

ATTACHMENT 1 - SUMMARY OF RESPONSE TO REASONS FOR REFUSAL IN SECTION 8.2 REVIEW OF DETERMINATION REPORT

Reason for Refusal	Summary of Response
<p>1. State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004 (SEPP HSPD 2004)</p> <p><i>The proposed development is unsatisfactory in respect to Section 4.15 of the EPA Act, as the application is inconsistent with the provisions of SEPP (HSPD) 2004:</i></p> <p><i>a) The proposed development is inconsistent with Aims of Policy (namely Clause 2c) in relation to design and compatibility;</i></p> <p><i>b) The proposed development is inconsistent with the requirement of Clause 25 (5) (i) & (v) with regards to land use conflict and bulk and scale;</i></p> <p><i>c) The scale, bulk and height of the proposal is not compatible with the existing and future character of the area and does not contribute to the quality and identity of the area as required by Clause 33 (a) of SEPP (HSPD) 2004.</i></p>	<ul style="list-style-type: none"> The proposal adopts a prevailing 6 storey datum across the site, clearly relating to the scale of the Stage 1 approval on Frenchs Forest Road. Additional building height is set back from all adjoining receivers in two diagonally opposed corners of the site. Several design amendments have been made to the building's design to provide greater articulation and reduce any perceived bulk, key amendments include: <ul style="list-style-type: none"> provision of awnings to commercial areas to assist in additional privacy for apartments above provision of sunhoods to a number of apartment windows to reference the architectural language of the approved seniors housing buildings on Lot 2 additional articulation to the southern elevation of the western building through the addition of balconies and windows Reductions of height, bulk and scale, the floor to floor height of the ground level within the western building has reduced to 4m. This is fully compliant with the ADG and will not impede on the amenity of future residents or tenants. The Urban Design Report (UDR) prepared by Matthew Pullinger Architect demonstrated the proposed reduction in height in comparison to the original proposal further reduces the impact of the proposed development on the streetscape and surrounding area, as it is now not visible from the residential area to the north. the UDR outlined key sitting strategies that are maintained by the proposal ensuring cohesion with the streetscape. These include: <ul style="list-style-type: none"> increased setbacks to the south and west, retaining all significant mature vegetation creation of a publicly accessible, centralised courtyard provided with a comprehensive landscaping scheme, easily sighted from Skyline Place primarily commercial and non-residential uses at ground level to activate the central courtyard and encourage visitors provision of two main built form elements, an eastern and western block form, with maximum heights of 7 and 8 storeys respectively, sited to maximise building separation, views and vistas, and minimise off-site impacts The landscape scheme assists in reducing the bulk and scale of the proposal by retaining 6 existing trees along the Skyline Place frontage along with the planting of an additional 4 endemic trees

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<p>2. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and Associated Apartment Design Guide (ADG)</p> <p><i>The proposed development fails the principles of SEPP 65 insofar as they apply to context & neighbourhood character, built form & scale, density, landscaping, and amenity.</i></p> <p><i>a) The proposed building is not compatible with the context of the site that currently contemplates development that is non-residential and of a scale significantly less than that proposed; and</i></p> <p><i>b) The development does not provide sufficient landscape area, in particular canopy trees, to mitigate the height, bulk and scale of the proposed built form.</i></p>	<ul style="list-style-type: none"> • The proposed development is permissible with consent on the site in accordance with the Seniors SEPP (and new Housing SEPP) and will be adjacent to an approved seniors living development of a similar height • The context of the site is defined by an urban character in transition, including recent approvals for taller buildings, and which has been recognised by the SNPP in its approval of REV 2019/0014 • The proposed reduction in height significantly reduces the scale of the development, improves its compatibility with the scale of surrounding development (particularly with regard to the built form of recent approvals within the B7 zone) and minimises any visual impact • The proposal also includes a substantial landscaped area of 2,830m² (36.2%) which exceeds the relevant minimum requirements of all applicable EPIs including the Seniors SEPP, the ADG and the Warringah DCP • The amended landscape scheme includes an additional 9 native trees and palms within the courtyard area and the retention of 12 significant native canopy trees within the site. • The proposal includes 142 native and exotic trees and palms, of which 74% are native • The proposed species mix includes large canopy trees that will achieve mature heights of up to 27m and the retention of existing native canopy trees that ranges in height up to 26m
<p>3. Warringah Local Environmental Plan (WLEP 2011)</p> <p><i>The proposed development is inconsistent with the provisions of WLEP 2011 as it relates to promoting development that is compatible with neighbouring development in terms of bulk, scale and appearance and use.</i></p>	<ul style="list-style-type: none"> • This issue was considered and resolved by the SNPP in its determination (approval) of the review of determination for the adjacent seniors living and mixed use development (REV 2019/0014). In its Statement of the Reasons for this approval, the Panel specifically noted that: <i>The review Panel considers that such inconsistency is to be expected given that the Warringah LEP prohibits residential development in the B7 zone yet the overriding SEPP (HPSD) permits it and, in the interests of its overall aim of encouraging seniors housing, specifies that its aims will be achieved by “setting aside local planning controls that would prevent the development of” seniors housing “that meets the development criteria and standards specified in this Policy (SEPP cl 2(2))</i> • Inconsistency with the LEP is not a valid reason for refusal • There is no applicable maximum building height or FSR control for the B7 Business Park zone, inclusive of the site, indicating the capacity of the site and surrounding area to accommodate larger-scale building forms • The B7 zone and broader locality is characterised by a range of larger-scale buildings and the amended scheme, entailing substantial reductions in height, is entirely consistent with this prevailing built form character • The proposed development remains substantially the same as the original application, the maximum height of the

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<p>4. <i>Non-compliance with Warringah DCP 2011 (WDCP 2011)</i></p> <p><i>The proposed development fails to comply with the Built Controls as it relates to B4 – Site Coverage and B7 – Front Boundary Setbacks and Clause D9 – Building Bulk</i></p>	<p>proposal has been substantially reduced from 12 stories and RL 196.70m to a maximum of 8 stories and RL 184.30m</p> <ul style="list-style-type: none"> • Incorrect statement (and reason for refusal) that the development does not comply with B4 –Site Coverage of Warringah DCP 2011 (WDCP 2011) • To confirm, we have previously written to Council advising that site coverage had been recalculated to 32.35% and therefore complies with the relevant site coverage provision (33.3%) under the DCP • There is a minor non-compliance of the 10 m setback of the proposed building to Skyline Place, this is theoretical and numerical only • The proposed development provides a setback of between 7.6m and 12.5 m along this street frontage, with an 8.8m setback adjacent to the cul-de-sac • The intention is to provide for a consistent streetscape character along Skyline Place, from Frenchs Forest Road to the end of the cul-de-sac • The size of the setback transitions from the 6m approved on Lot 2, gradually increasing to 12.5m to the south, achieving an average setback of 9.6 metres • The proposal directly responds to these considerations and recommendations in the ADG as it provides a consistent setback with the approved seniors housing development on the adjoining lot to the north. This results in a cohesive streetscape which provides adequate street setbacks which are densely vegetated • The proposal responds to the provision of Part D9 Building Bulk through variation in setbacks, responding to topography, utilisation of appropriate materials and finishes, dense landscaped setbacks and building orientation
<p>5. <i>Public Interest</i></p> <p><i>The community demand for seniors, affordable and disabled housing in this area does not justify that the site is appropriate for a seniors housing development of this height, bulk and scale. The extent of residential floor space proposed is inconsistent with draft Northern Beaches Hospital Precinct Structure Plan, which does not change the B7 Business Park zone for this area. As well as with the State Government North District Plan, which recognises that business parks “need to be developed, from the outset, as urban places which can</i></p>	<ul style="list-style-type: none"> • The proposal has consistently demonstrated that it is in the public interest for the following reasons: <ul style="list-style-type: none"> ○ provision of additional housing choice within the LGA to enable people to continue to live in their community and support networks, consistent with the objectives of the Seniors SEPP ○ co-locating seniors housing with major health facilities, transport and other services ○ provision of affordable housing for women over 55 ○ disability housing is provided in collaboration with Project Independence. This ensures the provision of high quality seniors housing is accessible to a range of people, resulting in a diverse and cohesive development. ○ additional employment opportunities on the site ○ improved surveillance of the private and public domain ○ extensive landscaped area in the proposed development and approved development to ensure the delivery of high quality open space and amenity to residents • The proposed seniors housing is permissible with consent on the site pursuant to the provisions Housing SEPP. To address the Panel’s comment in this regard, the proposed scheme

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<p><i>transition into higher amenity and vibrant places while maintaining their main role as an employment precinct. Councils' retail and employment strategies should provide guidance on the transition of business parks into mixed employment precincts including, where appropriate, ancillary residential developments to support the business park". Consequently, approval of the application would not be in the public interest.</i></p>	<p>has been considerably reduced in height, bulk and scale to ensure it is appropriate for the context in which it is located.</p> <ul style="list-style-type: none"> • Macroplan has provided multiple submissions to the Council on the schemes public benefit that it would provide. This includes: <ul style="list-style-type: none"> ○ Frenchs Forest/Northern Beaches immediately requires a development that addresses the needs of the rapidly ageing population ○ Frenchs Forest/Northern Beach immediately requires an increase in modern senior housing product that is designed for local senior residents seeking high quality housing proximate to friends and families ○ The recent COVID impact is influencing housing product demand towards 'independent' living environments. COVID has also raised awareness and differentiated modern ILU product (which is bigger and more spacious) from more crowded care homes or existing old ILUs (or serviced apartment offerings) ○ The proposed development can allow for more synchronicities and integration of services ○ There is a shortfall of disability housing

Table 1: Attachment 1 summary of response to reasons for refusal in section 8.2 review of determination report