contamination at the site are low and further investigation or remediation is not deemed required. Further details of the assessment are provided in the Environmental Site Assessment at **Appendix 4**.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) is applicable to the subject site and the proposal. Division 10 of SEPP Infrastructure stipulates that "health services facilities" are permissible in prescribed zones. The relevant provisions are outlined as follows:

57 Development permitted with consent

Part 3 Division 10 Clause 57(1) of the ISEPP states that "*development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone*". Pursuant to the *Standard Instrument – Principal Local Environmental Plan*, a health services facility is defined as follows:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

A 'medical centre' means:

premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

The proposed facility is identified as a 'medical centre'. It is noted that the proposed fit for purpose medical centre would primarily provide cancer treatment and therapy for out-patients by appointment only.

The proposal is consistent with the above definitions and thereby establishing permissibility. Furthermore, permissibility is confirmed as the zoning of the land is B7 Business Park, which is a prescribed zone under SEPP Infrastructure.

101 Development with frontage to classified road

Clause 101 of SEPP Infrastructure states that the *consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

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- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

While the site adjoins Warringah Road to the south, which is a classified road, it is noted that no access to and from Warringah Road would be provided. Vehicular access to the site would be provided via the internal access road off Frenchs Forest Road East. As the proposed health services facility would be adequately set back from Warringah Road, the proposal is not anticipated to be adversely affected by the traffic noise or emissions generated by vehicles on Warringah Road.

4.5 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

Any development application for proposed signage must give consideration to the provisions of SEPP 64 detailed in the assessment criteria table below. It would also be subject to the following legislation and should demonstrate compliance with WLEP2011 and WDCP2011.

Table 6 provided below outlines the SEPP 64 Schedule 1 Assessment criteria to which any development application for signage must give consideration.

Table 6 SEPP 64 Assessment	
Criteria	Assessment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and future character of the area as it seeks to improve the amenity of the existing premises.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	This proposal is consistent with the overall signage theme of the Forest Central Business Park and the wider locality.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposal providing new signage would enhance the amenity of the Forest Central Business Park and improve the visual quality in the immediate locality.</p> <p>The proposed signage is consistent with the existing signage within the business park and the Frenchs Forest locality. Therefore, the proposal would not result in adverse impacts on the surrounding development in the locality.</p>
3 Views and vistas	
Does the proposal obscure or compromise important views?	All proposed signs are either attached to the wall or located on ground level. Therefore the proposal would obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas, as no signs would protrude above the roof of the building.
Does the proposal respect the viewing rights of other advertisers?	The proposal respects the viewing rights of other advertisers.

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Table 6 SEPP 64 Assessment	
Criteria	Assessment
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage has been designed to be of appropriate scale, proportion and form. The proposal is compatible with the streetscape, setting and landscape of the site and surrounding area.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the business park, enhancing the streetscape and setting of the site.
Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	The proposal does not propose to create clutter and would enhance the visual amenity of the site.
Does the proposal screen unsightliness?	The proposed signage is not used as a visual screen and does not screen any unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings or tree canopies.
Does the proposal require ongoing vegetation management?	The proposal requires nil maintenance and does not require ongoing vegetation management.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is compatible with the scale of the proposed fit for purpose medical centre and seamlessly integrates with the site and other signage located within the surrounding area.
Does the proposal respect important features of the site or building, or both?	The proposal does not detract and respects the important features of the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The aesthetic design of the signage shows innovation and imagination.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage would display the logo, name and location of the business. The proposed wall signs would be illuminated.
7 Illumination	
Would illumination result in unacceptable glare?	The proposed wall signs with illumination would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed wall signs with illumination would not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	Given that the proposed fit for purpose medical centre is not located in proximity to any residential development, the proposed wall signs would not detract from the amenity of any residence.
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the proposed wall signs has been designed to be of appropriate intensity and is not anticipated to adversely affect the amenity of the site and its surrounding area.
Is the illumination subject to a curfew?	No curfew is proposed for the wall signs. As mentioned previously, given that the proposed wall sign has been architecturally designed, the illumination would not significantly affect the amenity of the site and its surroundings.
8 Safety	
Would the proposal reduce the safety for any public road?	The proposal does not reduce the safety of any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal does not reduce the safety for pedestrians or cyclists.

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Table 6 SEPP 64 Assessment	
Criteria	Assessment
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not reduce the safety for pedestrians or children by obscuring sightlines from public areas.

4.6 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The site is located within the North Beaches LGA and is subject to the provisions of WLEP2011. The relevant provisions are summarised in the subsequent sections of this SEE.

Zoning and permissibility

The site is zoned B7 Business Park under WLEP2011 (**Figure 4**). The objectives of the B7 Business Park zone are as follows:

- *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.*

The new premises would introduce new uses that are compatible with the area given the existing medical and commercial uses within the existing business park and the presence of the Northern Beaches Hospital nearby. The proposal would provide a new fit for purpose medical centre that would be specifically utilised as a cancer treatment facility which is considered to be an added community benefit to the LGA. The proposal would also foster employment-generating development through the provision of direct employment associated with the fit for purpose medical centre which encourages employment growth in the area.

The proposal has been designed to complement the bulk and scale of the surrounding buildings. Furthermore, the proposal is not considered to result in any significant undue impacts to the amenity of the adjacent office buildings. The site does not adjoin residential land.

Accordingly, the proposal is considered to be in accordance with the objectives of the B7 Business Park zone.

Within the B7 Business Park zone the following are permissible without consent:

Nil

Within the B7 Business Park zone the following are permissible with consent:

*Centre-based child care facilities; Garden centres; Hardware and building supplies; Light industries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; **Any other development not specified in item 2 or 4***

Within the B7 Business Park zone the following are prohibited:

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Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

As demonstrated in **Section 4.4** of this SEE, the proposal is classified as a 'medical centre', in which both uses fall under the definition of 'health services facility'. The proposal for a health services facility is permitted with consent under both WLEP2011 and SEPP Infrastructure.

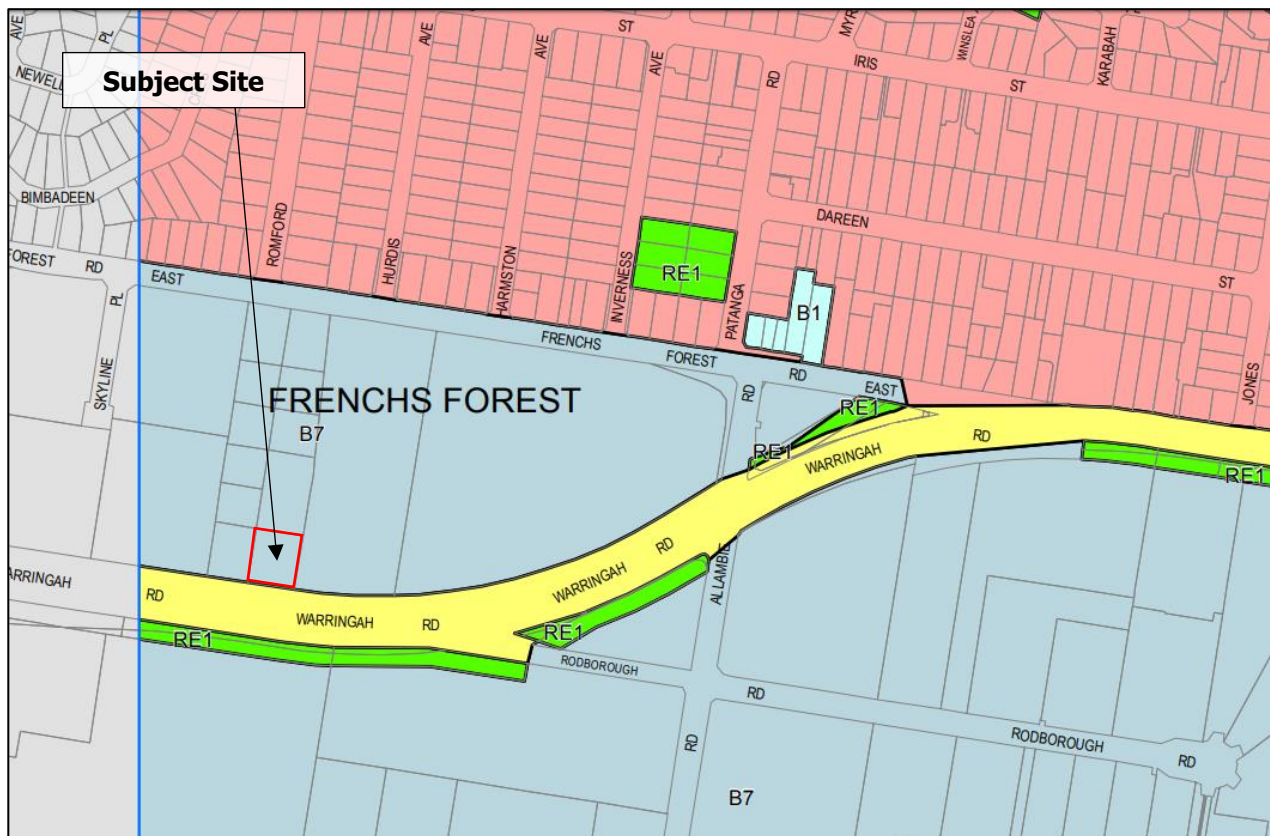


Figure 4 Land Zoning Map (NSW Legislation 2019)

Acid Sulfate Soils

The site is not subject to acid sulfate soils.

Coastline Hazard

The site is not located within an area designated as coastline hazard.

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Additional Permitted Uses

The site is not subject to additional permitted uses.

Lot Size

The site is subject to a 4,000m² minimum lot size pursuant to WLEP2011. No subdivision is proposed under this application therefore assessment against the minimum lot size requirement is not warranted.

Height of Buildings

The site is not subject to a maximum building height pursuant to WLEP2011. The proposal exhibits a building height of 21.95m. While the proposed fit for purpose medical centre exhibits a building height higher than the adjacent commercial building, the proposed building height has been designed to accommodate specialised medical services within the building.

Level 1 of the proposed fit for purpose medical centre contains a Linear Particle accelerator which requires radiation shielding in the form of concrete. A shielding design mix has been adopted to reduce the primary shielding to half of a traditional concrete approach. It is also noted that the base and roof of the bunker contribute to 2m of concrete and hence the floor to ceiling height of Level 1 has been extended to accommodate the bunker design.

The upper levels of the proposed facility have also been designed to accommodate imaging equipment which has seen a bulking in the structure and slab thickness to house these specialist services.

Floor Space Ratio

The site is not subject to a Floor Space Ratio (FSR) requirement under WLEP2011. Based on the proposed GFA of 1,976m², the proposal exhibits an FSR of approximately 1.11:1.

Key Sites

The site is not identified as a key site.

Heritage

The site is not a heritage item and it is not located within a conservation area.

Land Reservation Acquisition

The site is not subject to land reservation acquisition.

Flood Planning

The site is not identified as a Flood Planning Area under WLEP2011. Therefore further assessment in this regard is not required.

Earthworks

As addressed in the Geotechnical Report (**Appendix 5**), the following comments relating to the proposed earthworks are provided.

Provided the design and construction of the proposed development is carried out in accordance with the recommendations provided within this report we comment as follows in relation to clause 6.2:

- *We consider it unlikely that the proposed development will have a detrimental effect on the existing drainage and soils stability. Adequate drainage will need to be provided as part of the design.*

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- *We consider it unlikely that the proposed development will affect the future use or redevelopment of the land from a geotechnical perspective.*
- *The excavation will encounter fill, residual soils and weathered rock and is geotechnical feasible and the works will not adversely affect the quality of the material. The excavated material will need to be disposed of appropriately from site.*
- *We consider that the proposed development is unlikely to not adversely affect the adjoining properties provided engineer designed shoring system are properly constructed.*
- *We consider that the proposed development is unlikely to adversely affect the subsurface groundwater flow.*

Flood Planning

As demonstrated in the Flood Statement (**Appendix 17**), the site is above the flood planning level. Therefore, Clause 6.3 of WLEP2011 is not applicable to the proposal and hence further consideration is not required in this regard.

Landslip Risk

The site has been identified within 'Area A' on Council's Landslip Risk Map, therefore Clause 6.4 of the WLEP is relevant in this instance (see **Figure 5**). As the proposal includes excavation works, a Geotechnical Report has been prepared by JK Geotechnics in accordance with requirements of this clause. As addressed in the Geotechnical Report, a geotechnical slope stability risk assessment has been undertaken for the site and the proposed development. It is indicated the assessed risk to property varies between "Very Low" and "Low", which demonstrates that the landslide risk of the proposal is acceptable for both property and life. As such, the proposal is geotechnically feasible and is not anticipated to result in any adverse impacts on the stability of the development.

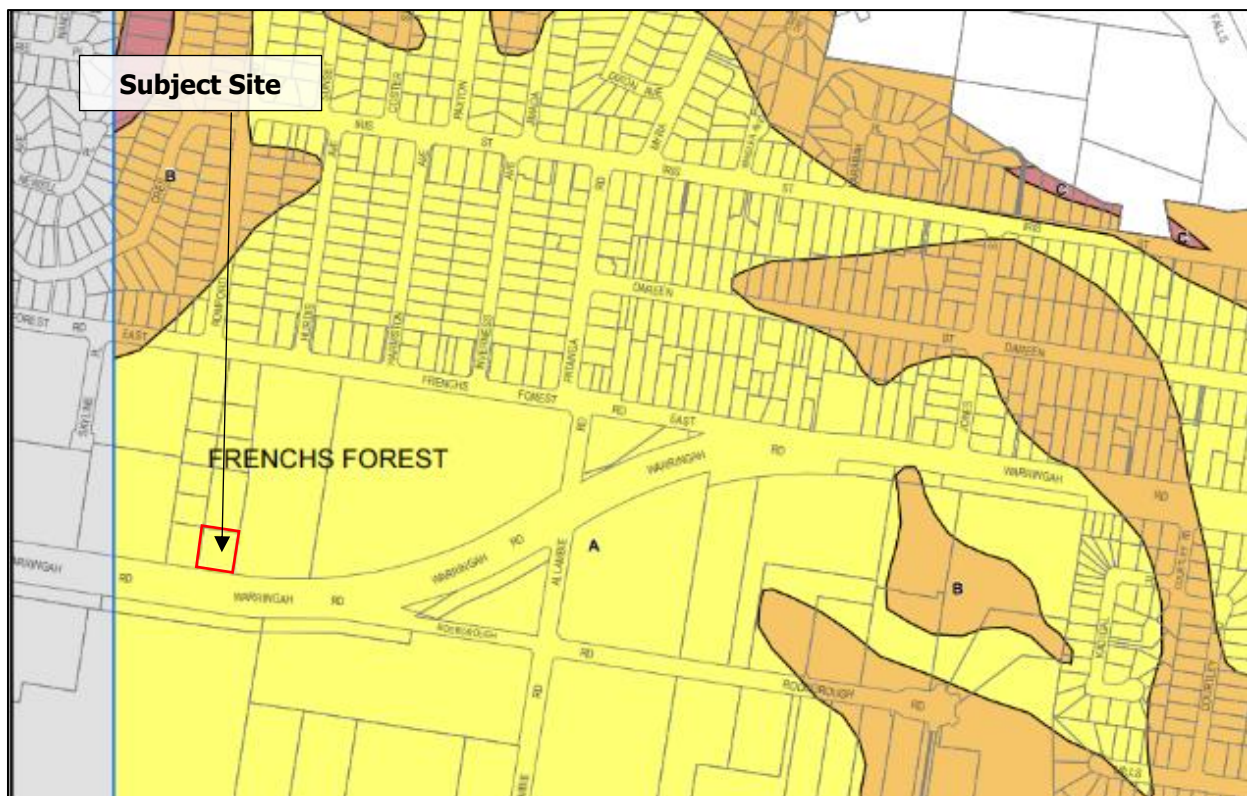


Figure 5 Landslip Risk Map (NSW Legislation 2019)

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Bushfire protection

As shown in **Figure 6**, the site is not identified as bushfire prone land. Therefore further assessment in this regard is not warranted.

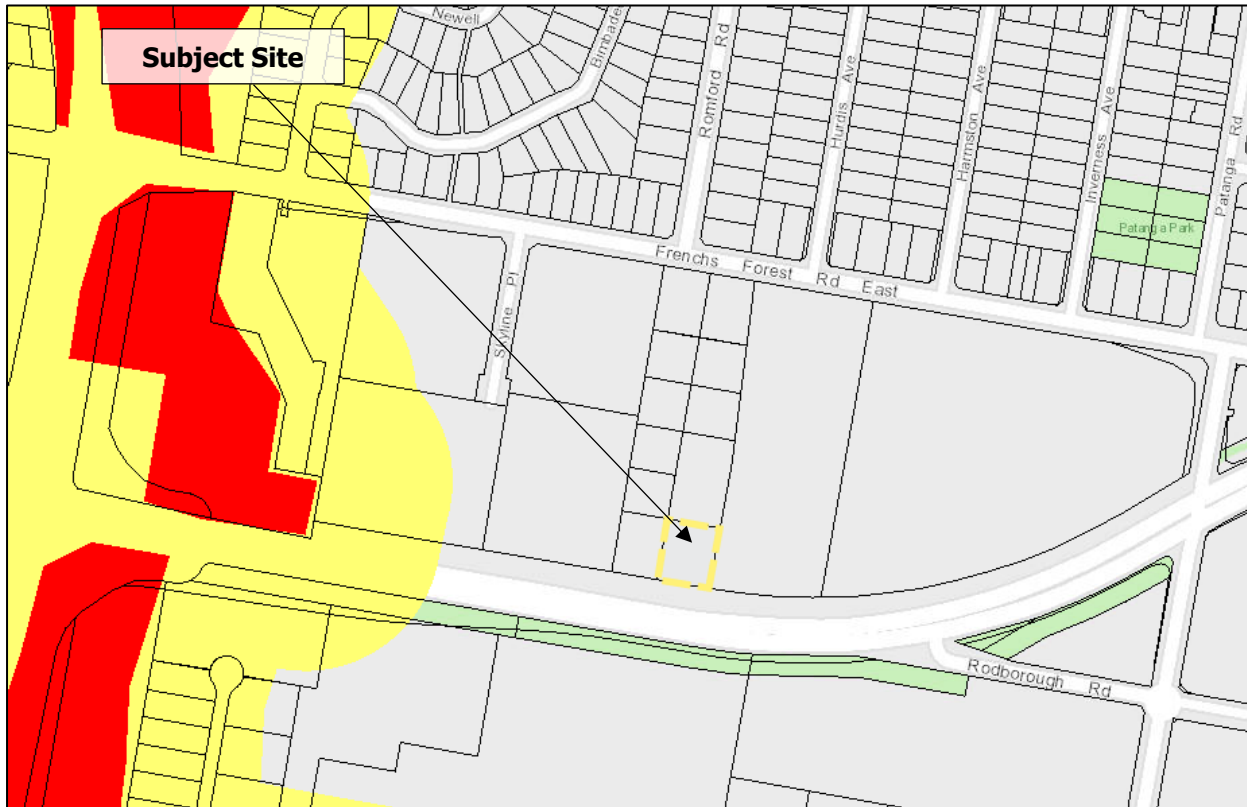


Figure 6 Bushfire Prone Land Map (NSW Legislation 2019)

4.7 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the proposed development.

4.8 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The WDCP2011 provides guidance for the design and operation of development within the Northern Beaches LGA to achieve the aims and objectives of WDCP2011.

An assessment of the proposal against the relevant sections of WDCP2011 is provided in the DCP Compliance Table in **Appendix 11**.

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PART E ENVIRONMENTAL ASSESSMENT

Pursuant to Section 4.15(1) of the EP&A Act, the following matters have been addressed.

5.1 CONTEXT & SETTING

The proposed development for a health services facility is consistent and complementary to the Forest Central Business Park. The proposal would enable the efficient and sustainable use of designated employment lands for employment-generating development and therefore, through the preservation of the business park and the provision of significant employment, the proposal would benefit the local and regional economies and populations.

The proposed development is compatible with surrounding land uses including established commercial and medical facilities. The site is not located in proximity of any residential development or other sensitive land uses and therefore would not exhibit any adverse amenity impacts.

The proposed site layout and building design would ensure the functional operation of the facility in accordance with the needs of the end user, whilst not impacting on any other operations. Similarly the site and built form have been designed in respect of planned road infrastructure.

The proposal would not exhibit any significant environmental impacts and would not adversely impact on the amenity or operations of any adjoining sites. Therefore, the proposal is considered compatible with the site context.

5.2 TRAFFIC & TRANSPORT

A Traffic Report has been prepared by Transport and Traffic Planning Associates (TTPA) to assess the traffic and parking implications of the proposal.

Car Parking

As addressed within the Traffic Report, travel mode surveys and reasonable assumptions were used to establish the parking requirement for the proposal. It is noted that the proposed fit for purpose medical centre would require a minimum of 51 car spaces.

A total of 75 parking spaces are proposed with the following breakdown:

- 44 car spaces for patient use
- 31 car spaces for staff

The provision of 40 parking spaces for patients includes the parking provision for drivers (support persons and carers). The total provision of 75 parking spaces also includes two spaces to be designated for disabled drivers in accordance with the BCA provisions. A separate ambulance/patient transport bay would also be provided on the ground level.

In relation to bicycle parking, a minimum of two bicycle spaces would be required for the proposal. The bicycle parking facilities would be located on ground level which can be accessed via Frenchs Forest Road East and the existing service road.

Traffic

Based on the results of the SIDRA assessment undertaken for the proposal, the projected traffic volume is equivalent to some 1 vehicle every minute during the peak hours, which is considered minor in the context of the local and arterial road system. The projected traffic generation is not considered to create unacceptable traffic congestion or conflict either at the vehicle access point or at adjacent intersections.

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Access, internal circulation and servicing

A 5.5m wide driveway and an access ramp is proposed to be provided to/from the existing service road within the Forest Central Business Park. The driveway would be located at the southern end of the service road at the north western site boundary. A roundabout is also proposed at the end of the service road to reduce the conflicts between traffic movements associated with buildings 9 and 10. The existing service road on Frenchs Forest Road East would be used and given that it has operated satisfactorily for over 10 years without any operational difficulties and was further improved with the signalisation in 2018.

The basement carpark would not be publicly accessible. Boom gates and swipe card/keypad system within a central island is proposed to be located at the ground level carpark driveway to ensure access by staff and patients of the centre only. Swipe cards would be provided to staff to activate the boom gate for access to the carpark. Carpark access for the patients would have to be pre-booked with an access code provided upon booking during the appointment. It is noted that the design of the access driveway and internal circulation arrangements have been designed in accordance with the relevant Australian Standards. Turning Path diagrams are provided within the Traffic Report.

Regarding pedestrian access, the proposed shared pedestrian/vehicle access through the existing right of way is consistent with the existing buildings in the business park which relied on the service road for access. A 1.1m wide pedestrian pathway is also proposed along the western frontage of the building between the service road and main entrance of the building. Appropriate line marking and signs would be provided to indicate pedestrian-priority access. Additionally, the Frenchs Forest Central Business Park are seeking to resolve existing roadway issues within the business park to support the safe passage of both vehicles and pedestrians throughout the business park. The Frenchs Forest Central Business Park intends to install protective railings along the existing footpath to ensure the safety for pedestrians and prevent the current illegal parking on the footpath and along the private road. Overall, the installation of the protective railings would provide a trafficable driveway for vehicles and a safe passage for pedestrians to access the proposed fit for purpose medical centre. Nevertheless, it is noted that the installation of the railings would be undertaken by the Frenchs Forest Central Business Park and does not constitute part of the subject application. Further details of the installation of railings in the business park are provided in **Appendix 20**.

Waste bins would be removed from the drop-off area on ground level by up to 6.4m private contractor's small rigid waste vehicle (SRV), with the waste collection taking place outside of the peak hours. Other servicing related to deliveries, courier activities and maintenance would only involve occasional small delivery vehicles (van, utes etc.), which can utilise the available off-street staff parking.

Based on the findings of the Traffic Report, it is confirmed that the proposal would not result in adverse impacts in relation to traffic, transport and parking.

Further details of the traffic assessment are illustrated within the Traffic Report at **Appendix 7**.

5.3 SOIL AND WATER

A Stormwater Report and a set of Civil Drawings have been prepared by Taylor Thomson Whitting (TTW) to identify the stormwater requirements of the proposal.

It is noted that the DRAINS stormwater model was used to determine that the existing 1.33ha draining to the On-Site Detention (OSD) requires 580m³ of storage based on the existing state of the greenfield site with a proposed 85% impervious site. As the site currently accommodates 823m³ of OSD volume, the current OSD system is considered adequate for the proposed fit for purpose medical centre.

The construction works are required to be carried out in accordance with the "Blue Book" erosion and sediment control requirements.

The stormwater quality would be controlled with a treatment train consisting of seven Ocean Protect (Stormwater360) stormfilters. The treatment train would remove 85.5% of Total Suspended Solids, 79% of Total Phosphorous, 51% of Total Nitrogen and 90% gross pollutants.

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Further details of the proposed stormwater design are provided within the Stormwater/OSD Report and Civil Drawings at **Appendix 3**.

5.4 NOISE AND VIBRATION

An Acoustic Report was previously prepared by Wilkinson Murray Pty Limited for the original DA submission **DA2019/0988**. Given that the building envelope of the subject proposal is unchanged, the findings of the Acoustic Report are deemed to remain valid for the subject submission. The Acoustic Report was undertaken to undertake an assessment of the noise and vibration associated with the proposal. The findings of the Acoustic Report have confirmed the following:

- *Site-specific noise emission criteria have been established for surrounding receivers.*
- *Traffic associated the development will not adversely impact on the acoustic amenity of surrounding residences.*
- *Commercial Areas Warringah Road with standard glazing will achieve acceptable internal noise levels consistent with Australian Standards.*
- *Noise from mechanical services it is unlikely to require any noise control measures.*
- *Therefore, no particular difficulty is foreseen in meeting the noise emission requirements from the development.*

Accordingly the proposal is supportable on the basis of acoustics. Further details of the acoustic assessment are provided within the Acoustic Report at **Appendix 6**.

5.5 HERITAGE

The site is not identified as a heritage item or heritage conservation area and is not located in proximity of any heritage items or areas.

5.6 SAFETY, SECURITY AND CRIME PREVENTION

The proposal under this application would not have an adverse impact on the Crime Prevention Through Environmental Design (CPTED) principles and provides the following features:

- Surveillance

Clear sightlines and sufficient lighting are provided between public and private places to ensure surveillance. Windows will also be arranged to be overlooking the public area, enabling passive surveillance.

- Territorial Reinforcement

The design of the proposal incorporates clear transitions and boundaries between public and private space. Clear signage and visual indicators would be used to indicate the purpose of the space. Blind corners or other external areas that have the potential for concealment and entrapment are minimised.

- Access Control

Physical barriers would be adopted to limit access to carparks or other rarely visited areas. Clear and visible signs would also direct users to target areas.

- Space Management

Strict ongoing maintenance and use of durable materials would create well-kept space that reduces the likelihood of crime occurring and provides a strong perception of safety.

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5.7 FLORA AND FAUNA

No unacceptable impacts on flora and fauna communities are to result from the proposal. While the site has been largely cleared, the removal of two trees is required to facilitate the proposed development.

The proposal would augment the vegetated character of the site through the introduction of high quality landscaping incorporating a complementary variety of trees, shrubs, grasses and groundcovers in appropriate locations across the site including within all setbacks and adjacent to all car parking areas. It is noted that the proposed landscaping design has been designed to be consistent with the existing landscape setting of the commercial and industrial development in the Frenchs Forest locality. The proposed landscaping design for the facility would enable planting and enhance the streetscape of the area. Details of the landscaping components are illustrated in the Landscape Plans at **Appendix 10**.

Additionally, it is addressed in the Landscape Letter (**Appendix 10**) that native matrix planting along the eastern boundary easement would be provided for the site. Screen planting comprising some endemic and recommended species from the Northern Beaches Hospital Connectivity and Network Enhancement Project would also be incorporated.

It is also noted that planting has been restricted to the southern area of the site due to an existing stormwater detention tank that is to be retained. Tree planting is also restricted to the eastern boundary easement due to existing electrical services easement.

5.8 BUILDING CODE OF AUSTRALIA

A BCA Report (**Appendix 9**) has been prepared by McKenzie Group to undertake an assessment of the proposal against the requirements of the Building Code of Australia (BCA). The proposed building would contain Class 5 Medical consulting areas and Class 9a health care areas. The assessment has identified items in relation to fire safety required to be assessed against the relevant performance requirements of the BCA. It is noted that submission for Construction Certificate would need to include verification from a suitably accredited fire engineer. Formal review of the proposed health services facility would be undertaken prior to the issue of Construction Certificate.

5.9 UTILITIES

All utility infrastructure is currently existing and is capable of servicing the future proposed development.

5.10 WASTE

A Construction and an Ongoing Waste Management Plan (WMP) has been prepared by Erilyan and Garbology for the proposed fit for purpose medical centre. The volumes of the demolition and construction waste materials are provided within the WMP. The demolition and construction waste materials would be recycled appropriately offsite by the relevant contractor. A dedicated bin/waste disposal room would be located on ground level for ease of access for waste collection. The location of the bin storage area has been identified within the Architectural Plans at **Appendix 2**.

The proposed fit for purpose medical centre would comprise a series of waste streams including general waste, comingled waste, cytotoxic waste, clinical waste, secure paper, sharps containers and sanitary units. The method of handling of each waste stream is detailed within the WMP.

The general waste and comingled bins would be serviced from the Delivery Store area three times a week. The time of collection would be in the early morning to minimise disruption. However it would not be before 7am wherever possible to minimise disturbance to residents. Cytotoxic and clinical bins would be serviced by small vehicles that would cause less disruption.

Further details of the proposed waste management measures are provided within the Construction and Ongoing Waste Management Plan at **Appendix 8**.

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5.11 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. Rather the proposed development provides a health services facility within the B7 Business Park zone which is commensurate with the intended development of the site and its surrounds.

5.12 SUITABILITY OF SITE FOR DEVELOPMENT

The site is located within an established industrial and commercial area and is zoned for B7 Business Park under WLEP2011. The proposed development would facilitate the use of the site for health services which is consistent with the zoning of the site and the surrounding context. The proximity of the site with other commercial and health uses as well as proximity to major arterial roads serves as being ideal for health care purposes.

Accordingly, the site is considered to be suitable for the development and is consistent with the aims and objectives of the B7 zone in that it seeks to facilitate future employment generating development that responds to the characteristics of the land and is compatible with surrounding land uses.

5.13 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT

The applicant is willing to address any submissions, should they be received by Council.

A submission letter from Holding Redlich dated 18 October 2019 relating to **DA2019/0988** was received by Northern Beaches Council. A response to the submission letter has been provided in Section 2.3 of this SEE.

5.14 THE PUBLIC INTEREST

The proposed development would have no adverse impact on the public interest.

Through the provision of employment generating development and health care services, the proposal would contribute to serve the emerging Northern Beaches LGA.

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PART F CONCLUSION

The proposed development for construction and use of a fit for purpose medical centre at 49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015) is permissible with consent pursuant to WLEP2011. The proposal would facilitate the development of the site in accordance with the objectives of the B7 Business Park zone.

This SEE provides an assessment of the proposal against the relevant environmental planning framework, including WLEP2011 and WDCP2011. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies. No significant adverse environmental, economic or social impacts have been identified as likely to arise from the proposed development. Rather, the proposal would provide for positive impacts, including providing a beneficial health care facility and facilitating the effective delivery of health care services in the Frenchs Forest locality and the wider region.

In overview, it is considered that the proposal warrants a positive assessment for the following compelling reasons:

- The proposal facilitates the future development of the site for health care uses through the provision of a fit for purpose medical centre.
- Further to the above, the proposal would result in significant economic benefit deriving from the provision of jobs during the works phases and through supporting longer term employment generation associated with health care services, which the proposal specifically seeks to enable.
- The proposed works are highly compatible with surrounding land uses within the locality and positively contribute to the commercial and industrial character of Frenchs Forest locality.
- The proposed fit for purpose medical centre is permitted with consent in the B7 Business Park zone pursuant to WLEP2011.
- The proposal is consistent with the provisions of WDCP2011.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the EP&A Act and have been satisfactorily addressed demonstrating the development is compatible with the surrounding environment.

Accordingly, it is recommended that Council support the proposal for a favourable determination.

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Appendix 1 Pre-DA Meeting Minutes

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49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015)

Appendix 2 Architectural Plans

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49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015)

Appendix 3 Stormwater/OSD Report and Civil Drawings

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Appendix 4 Stage 1 and 2 Environmental Site Assessment

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Appendix 5 Geotechnical Report

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Appendix 6 Acoustic Report

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Appendix 7 Traffic Report

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Appendix 8 Construction and Ongoing Waste Management Plan

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Appendix 9 BCA Report

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Appendix 10 Landscape Plans and Landscape Letter

Appendix 11 DCP Compliance Table

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Appendix 12 Cost Summary Report

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Appendix 13 Survey Plan

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Appendix 14 Operational Management Plan

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Appendix 15 Construction Management Plan

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Appendix 16 Soil Retention and Excavation Strategy

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Appendix 17 Flood Statement

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Appendix 18 GFA Calculation

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Appendix 19 Design Safety Report

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Appendix 20 Proposal for Pedestrian Bollard