

<b>DATE OF DETERMINATION</b>	24 April 2020
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public teleconference meeting held on 22 April 2020, opened at 2.03pm and closed at 3.30pm.

**MATTER DETERMINED**

PPSSNH-57 – Northern Beaches – DA2019/1419 at 49 Frenchs Forest Road East, Frenchs Forest for a Health Services Facility (as described in Schedule 1)

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The proposal is a permitted use as a "health services facility", being a medical centre within the B7 Business Park Zone. The proposal is consistent with other developments in the vicinity of the site for business uses that provide employment and services to the community. The proposal also satisfies the objectives of the zone which seek to ensure buildings fit appropriately within a landscape setting and contribute to creating a high quality working environment for the local area.

The site is a single vacant lot within the Forest Central Business Park and is the only undeveloped lot within this complex. The proposal requires minimal site preparation and clearing works and the design complements the other Business Park uses including office premises, health care facilities, small business operations and various small scale commercial service uses.

Major land uses/works and development near the site include the Northern Beaches Hospital and long term re-development of the Frenchs Forest Town Centre precinct. As a result, the proposal for a medical centre is conveniently sited.

The Panel is satisfied that the necessary owners' consents have been obtained for the proposed works and concurs with Council's assessment that in relation to planning, urban design, character of the precinct, landscaping, bushfire, traffic, stormwater, services infrastructure and noise issues, the proposal is generally acceptable and can be supported subject to conditions.

While the proposed variations to numerical planning controls include site coverage and front building setback to Warringah Road, overall the proposed building provides a satisfactory design response to those non-compliances and does not create unreasonable issues for adjacent or nearby land.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 26 amended to read as follows:

### **Right of Carriageway**

*The Applicant shall (under the provisions of Section 88B of the Conveyancing Act) create a right of way to use the turning circle to be created on Lots 6 & 7 of DP 1020015 to the benefit of all Lots of DP 1020015. Council is to be named as the sole authority empowered to release or modify the right of way created. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.*

*Reason: Council's subdivision standards and the statutory requirements of the Conveyancing Act 1919.*

- New condition 1A to read as follows:

### **Construction**

*Prior to the issue of a Construction Certificate, the Construction Management Plan (Dated 3/9/2019 prepared by team 2 Architects) is to be amended to require that the truck drop off and pick up zone and all site fencing be located outside of the arrow shaped, southern portion of the common central right of way located in the north western corner of the site.*

*Reason: To ensure the common central right of way is accessible at all times.*

- New condition 1B to read as follows:

### **1B Speed hump and signage**

*This development consent does not approve the speed hump and pedestrian crossing signage located to the north of Lot 7 identified on plan DA-011 and DA-103 or any bollards within the Common Central access way. Prior to the issue of a Construction Certificate the plans are to be updated to provide for a speed hump and pedestrian crossing signage within Lot 7, adjacent to the northern boundary.*

*Reason: To ensure the development is within the boundaries of the subject site.*

- New condition 1C to read as follows:

### **1C - Construction access**

*Prior to the issue of a Construction Certificate the person with the benefit of the consent is to seek approval from:*

- *The owner of Lot X DP405206 known as 39 Frenchs Forest Road East, Frenchs Forest (the Parkway Hotel) for access through that site during the period of construction; and*
- *Transport for New South Wales for access through the Warringah Road, Road Reserve adjacent to the southern boundary of the site for the period of construction.*

*If access is provided by either of the above parties for the duration of the proposed construction, on terms acceptable to the person with the benefit of this consent, construction access is to be provided through the relevant lot or area.*

*In circumstances where construction access cannot be obtained in accordance with the above requirements, the person with the benefit of this consent is to provide Council with written evidence demonstrating that construction access is not available through the adjoining sites, and once provided, may provide Construction access through the Forest Central Business Park common central access way.*



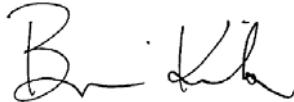


*Reason: To minimise construction impacts within the business park.*

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel noted that issues of concern included:

- Extent of earthworks and potential structural damage to adjoining properties;
- Traffic, safety and congestion;
- Construction impact on other business owners;
- Impact of construction on access to the right of way;
- Inadequate carparking; and
- Lack of notification with adjoining business owners

The Panel considered that concerns raised by the community during the Assessment process and during the public meeting have been adequately addressed in the Council’s Assessment Report, by the Applicant during the public meeting and in the Conditions, including the amendments outlined above.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Annelise Tuor
 Steve Kennedy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-57 – Northern Beaches – DA2019/1419
2	PROPOSED DEVELOPMENT	Construction of a Health Services Facility, being a Medical Centre (Cancer Treatment Centre) with associated basement parking, signage and landscaping.
3	STREET ADDRESS	Lot 7 DP 1020015, 49 Frenchs Forest Road East Frenchs Forest
4	APPLICANT/OWNER	Forest Central Business Park Pty Ltd (Owners) Eriylan Pty Ltd (Applicant)
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007;</li> <li>○ State Environmental Planning Policy No. 64 – Advertising &amp; Signage</li> <li>○ State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</li> <li>○ Warringah Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Warringah Development Control Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 8 April 2020</li> <li>• Late submission: 20 April 2020</li> <li>• Council memo: 21 April 2020</li> <li>• Applicant submission: 22 April 2020</li> <li>• Written submissions during public exhibition: 7</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In Objection: Stephen Eccleston, Breellen Warry, Don Dowling, Trevor Cain</li> <li>○ Council assessment officer – Lashta Haidari</li> <li>○ On behalf of the applicant – Matt Sonder, Andrew Cowan</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 26 February 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy</li> <li>○ <u>Council assessment staff</u>: Lashta Haidari</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 22 April 2020, 1.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy</li> </ul> </li> </ul>

		o <u>Council assessment staff</u> : Lashta Haidari, Steve Findlay
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report