



STATEMENT OF ENVIRONMENTAL EFFECTS

**Change of use from office
premises to medical centre**

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This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

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Report prepared for:

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13 April 2024

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for a change of use to a medical centre at 1/15 Rodborough Road, Frenchs Forest, being Lot 5 SP71566.

This report has been prepared following instructions from the client, Thinkahead Consultant Psychologists Pty Ltd. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Architectural Plans prepared by Enhanced Space Projects;
- Traffic Impact Assessment prepared by Traffix;
- Preliminary Geotechnical Assessment prepared by Ascent Geo;
- Waste Management Plan.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being a change of use to a medical centre is permissible with development consent and is consistent with the relevant statutory planning instruments including the Warringah Local Environmental Plan 2011 and planning policies of the Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council as submitted.

1.2 Background Information

The lot has not been the subject of any recent development applications. The application was not the subject of a pre-lodgement meeting.

2. Site Profile

2.1 Property Description

The subject allotment is described as 1/15 Rodborough Road, Frenchs Forest being Lot 5 DP 71566. The site is zoned SP4 Enterprise under the Warringah Local Environmental Plan 2011.

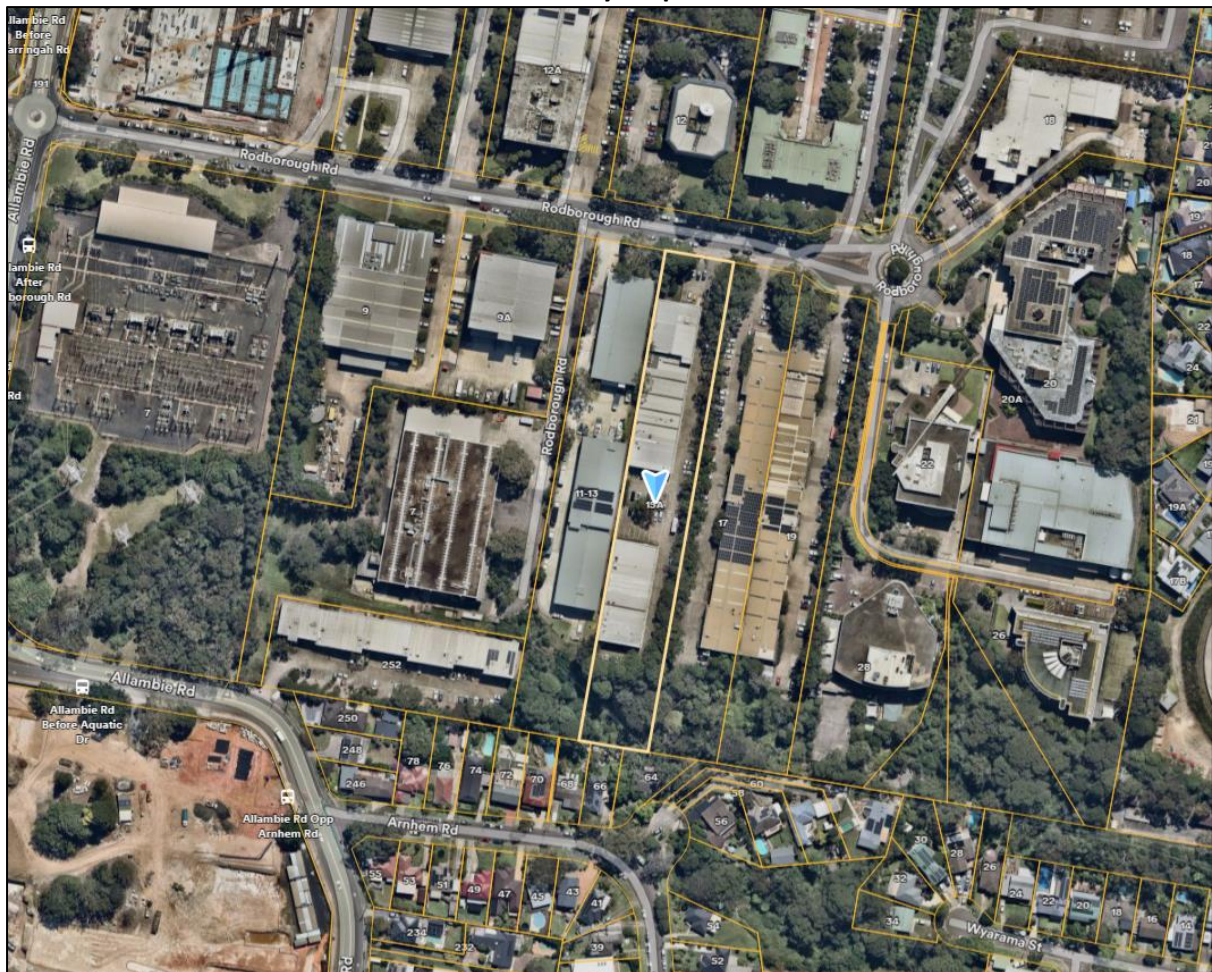
The site is not listed as a heritage item, nor is it located within a heritage conservation area.

2.2 Site and Locality Description

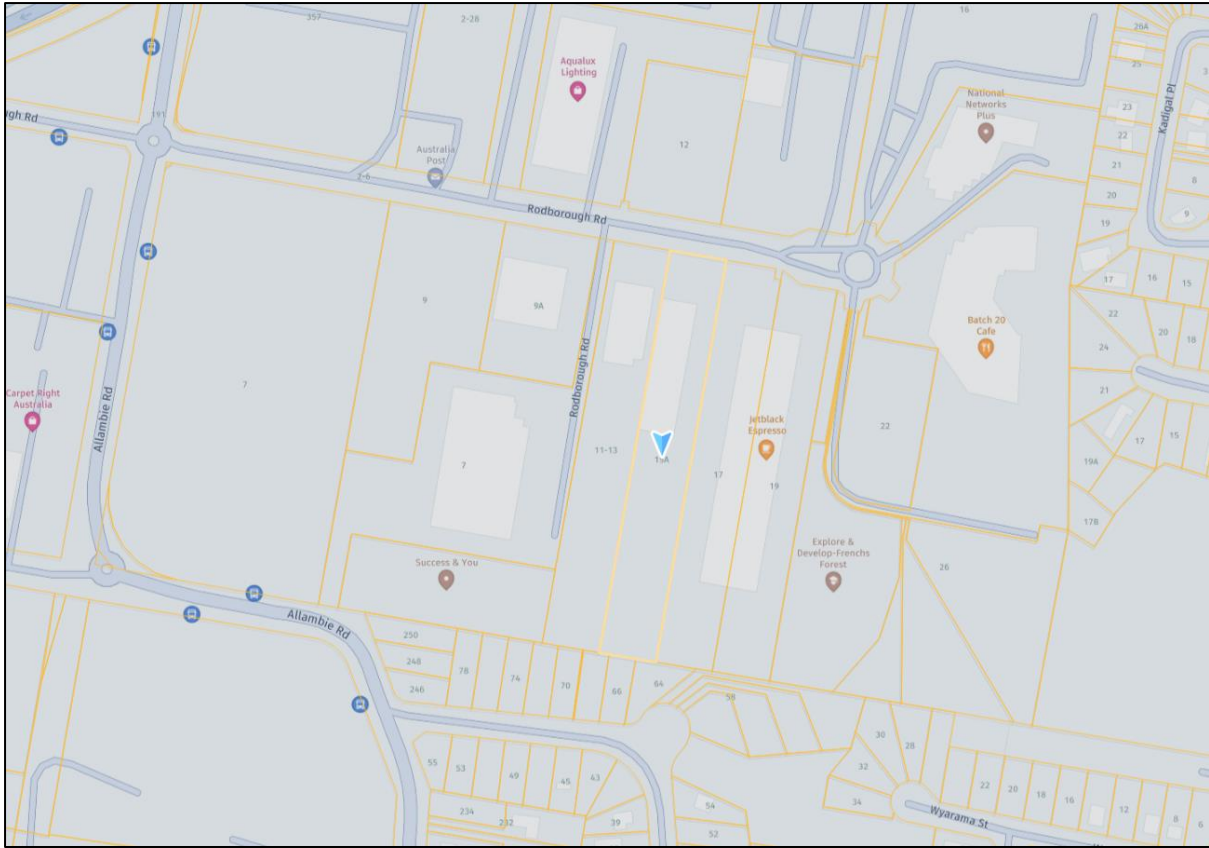
The site is located on the southern side of Rodborough Road, with Allambie Road to the west. The site is rectangular in shape with a 33.945m frontage to Rodborough Road and a depth of 240.775m. The property has vehicular access from Rodborough Road with access to car parking and loading on-site.

The site is occupied by two separate industrial/commercial buildings which range from one – three storeys. The locality maps below show the location and area of the site:

Locality Maps

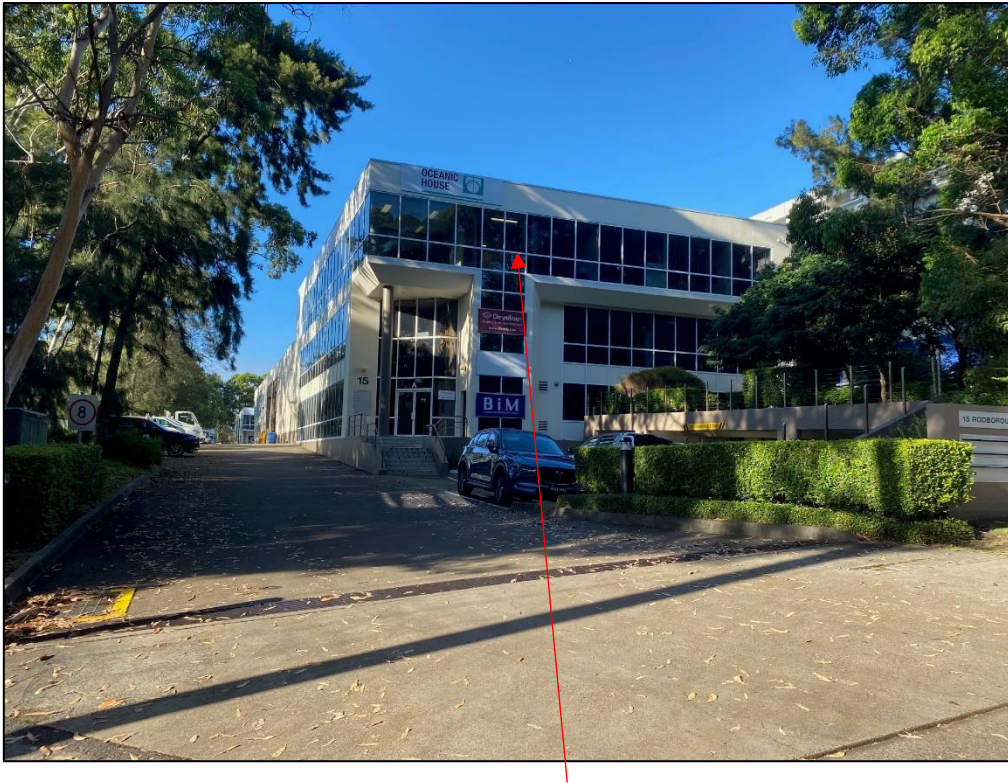


Source: Nearmaps 2024

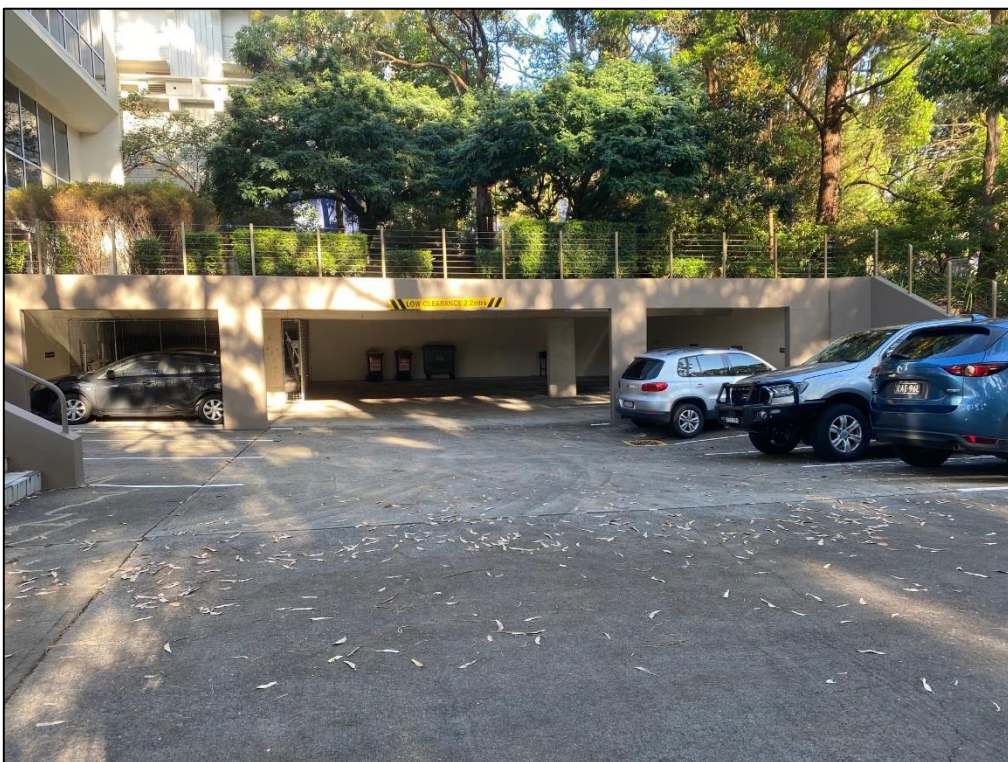


Source: Nearmaps 2024

The site is located within a special use precinct. The locality has a variety of property types and sizes with existing surrounding development comprising a mix of commercial and industrial land uses. The site is located with access to a major public transport network on Warringah Road with links to Warringah Mall and Belrose. A photograph of the existing site is shown below:



Photograph of the subject site – Lot 5 is located on the top floor of the front building facing Rodborough Road



Photograph of existing car spaces allocated to Lot 5 – note located at the front of the site with no impact to rear lots or buildings

3. Proposal

The proposal is a change of use from an office premises to a medical centre at 1/15 Rodborough Road, Frenchs Forest, being Lot 5 within SP71566. The proposal is compatible with land uses in the immediate proximity and enterprise zone and is consistent with the objectives of the locality. The following is noted as part of the proposal:

Existing Land Use

Office premises – 503sqm

- 11 private office rooms
- 12 Open plan workstations



Proposed Land Use

Medical Centre – 503sqm

- Reception area
- Waiting area
- Kitchen Staff Room
- Admin Storage
- Admin Meeting
- 8 x consulting rooms
- Open plan space to be divided by temporary partitions for a sensory area for patients.
Allowance for workshops out of hours for up to 12 patrons (refer to further details below).



Proposed layout – note no building works proposed or required

Temporary partitions for sensory space

Hours of Operation

The proposed hours of operation are:

Monday to Friday 8:00am to 6:00pm

Saturday 9:00am to 4:00pm

Staff

Eight (8)

*note – staff work at multiple locations and are considered to be part time

Carparking

Lot 5 has eleven (11) dedicated car parking spaces.

It is envisaged the four (4) car spaces separated down the driveway will be allocated to staff with the seven (7) spaces at the front of the site for patients

Details of operation

- Reception and waiting area
- 8 consulting rooms are proposed which will be co shared amongst the clinicians.
- 1 sensory area is proposed for clients that require self-regulation. There will be 1 client at a time in the sensory area. Note this is not another consulting room but rather a space where patrons are taken during there appointment.
- 1 training area for group programs is proposed for up 12 people, which will run after business hours and on Saturdays.

Waste Management

The proposal will have a designated waste area. Waste will be separated, stored and recycled where possible. The waste will be collected as required by a commercial contractor.

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2021*;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

SEPP (Resilience and Hazards) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

4.6 *Contamination and remediation to be considered in determining development application*

(1) A consent authority must not consent to the carrying out of any development on land 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.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject site and surrounding sites are located within a well-established industrial-use area that has been zoned and used as such for an extended period. There is no information to suggest that the subject site has become contaminated with the previous uses. Further, no excavation is proposed as part of this proposal. Based on the above, there is no evidence to suggest that further investigation of contamination is required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPs that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose the removal of any significant vegetation. The proposal does not remove any trees or significant vegetation and will maintain the site and locality, as existing.

4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under the WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<i>(e) in relation to non-residential development, to— (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and (ii) maintain a diversity of employment, services, cultural and recreational facilities,</i>	Complies – the Proposal is for change of use from an office to a medical centre, which meets the objectives and controls of 1.2.

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	4000sqm	N/A	N/A - No change to existing lot size
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	11m	N/A	N/A – no change
4.3A Special height provisions	N/A	N/A	N/A
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.6 Exceptions to development standards	Noted	N/A	N/A – no breaches to development standards proposed.

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 (Repealed)	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9, 5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent – playing and performing music	N/A
5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

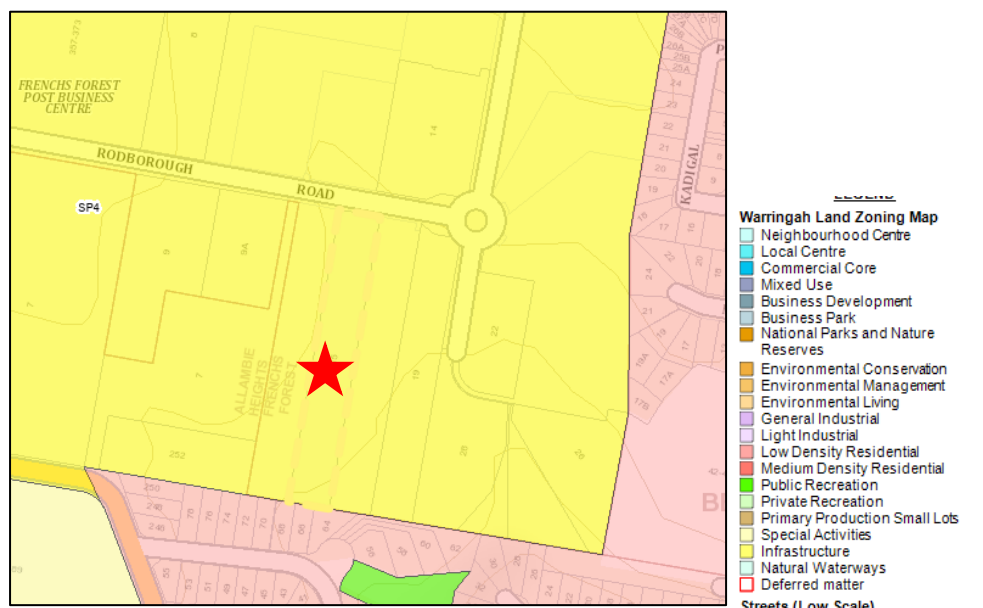
Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	N/A – The site is not identified as containing acid sulfate soils.
6.2 Earthworks	N/A – no proposed earthworks
6.3 (Repealed)	N/A
6.4 Development on sloping land	Complies – Refer to accompanying Preliminary Geotechnical Assessment
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone E3 Environmental Management	N/A
6.7 Residential flat buildings in Zone B4 Mixed Use	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

Zoning Provisions



Zone SP4 Enterprise

1 Objectives of zone

- To provide for development and land uses that support enterprise and productivity.
- To provide healthy, attractive, functional and safe business areas.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.
- To create business environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide opportunities for new and emerging light industries.
- To restrict retail uses to ensure sufficient land is available for industrial and light industrial uses to meet future demands.

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Building identification signs; Business identification signs; Community facilities; Early education and care facilities; Educational establishments; Electricity generating works; Environmental protection works; Flood mitigation works; Garden centres; Goods repair and reuse premises; Hardware and building supplies; **Health services facilities**; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Self-storage units; Service stations; Sewerage systems; Signage; Take away food and drink premises; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water supply systems

4 Prohibited

Advertising structures; Home industries; Water storage facilities; Any other development not specified in item 2 or 3.

Definition:

***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.*

***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.*

Note—

*Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.*

Comment:

The site is zoned SP4 Enterprise. The proposed use of the premises as a Medical Centre, as described above, is a permissible land use of Warringah LEP 2011, as it falls under the definition of a health services facility. The proposed change of use to a Medical Centre is consistent with the objective of the zone, as outlined below:

- The proposed use supports enterprise and productivity.
- The proposed use contributes to the provision of a range of facilities and services.
- The proposed use will not have an adverse impact on the adjoining residential zone to the south.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

Comment:

Not applicable.

4.3 Height of buildings

Comment:

Not applicable

4.4 Floor space ratio

Comment:

Not applicable.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless—

- (a) the consent authority is satisfied that—*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental*

*Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4.*

(8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.

(8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.

Comment:

Not applicable – no breaches to development standards.

6.1 Acid sulfate soils

Comment:

Not applicable – the site is not identified as Acid Sulfate Soils.

6.2 Earthworks

(1) The objectives of this clause are as follows—

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

(2) Development consent is required for earthworks unless—

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

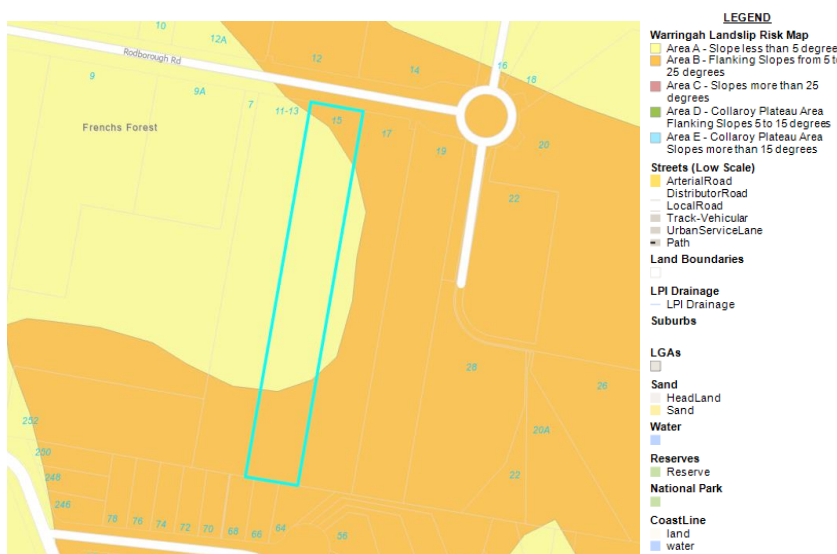
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Comment:

Not applicable – The proposal is for a change of use and does not propose earthworks.

6.4 Development on sloping land



(1) The objectives of this clause are as follows—

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
- (c) the development will not impact on or affect the existing subsurface flow conditions.

Comment:

Complies - The site is identified as Area B on the landslip risk map. A Preliminary Geotechnical Assessment accompanies this application.

4.4 Warringah Development Control Plan (WDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment
- Part F Zones and Sensitive Areas
- Part G Special Area Controls
- Part H Appendices

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the WDCP.

Part A – Introduction

A.5 Objectives

The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:

Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comments:

Complies – The site is located within the Frenchs Forest locality, in proximity to Warringah Road. The development will have no adverse impacts on neighbouring properties or businesses as the proposed Medical Centre is compatible with the existing uses within the building.

Part B – Built Form Controls

B6 Merit Assessment of Side Boundary Setbacks

Objectives

- *To provide ample opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

Requirements

1. *Side boundary setbacks will be determined on a merit basis and will have regard to:*
 - *streetscape;*
 - *amenity of surrounding properties; and*
 - *setbacks of neighbouring development*
2. *Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.*

Comments:

Not applicable - No building works are proposed as part of this application.

B7 Front Boundary Setbacks

Objectives

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

Requirements

1. *Development is to maintain a minimum setback to road frontages.*
2. *The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.*
3. *Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.*
4. *For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

Comments:

Not applicable - No building works are proposed as part of this application.

B10 Merit assessment of rear boundary setbacks

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Requirements

1. *Rear boundary setbacks will be determined on a merit basis and will have regard to:*
 - *streetscape;*
 - *amenity of surrounding properties; and*
 - *setbacks of neighbouring development*
2. *Development adjacent to Narrabeen Lagoon in the B2 Local Centre zone is to address the water*

and parkland. Buildings are not to dominate the parkland setting and will incorporate generous setbacks where necessary to achieve this.

Comments:

Not applicable - No building works are proposed as part of this application.

Part C – Siting Factors

C2 Traffic, Access and Safety

Objectives

To minimise:

- a) traffic hazards;*
- b) vehicles queuing on public roads*
- c) the number of vehicle crossings in a street;*
- d) traffic, pedestrian and cyclist conflict;*
- e) interference with public transport facilities; and*
- f) the loss of “on street” kerbside parking.*

Requirements

Vehicular Access

- 1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.*
- 2. Vehicle access is to be obtained from minor streets and lanes where available and practical.*
- 3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.*
- 4. Vehicle crossing approvals on public roads are to be in accordance with Council’s Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.*
- 5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.*

On-site loading and unloading

- 6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.*

Exceptions

Reference should be made to Part G for additional, site specific requirements

Comments:

Complies – refer to the Traffic and Parking Assessment report prepared by Traffix submitted with the DA package and the assessment undertaken on page 43 of this report. In our professional opinion the proposal complies with the objectives of C2.

C3 Parking Facilities

Objectives

- To provide adequate off street carparking.*
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Requirements

1. The following design principles shall be met:

- Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;
- Laneways are to be used to provide rear access to carparking areas where possible;
- Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;
- Parking is to be located so that views of the street from front windows are not obscured; and
- Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.

2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:

- the land use;
- the hours of operation;
- the availability of public transport;
- the availability of alternative car parking; and
- the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.

3. Carparking, other than for individual dwellings, shall :

- Avoid the use of mechanical car stacking spaces;
- Not be readily apparent from public spaces;
- Provide safe and convenient pedestrian and traffic movement;
- Include adequate provision for manoeuvring and convenient access to individual spaces;
- Enable vehicles to enter and leave the site in a forward direction;
- Incorporate unobstructed access to visitor parking spaces;
- Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;
- Provide on site detention of stormwater, where appropriate; and
- Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.

4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.

5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.

6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.

7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.

8. For Forest Way Village car parking at ground level is to be provided for individual units.

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot. Cross reference is in appendix 1.

Comments:

Merit Assessment – refer to the Traffic and Parking Assessment report prepared by Traffix submitted with the DA package and the assessment undertaken on page 43 of this report. In our professional opinion the proposal complies with the objectives of C3.

C3(A) Bicycle Parking and End of Trip Facilities

Applies to Land

This control applies to land to which Warringah Local Environmental Plan 2011 applies.

This control does not apply to development that is a dwelling house, a change of use when no additional floor space is being created or subdivision of land.

Comments:

Complies – the site has adequate storage space available for bike parking.

C4 Stormwater

Objectives

- To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;*
- To minimise the risk to public health and safety;*
- To reduce the risk to life and property from flooding;*
- Integrate Water Sensitive Urban Design measures into the landscape and built form to maximise amenity.*
- To manage and minimise stormwater overland flow, nuisance flooding and groundwater related damage to properties.*
- To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised.*
- To minimise the quantity of stormwater runoff from new development on Council's drainage system.*

Requirements

- Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.*
- The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.*

Exceptions

- Refer to Council's Water Management Policy for exceptions.*

Comments:

Not applicable – The proposal is for a change of use only, as such the proposal does not increase the existing building footprint or hardstand areas to the site.

C5 Erosion and Sedimentation

Objectives

- To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.*
- To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*
- To prevent any reduction in water quality downstream of the development site.*

Requirements

1. *All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.*
2. *Any erosion and sedimentation is to be managed at the source.*
3. *Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.*
4. *An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m² of land.*
5. *Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m² of land.*

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Comments:

Not applicable – The proposal is for change of use only.

C6 Building over or adjacent to Constructed Council Drainage Easements

Objectives

To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property

Comments:

Not applicable – the proposal does not involve building works.

C7 Excavation and Landfill

Objectives

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Requirements

1. *All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.*
2. *Excavation and landfill works must not result in any adverse impact on adjoining land.*
3. *Excavated and landfill areas shall be constructed to ensure the geological stability of the work.*
4. *Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.*
5. *Rehabilitation and revegetation techniques shall be applied to the fill.*
6. *Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.*

Comments:

Not applicable - The proposal is for change of use, as such does not include excavation or landfill.

C8 Demolition and Construction

Objectives

- To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.
- To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.
- To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan
- To discourage illegal dumping.

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

Not applicable – the proposal is for a change of use only.

C9 Waste Management

Objectives

- To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
- To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
- To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
- To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
- To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- To minimise any adverse environmental impacts associated with the storage and collection of waste.

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

Complies - the proposed development will provide adequate onsite storage for on-going waste storage as per Council's Waste Management Guidelines. The application is accompanied by a Waste Management Plan.

Part D - Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Requirements

1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:

a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;

b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;

c) Landscaped open space must be at ground level (finished); and

d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.

2. Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as “Bushland Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.

3. In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.

Exceptions

Any conflicting requirements in Part G override this control

Comments:

Not applicable.

D2 Private Open Space

Objectives

- *To ensure that all residential development is provided with functional, well located areas of private open space.*
- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*
- *To ensure that private open space receives sufficient solar access and privacy.*

Requirements

- 1. Residential development is to include private open space for each dwelling.*
- 2. The minimum area and dimensions of private open space are as follows:*

DWELLING Type	Area and Minimum Dimensions per dwelling
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres

- 3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.*
- 4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.*
- 5. Private open space shall not be located in the primary front building setback.*
- 6. Private open space is to be located to maximise solar access.*

Comments:

Not applicable – The proposal is a change of use from an office to a Medical Centre, therefore private open space controls do not apply.

D3 Noise

Objectives

- To encourage innovative design solutions to improve the urban environment.*
- To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Requirements

- 1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the [NSW Industrial Noise Policy](#) at the receiving boundary of residential and other noise sensitive land uses.*

See also NSW Industrial Noise Policy Appendices

- 2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.*
- 3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.*
- 4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.*
- 5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.*

Comments:

Complies – The proposed Medical Centre will be compliant with the relevant controls for noise and will not produce an unacceptable amount of noise that will adversely impact any neighbouring development. The site is surrounded by commercial and industrial and is suitably separated from surrounding residential zoned land. Accordingly, no undue acoustic impacts will result from the proposal.

D4 Electromagnetic Radiation

Objectives

- To ensure the safety of the community from electromagnetic radiation.
- To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.

Requirements

Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements: [Telecommunications Act](#)

Comments:

Not applicable.

D6 Access to Sunlight

Objectives

- To ensure that reasonable access to sunlight is maintained.
- To encourage innovative design solutions to improve the urban environment and public open space.
- To promote passive solar design and the use of solar energy.

Requirements

1. Development should avoid unreasonable overshadowing any public open space.
2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

Exceptions

Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:

- i) the slope or topography of the site or adjoining property makes compliance impractical; and
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.

Comments:

Not applicable – The proposed change of use does not increase the existing building or building footprint.

D7 Views

Objectives

- To allow for the reasonable sharing of views.
- To encourage innovative design solutions to improve the urban environment.
- To ensure existing canopy trees have priority over views.

Requirements

1. Development shall provide for the reasonable sharing of views.

Comments:

Not applicable – The proposed change of use does not increase the existing building height or the building footprint.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
3. *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
4. *The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*
5. *Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

Comments:

Not applicable - The proposed change of use does not increase the existing building height or the building footprint.

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Requirements

1. *Side and rear setbacks are to be progressively increased as wall height increases.*
2. *Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
3. *On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:*
 - The amount of fill is not to exceed one metre in depth.*
 - Fill is not to spread beyond the footprint of the building.*
 - Excavation of the landform is to be minimised.*
4. *Building height and scale needs to relate to topography and site conditions.*
5. *Orientate development to address the street.*
6. *Use colour, materials and surface treatment to reduce building bulk.*
7. *Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
8. *Articulate walls to reduce building mass.*

Comments:

Not applicable - The proposed change of use does not increase the existing building height or the building footprint.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Requirements

- 1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.*
- 2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.*
- 3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.*
- 4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.*

Comments:

Not applicable - The proposed change of use does not increase the existing building height or the building footprint.

D11 Roofs

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Requirements

- 1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.*
- 2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.*
- 3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.*
- 4. Roofs shall incorporate eaves for shading.*
- 5. Roofing materials should not cause excessive glare and reflection.*
- 6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.*

Comments:

Not applicable – The proposal does not change the existing roof.

D12 Glare and Reflection

Objectives

- To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.
- To maintain and improve the amenity of public and private land.
- To encourage innovative design solutions to improve the urban environment.

Requirements

1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;
 - Minimising the lit area of signage;
 - Locating the light source away from adjoining properties or boundaries; and
 - Directing light spill within the site.
2. Any glare from artificial illumination is to be minimised by utilising one or more of the following:
 - Indirect lighting;
 - Controlling the level of illumination; and
 - Directing the light source away from view lines.
3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:
 - Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;
 - Orienting reflective materials away from properties that may be impacted;
 - Recessing glass into the façade;
 - Utilising shading devices;
 - Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and
 - Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.

Comments:

Not applicable – The proposal involves a change of use only and does not change the existing roof.

D13 Front Fences and Front Walls

Objectives

- To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.
- To encourage innovative design solutions to improve the urban environment.
- To avoid a 'walled in' streetscape.

Requirements

1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.
2. Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.
3. Fences located within the front building setback area are to complement the existing streetscape character.
4. Fences are to be constructed to allow casual surveillance, except where there is excessive noise.

5. Gates are not to encroach over the property boundary when opening or closing.
6. Fences should complement the architectural period of the building.

Exceptions

No solid front fences or front walls will be permitted on flood prone land.
Reference should be made to Part G Belrose Corridor for site specific requirements.

Comments:

Not applicable – No change to existing front fence and wall.

D14 Site Facilities

Objectives

- To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.
- To encourage innovative design solutions to improve the urban environment.
- To make servicing the site as efficient and easy as possible.
- To allow for discreet and easily serviceable placement of site facilities in new development.

Requirements

1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:

- Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;
- All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;
- Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;
- Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and
- Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.

Comments:

Complies – the premises has access to waste facilities and a letterbox for mail.

D15 Side and Rear Fences

Objectives

- To encourage innovative design solutions to improve the urban environment.

Requirements

1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.
2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.
3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.

Comments:

Not applicable – The proposal does not change existing side and rear fences.

D16 Swimming Pools and Spa Pools

Objectives

- To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.
- To encourage innovative design solutions to improve the urban environment.

Requirements

1. Pools are not to be located in the front building setback.
2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.
3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.

Comments:

Not applicable

D17 Tennis Courts

Objectives

- To encourage innovative design solutions to improve the urban environment.

Requirements

1. Tennis courts are to be located behind the front building setback.
2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.
3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.
4. The height and location of court fencing is to enable:
 - a) Sharing of views from surrounding residences; and
 - b) Provision of sunlight to surrounding properties.
5. Fencing material is to be a dark colour.
6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.

Comments:

Not applicable

D18 Accessibility and Adaptability

Objectives

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.
- To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.
- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

Comments:

Not applicable – the proposal is for a change of use only with existing access arrangements maintained.

D19 Site Consolidation in the R3 and IN1 Zone

Objectives

- To encourage lot consolidation to allow efficient use of land.
- To encourage innovative design solutions to improve the urban environment.
- To avoid lot sterilization.

Comments:

Not applicable.

D20 Safety and Security

Objectives

- To ensure that development maintains and enhances the security and safety of the community.

Requirements

1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.
2. Service areas and access ways are to be either secured or designed to allow casual surveillance.
3. There is to be adequate lighting of entrances and pedestrian areas.
4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.
5. Entrances to buildings are to be from public streets wherever possible.
6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).
7. Buildings are to be designed to allow casual surveillance of the street, for example by:
 - a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;
 - b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;
 - c) Locating high use rooms to maximise casual surveillance;
 - d) Clearly displaying the street number on the front of the building in pedestrian view; and
 - e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.
8. Casual surveillance of loading areas is to be improved by:
 - a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and
 - b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.
9. Design entrances to buildings from public streets so that:
 - a) Building entrances are clearly identifiable, defined, lit and visible;
 - b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;
 - c) Main entrances are clearly identifiable;

- d) Pavement surfaces and signage direct pedestrian movements; and*
- e) Potential conflict between pedestrians and vehicles is avoided.*

Exceptions

Reference should be made to Part G4 Warringah Mall for site specific requirements.

Comments:

Not applicable – the existing building entry will be retained.

D21 Provision and Location of Utility Services

Objectives

- To encourage innovative design solutions to improve the urban environment.*
- To ensure that adequate utility services are provided to land being developed.*

Requirements

- 1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.*
- 2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.*
- 3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:
 - a) A reduction in the number of trenches required;*
 - b) An accurate location of services for maintenance;*
 - c) Minimising the conflict between services;*
 - d) Minimising land required and cost;**
- 4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.*
- 5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.*
- 6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.*
- 7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.*
- 8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.*

Comments:

Complies - The site is adequately serviced by the essential utilities (i.e. water, electricity, sewer).

D22 Conservation of Energy and Water

Objectives

- To encourage innovative design solutions to improve the urban environment.*
- To ensure energy and water use is minimised.*

Requirements

1. *The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.*
2. *Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.*
3. *Buildings are to be designed to minimize energy and water consumption.*
4. *Landscape design is to assist in the conservation of energy and water.*
5. *Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.*
6. *All development must comply with Council's Water Management Policy.*

Comments:

Not applicable – the proposal is for a change of use only.

D23 Signs

Objectives

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comments:

Not applicable – signage is not proposed as part of this application.

Part E – The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comments:

Not applicable

E2 Prescribed Vegetation

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.
- To protect and promote the recovery of threatened species, populations and endangered ecological communities.
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.
- To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.
- Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.

Requirements

1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:

All native vegetation identified on:

- a) DCP Map Threatened and High Conservation Habitat
- b) DCP Map Wildlife Corridors
- c) DCP Map Native Vegetation
- d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.

Comments:

Not applicable.

E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

Objectives

- To protect and promote the recovery of threatened species, populations and endangered ecological communities.
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.
- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.

Comments:

Not applicable.

E4 Wildlife Corridors

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.

Requirements

1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m² or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
 - i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and
 - ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.
2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.

Comments:

Not applicable.

E5 Native Vegetation

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.
- To maintain the amount, local occurrence and diversity of native vegetation in the area

Comments:

Not applicable.

E6 Retaining unique environmental features

Objectives

- To conserve those parts of land which distinguish it from its surroundings.

Requirements

1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.
2. Development should respond to these features through location of structures, outlook, design and materials.

Comments:

Not applicable

E7 Development on land adjoining public open space

Objectives

- To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.
- To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.
- Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.

Comments:

Not applicable.

E8 Waterways and Riparian Lands

Objectives

- Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.
- Encourage development to be located outside waterways and riparian land.
- Avoid impacts that will result in an adverse change in watercourse or riparian land condition.
- Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.
- Maintain and improve access, amenity and scenic quality of waterways and riparian lands.
- Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.

Comments:

Not applicable.

E9 Coastline Hazard

Objectives

- To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.
- To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.
- To ensure that development does not adversely impact on the coastal processes affecting adjacent land.
- To retain the area's regional role for public recreation and amenity.

Comments:

Not applicable.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

Requirements

1. *The applicant must demonstrate that:*
 - *The proposed development is justified in terms of geotechnical stability; and*
 - *The proposed development will be carried out in accordance with good engineering practice.*
2. *Development must not cause detrimental impacts because of stormwater discharge from the land.*
3. *Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.*
4. *To address Requirements 1 to 3:*
 - i) *For land identified as being in Area A:*

Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.

If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.

Comments:

Complies - The site is identified as Area B on the landslip risk map. A Preliminary Geotechnical Assessment accompanies this application.

E11 Flood Prone Land

Objectives

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

Comments:

Not applicable – the site is not identified as flood prone land.

Part H Appendices

Appendix 1 – Car Parking Requirements

Office premises	1 space per 40 m ² GFA.
Medical centre	4 spaces per 100 m ² GFA.

Comments:

Merit Assessment:

Car spaces Lot 5 – 11 spaces

Existing Use as Office – 13 spaces

Proposed Use as Medical Centre – 20 spaces

It is acknowledged that the proposal as existing (office premises) requires 13 car spaces under the provisions of WDCP. It is noted the existing office premises has allowance for up to 23 staff members.

The proposed variation and merit assessment for a medical centre is assessed and justified below:

1. Definition of Medical Centre

The proposed medical centre is for psychologists and not your “typical” medical centre that the generic parking rate of 4 spaces per 100sqm would be determined for.

2. Existing Operating Requirements

The operator currently runs out of two spaces at Ryde and Frenchs Forest. Average appointments per day have been calculated and provided below. The average shows even with an increase from the existing four consulting rooms to eight rooms, the proposal would have a negligible impact of on average 16 appointments a day:

Number of appointments currently in Frenchs Forest- Clinical and Paediatric Service

Month	Per Week	Per Month
July 2023	57.25	229
August	62	248
Sept	57	228
Oct	53.25	213
Nov	57	228
Dec	45.25	181
Jan 2024	26.75	107
Feb	58.5	234

- Average 161 appointment a month
- Average 41 appointments a week
- Average 8 appointments a day

3. Appointment lengths and scheduling

The operator has advised the following measures and requirements for the practice:

- Initial Consultations can range from 60-90 minutes
- Follow up appointments are generally 50 minutes with a 10 minute change over between appointments

- Appointments are scheduled on the ½ and full hour. Some clinicians work on the full hour others on the ½ hour to manage traffic flow at reception and prevent clients from attending reception area at the same time.
- Operating Hours are 8am-6pm Monday to Friday and 9am-4pm Saturdays
- Workshops and group programs run after hours and Saturdays

Based on the assessment by the traffic engineers Traffix whom support the application, and the additional information provided by the client, it is my professional opinion that a variation to the car parking requirements can be supported in this instance.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) The provision of any Environmental Planning Instrument

Comment: The proposed use is permissible and consistent with the intent of the Warringah Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: Not applicable.

(iii) Any development control plan

Comment: The proposal has been reviewed and assessed under Warringah Development Control Plan.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment: Not applicable.

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: Complies – the proposal has been assessed under the relevant Regulations.

(v) (repealed)

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting:

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

Comment: The proposal is for a change of use, which is permissible with consent in the SP4 Zone.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*

- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

Comment: The proposed Medical Centre will not result in adverse amenity impacts to neighbouring properties. The development is surrounded by commercial and industrial land uses with no residential development in the immediate vicinity of the site. The development proposes a land use that is suitable for the locality. The proposal will have no impact on views or vistas.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The proposal has been supported by a Traffic and Parking Assessment prepared by Traffix who note the proposal will have minimal (if any) impact on traffic and parking on the site and within the area.

Public Domain

Comment: The proposed development will have no adverse impact on the public domain.

Utilities

Comment: Existing utility services will connect to service the premises.

Flora and Fauna

Comment: The proposal will not have an adverse impact to flora or fauna.

Waste Collection

Comment: Normal waste collection applies to the existing site via a commercial contractor.

Natural hazards

Comment: The site is identified as Area B on the landslip risk map. A Preliminary Geotechnical Assessment accompanies this application.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area.

Site Design and Internal Design

i) Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*

- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

Comment: The proposal is for a change of use to a Medical Centre within an existing commercial building, as such will not impact the position of buildings, the bulk and scale or the existing landscape open space of the site.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed Medical Centre is capable of complying with the relevant standards pertaining to health, safety and BCA requirements and will not have any detrimental effect on the occupants.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

Comment: Not applicable – this application proposes a change of use only.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The site is located within the Frenchs Forest locality within an existing industrial area. The proposed use will not cause unmanageable levels of transport demand to the site, as discussed within the accompanying Traffic Impact Assessment, and the development will have no adverse impact on acoustic amenity.

(d) Any submissions received in accordance with this act or regulations

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposal is permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied. The development would not be contrary to the public interest. In our opinion, the development satisfies the planning regime applicable to development on this particular site, having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal for a change of use from office premises to a medical centre at 1/15 Rodborough Road, Frenchs Forest, is permissible and consistent with the intent of the controls as they are reasonably applied for the subject development. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal.

Accordingly, the proposed change of use to a medical centre, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.