

21 December 2018



Platino Properties
Suite 11 20 Young Street
NEUTRAL BAY NSW 2089

Dear Sir/Madam

Application Number: DA2018/0995

Address: Lot 1 SP 49558 , 1 / 5 Skyline Place, FRENCHS FOREST NSW 2086
Lot 2 SP 49558 , 2 / 5 Skyline Place, FRENCHS FOREST NSW 2086
Lot 3 SP 49558 , 3 / 5 Skyline Place, FRENCHS FOREST NSW 2086
Lot 4 SP 49558 , 4 / 5 Skyline Place, FRENCHS FOREST NSW 2086
Lot 5 SP 49558 , 5 / 5 Skyline Place, FRENCHS FOREST NSW 2086
Lot CP SP 49558 , 5 Skyline Place, FRENCHS FOREST NSW 2086

Proposed Development: Subdivision of land into 2 allotments, demolition of existing structures, and construction of a mixed use development containing 78 Seniors Housing units, and commercial space

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	DA2018/0995
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Platino Properties
Land to be developed (Address):	Lot 1 SP 49558 , 1 / 5 Skyline Place FRENCHS FOREST NSW 2086 Lot 2 SP 49558 , 2 / 5 Skyline Place FRENCHS FOREST NSW 2086 Lot 3 SP 49558 , 3 / 5 Skyline Place FRENCHS FOREST NSW 2086 Lot 4 SP 49558 , 4 / 5 Skyline Place FRENCHS FOREST NSW 2086 Lot 5 SP 49558 , 5 / 5 Skyline Place FRENCHS FOREST NSW 2086 Lot CP SP 49558 , 5 Skyline Place FRENCHS FOREST NSW 2086
Proposed Development:	Subdivision of land into 2 allotments, demolition of existing structures, and construction of a mixed use development containing 78 Seniors Housing units, and commercial space

DETERMINATION - REFUSED

Made on (Date)	18/12/2018
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Reasons for Refusal:

1. The proposed development is unsatisfactory in respect to Section 4.15 of the EPA Act, as the application is found to be inconsistent with the provisions of SEPP 55. Particulars:
 - a) Insufficient information has been submitted to demonstrate that the land will be suitable in its current state (or will be suitable after remediation) for the purpose for which development is proposed to be carried out.

2. The proposed development is unsatisfactory in respect to Section 4.15 of the EPA Act, as the application is found to be inconsistent with the provisions of SEPP (HSPD) 2004, in particular:
 - a) The proposed development is inconsistent with the Aims of the Policy (namely Clause 2c) in relation to design and compatibility.
 - b) The proposed development has not satisfied the requirement of Clause 19 of SEPP (HSPD) and therefore consent cannot be granted to the development in its current form.
 - c) The scale, bulk and height of proposal is not compatible with the existing and desired future



character of the area and does not contribute to the quality and identity of the area as required by Clause 33 of SEPP (HSPD). Whilst there is no FSR or height standard under the SEPP (HSPD), a FSR of 2.2:1 (0.5:1 being a non-refusable provision) and a height of 26.52 meters (8 meters to the underside of the top most ceiling being the non-refusable provision) is significantly greater than that anticipated by the SEPP (HSPD) for such uses and greater than the likely form of development anticipated in the B7 zone where residential flat buildings are not permitted.

d) The proposed development does not comply with the requirement of Clause 50 of SEPP (HSPD) with regards to building height, density and scale and solar access requirements.

e) The proposed development is inconsistent with the amenity provisions of Clause 33 of the SEPP (HSPD)

f) The proposed development fails to satisfy the infill self-care provisions under Clause 31 of the SEPP (HSPD), specifically the Seniors Living Policy - Urban Design Guidelines for Infill Development.

3. The proposed development should not be approved in its current form as it fails the principles of SEPP 65 insofar as they apply to context and neighbourhood character, built form and scale, density, landscaping, amenity, housing diversity and Social Interaction, and aesthetics.

Particulars:

a) The proposed building is not compatible with the context of the site that currently contemplates development that is non-residential and of a scale significantly less than that proposed.

b) The development does not provide sufficient landscape area commensurate with the bulk and scale of the proposed built form.

c) The proposal is inconsistent with several of the requirements as contained in the ADG referenced in 2. The proposed development should not be approved in its current form as it fails the principles of SEPP 65.

4. The proposed development is inconsistent with the desired future character established by the objectives of the B7 Business Park zone under the Warringah Local Environmental Plan 2011 and the WDCP and the objectives of the Sydney North District Plan in relation to the retention of employment zones and uses.

Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



Name Peter Robinson
 Executive Manager Development Assessment
Date 18/12/2018

NOTE: Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 18/12/2018.