

Application No: PLM2016/0122

Meeting Date: 2 February 2017

Property Address: No.11 Tilley Lane FRENCHS FOREST
Lot 11 DP 270323

Proposal: Construction of a Hospital (Private)

Attendees for Council: Steve Findlay - Manager Development Assessment
Alex Keller – Senior Planner
Rezvan Saket – Traffic Engineer
Angus Crichton – Environmental Health

Attendees for applicant: Gyula Toth – Group HIS
Jean-Michel Huet - Group HIS
Brad Romain – Group HIS
Manish Chauhan – Group HIS
Andrew Wilson – AW Planning

Applicant contact: jean.michel@grouphis.com.au

General Comments:

All applications are assessed on individual merit, however a failure to comply with Council or a State Planning controls will generally indicate an over development of the site and may result in adverse impacts upon adjoining and nearby land and the streetscape.

You are advised to carefully read these notes. If there is an area of concern or non-compliance, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.

Council will seek to ensure that the development of land meets all provisions of all legislation and the relevant Environmental Planning Instrument/s, in addition to providing appropriate levels of amenity to surrounding and nearby lands.

Failure to achieve this may ultimately lead to the refusal of any application lodged without notice.

Warringah Local Environmental Plan 2011 (WLEP 2011)

Consideration of proposal against Warringah Local Environment Plan 2011

The fundamentals	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	<p><i>hospital</i> means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:</p> <ul style="list-style-type: none"> (a) day surgery, day procedures or health consulting rooms, (b) accommodation for nurses or other health care workers, (c) accommodation for persons receiving health care or for their visitors, (d) shops, kiosks, restaurants or cafes or take-away food and drink premises, (e) patient transport facilities, including helipads, ambulance facilities and car parking, (f) educational purposes or any other health-related use, (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes), (h) chapels, (i) hospices, (j) mortuaries.
Zone:	B7 Business Park
Permitted with Consent or Prohibited:	Permitted with consent

Objectives of the Zone
<p>The proposal must be consistent with the following objectives of the zone:</p> <ul style="list-style-type: none"> • To provide a range of office and light industrial uses. • To encourage employment opportunities. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment. • To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses. <p><u>Comment:</u></p> <ul style="list-style-type: none"> • The proposal includes office space for health and medical consulting services to be provided within a private hospital building. This space is integrated within the internal layout of the building. The Cafeteria area is ancillary and located on the ground floor. No pharmacy is detailed at this stage.

Objectives of the Zone	
<ul style="list-style-type: none"> The new premises will introduce new uses that are compatible with the area given the presence of the new Northern Beaches Hospital nearby. The development application should specify the intended use of the internal space and specify whether the building is occupied as a single entity or a formation of independent health services grouped within the building providing diversity of employment. The proposal will add to the health services facilities in the area, parking or local facilities if the proposal is consistent with the DCP and LEP controls. The Hospital facility is for short stay only. The proposal is required to contribute to an '<i>environment of high visual quality that relates favourably in architectural treatment and landscaping to neighbouring uses</i>'. The proposal does not fully satisfy this objective as presented at the pre-lodgement and further refinement of the design is required before it would be supported by Council. Inconsistencies with this objectives and built form controls are discussed in the following notes. The proposal must not create conflict with adjacent land uses (subject to consent) including the amenity of adjacent office buildings. The site does not adjoin residential land. 	<p>It is considered that the development, as presented, requires some further design changes to satisfy these objectives in full.</p>

Principal Development Standards:			
Standard	Permitted	Proposed	Comment
Minimum subdivision lot size:	4000sqm	1800 sqm (existing, as approved)	No change
Height of Buildings: Note: Building heights under WLEP 2011 are taken from existing ground level.	Not specified	19.5m roof area 23.1m top of lift overrun.	Screening of the lift overrun and details of the roof top garden are required. A smaller building may be considered more favourable if there is an imbalance between floor space, landscaping, parking and building footprint. Height to be compatible with adjoining and surrounding buildings within Tilley Lane.

Part 5 Miscellaneous Provisions	
Provision	Comment
5.3 Development near zone boundaries	Land is adequately separated from the zone boundary to not trigger the provisions of this clause.
5.4 Controls relating to	No miscellaneous uses applicable to the site

miscellaneous permissible uses	
5.8 Conversion of fire alarms	To be addressed with preliminary BCA report for the development application. BCA report should address kitchen requirements for fitout and service vents.
5.9 Preservation of trees and vegetation	The site contains no significant trees and is cleared of vegetation, for the building footprint.
5.10 Heritage conservation	No heritage items in close proximity to the building or on the site.
5.11 Bush fire hazard reduction	The land is subject to Bushfire Hazard and a bushfire risk assessment report is required with the Development Application. The use is integrated development and requires a Bushfire Authority Approval in accordance with Section 100B of the Rural Fires Act 1997. A fee of \$320 applies in the form of a cheque made out to the NSW RFS and a processing fee of \$140 is to be paid to Council.

Part 6 Relevant Additional Local Provisions	
Provision	Comment
6.2 Earthworks	Details of any cut and fill are to be shown on the plans which includes two sections, east-west and two sections, north-south.
6.4 Development on Sloping Land	Site is classified within the 'Area A' and 'Area B' for the slope hazard. A preliminary geotechnical report is required. Wide setbacks are recommended to reduce cross boundary issues and geotechnical risks including adequate space for drainage and infiltration.

Relevant Schedules	
Schedule	Comment
Schedule 5 Environmental heritage	No items of environmental heritage are identified on or in close proximity of the site under Schedule 5 of the LEP.

Other Relevant WLEP 2011 Clauses

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration of proposal against Warringah Development Control Plan 2011

Warringah Development Control Plan			
Part B: Built Form Controls			
Control	Requirement	Proposed	Comment
B4. Site Coverage	33.3%	<10%	<p>The footprint of the building cannot take up more than 33.3% of the site and 33.3% of the site must be retained for deep soil landscaping. Appropriate site planning and a reduction in floor space may be required to ensure compliance to address imbalances between the built form controls and enable appropriate site planning.</p> <p>A minimum of 595sqm (or more) deep soil landscape area is required. These areas must be at least 2.0m wide to be included, 1m deep soil and at ground level.</p>
B5 & B6. Side Boundary Setbacks	Merit assessment	0.0mm	A minimum 0.9m should be provided to the southern boundary to basement. The boundary to boundary basement carparking is not supported.
B7 & B8. Front Boundary Setbacks	10m (up 4 m setback permitted under L&E Court ruling <i>Bridgehead Properties v Warringah Council</i>)	10m	Complies. Front setback to be landscaped. Reduced setback will only be supported if the building bulk and height is substantially reduced. Deep soil Landscaping area must not be compromised.
B7 & B8. Front Boundary Setbacks – Warringah Road and Wakehurst Parkway.	30m	124m / 145m	Complies
B9 & B10. Rear Boundary Setbacks	Merit assessment	12m	Wide easement across rear boundary. The construction of the basement within the easement is not consistent with previous approvals in Tilley Lane. The easement may be used for landscaping and ground level turning area for vehicles and some parking, subject to advice from Ausgrid and any relevant easement restrictions.
Part C: Siting Factors			
Control		Comment	

Warringah Development Control Plan	
C2. Traffic, Access and Safety	<p>A driveway profile drawing is required and traffic / parking report to address design compliance with Australian Standard 2890 and safety (e.g. footpath access separate to the driveway, accessibility, ramp transitions, turning paths and the like.)</p> <p>Traffic assessment may require RMS traffic model for the proposed network of the RMS due to significant changes in the local precinct.</p>
C3. Parking Facilities	<p>Parking is required be satisfactory with the projected private hospital demand including service vehicles. A basement carpark may be partly open sided along the boundary to enable ventilation / light and visual security. Plans are to demonstrate compliance with current requirements for Australian Standard 2890.</p>
C4. Stormwater	<p>Tilley Lane has an on-site detention (OSD) system that serves all properties within Tilley Lane. The management agreement for Tilley Lane may not require the site to have any OSD, provided landscaping requirements are satisfied. If no basement OSD is required this may further assist a reconfiguration to the subfloor space for the basement parking area with separate loading and short-visit spaces at ground level.</p> <p>In summary:</p> <ol style="list-style-type: none"> 1. Applicant is to review the community management plan and confirm if the applicant has the responsibility to maintain the onsite stormwater detention system located next to the Fitzpatrick Avenue East frontage of the community lot. If this is the case, the applicant does not need to provide an onsite stormwater detention system for the proposed development. 2. Quality of stormwater runoff from the development must comply with the requirements of the Northern Beaches Stormwater Management Plan.
C5. Erosion and Sedimentation	<p>An erosion and sediment control plan must be submitted with the development application.</p>
C6. Building over or adjacent to Constructed Council Drainage Easements	<p>Buildings are not permitted within the easement at the rear of the site. It is advised that Ausgrid be consulted to determine what structures, landscaping, parking or any works they will not permit in the easement at the rear. Refer to the Deposit Plan for easement width and other covenant details applying to the land. Council does not permit any obstructing structures in/over Council drainage easements.</p>
C7. Excavation and Landfill	<p>Details of excavation and landfill are required. The site has been previously backfilled and geotechnical investigation is required to ensure stability of material.</p>

Warringah Development Control Plan	
C8. Demolition and Construction	A construction management plan is required to address construction parking and site access including protection of the Tilley Lane OSD system from sediment material. This will include acoustic management with any excavation / jackhammering to ensure disturbance to neighbouring business uses is not unreasonable. Nearby uses that should be considered in minimising noise impact include childcare, office premises and technology use. Prior consultation is recommended with adjacent uses to identify any particular concerns.
C9. Waste Management	A waste management plan is required. A template is available from Council website at www.warringah.nsw.gov.au
Part D: Design	
Control	Comment
D1. Landscaped Open Space and Bushland Setting	<p>A landscaped setting is required for the building and in this regard, medium sized canopy trees (10m-20m) should be selected and planted within landscape zones at the front and side setbacks where spaces of at least 2m wide are available. Landscaping is also subject to easement bushfire / restrictions. A variety of endemic species suitable for the local environment are to be selected. A tree selection guide is available on Council. A planting schedule is required and must correspond with any Bushfire Report recommendations.</p> <p>In order to achieve appropriate landscaping requirements and provide a business park setting, wider landscape setbacks for the site are suggested as follows:</p> <ul style="list-style-type: none"> • Side (Southern) boundary - A setback (including no basement areas) of 3.0m is recommended. • Side (Northern) boundary - A setback 6m to 7m for the with basement area not closer than 5m. • Front (West) boundary - A setback of 8.0m to 10m with no basement parking within 6.0m. • Rear (East) boundary – a setback of 13.2m to the rear boundary with no basement parking in this zone due to the easement. Some ground level parking may be acceptable in this area but a wide setback of 6m to the east / north and south boundaries in this area should be retained. <p>The reason for these wide setbacks is to reduce cross boundary issues with neighbouring land due to site level, maintain deep soil landscape setting and amenity, including natural light and outlook, to the site and adjacent development.</p>

Warringah Development Control Plan	
	<p>As a baseline this net area exceeds 33.3% but with ancillary design losses in LOS for driveways, forecourt, reversing / turning areas, ramps and pathways, services and the like, compliance is still practicable and achievable.</p> <p><i>To measure the area of landscaped open space:</i></p> <p><i>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;</i></p> <p><i>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</i></p> <p><i>c) Landscaped open space must be at ground level (finished); and</i></p> <p><i>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</i></p>
D3. Noise	<p>The location of plant motors such as air conditioning, lift motors and the like are to be shown on the plan. These should not be positioned where they may cause noise disturbance to adjacent office space on neighbouring land. Acoustic details will be required to ensure motorised equipment does adversely affect adjacent land.</p>
D5. Orientation and Energy Efficiency	<p>The use of natural light and spatial separation for building is supported. Design Principles of sustainable “green” buildings is encouraged.</p>
D6. Access to Sunlight	<p>Adjacent business park buildings also seek to use natural light for energy efficiency and therefore consideration is required to address the objectives of this clause does not clause. This is to ensure the building does not cause unreasonable overshadowing for existing adjacent buildings that were also designed to rely on access to sunlight. Shadow diagrams are required.</p>
D9. Building Bulk	<p>It must be noted the zone is “business park” not “industrial” and therefore the building design requirements / aesthetics are more onerous. Emphasis must be placed on high quality external materials and presentation of a building that “fits” appropriately with the surrounding buildings. Height, bulk and scale must respond to the building controls detailed in the DCP. Landscaping must be used to enhance the business park setting of the building.</p>
D10. Building Colours and Materials	<p>Natural colours to blend with the landscaped setting are suitable for the site. Vivid primary colours are not recommended for any major external components of the building (superstructures, expansive wall planes etc.). The use of quality materials, including steel, timber, stonework,</p>

Warringah Development Control Plan	
	natural materials the like, to enhance the landscaped business park setting is encouraged.
D11. Roofs	Details of roof colours / roof top garden area (as indicated in the PLM) are to be included with the plans. Screening of any roof top lift over-runs is required if side mounted motor cannot be used
D12. Glare and Reflection	The development application is to address the possibility of glare toward adjacent overlooking office space from the building design.
D13. Front Fences and Front Walls	No front fence or front walls are required. Deep soil landscaping is to be used to provide a business park setting for the building. This should include a mix of low, medium and large native trees.
D15. Side and Rear Fences	Details of any side or rear fences are to be shown on the plans
D18. Accessibility	The proposal is required to comply with the <i>Disability Discrimination Act 1992</i> (DDA). The proposal includes lift service, accessible car spaces and the like. Note that allocation car parking width should be appropriate to the mobility of patient ratio to normal (narrower) parking spaces.
D19. Site Consolidation in the R3 and IN1 Zone	No site consolidation is required for the proposal as adjacent sites are developed.
D20. Safety and Security	Considerations for safety and security such as sensor lighting at night time and CCTV if required should be included with the development application details.
D21. Provision and Location of Utility Services	The location of service rooms required for water meters, hydrants, electricity and the like are to be shown on the plans.
D22. Conservation of Energy and Water	Energy conservation measures (in brief) are to be included for the development application details.
D23. Signs	Detail shown on the PLM plans is appropriate to the scale of the building. Details of any ground level signage board for the building entry / letter box structure are to be shown on the plans.
Part E: The Natural Environment	
Control	Comment
E1. Private Property Tree Management	Remnant trees at the rear of the site are to remain in situ.

Warringah Development Control Plan	
E10. Landslip Risk	No significant landslip risk from slope, however a Geotechnical Assessment is required due to the depth of excavation and potential impact on adjoining properties.

Other Relevant Controls within Warringah DCP 2011	
<p>Appendix 1 – Car Parking Requirements</p> <ul style="list-style-type: none"> • Comparisons must be drawn with developments for a similar purpose. <p>Note that the site has limited public transport accessibility and carparking in the vicinity is under pressure from the intensity of business park development within Tilley Lane and Fitzpatrick Avenue East.</p> <p>gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:</p> <ul style="list-style-type: none"> (a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes: (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement: <ul style="list-style-type: none"> (i) storage, and (ii) vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the consent authority (including access to that car parking), and (h) any space used for the loading or unloading of goods (including access to it), and (i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above. 	
<p>Draft Northern Beaches Hospital Precinct Structure Plan</p> <p>The applicant should be aware of the “Draft Northern Beaches Hospital Precinct Structure Plan” and associated RMS roadworks.</p> <p>The Draft Plan does not propose any changes to the current zoning or planning controls for this site at this point in time. The Draft Plan and RMS roadworks supporting documentation does identify significant constraints in the local road network to cater for new development in this area. RMS should be consulted with prior to lodging a DA, and during the DA assessment stage.</p> <p>In addition to the above, and for the applicant to note, the Draft Plan identifies the relocation of the existing Forest High School to the existing Warringah Aquatic Centre site, adjacent to the subject site. The pressure for adequate staff carparking and visitor parking should not be underestimated in the vicinity of the site. Therefore, an appropriate balance of floor space to site area to comply with the built form controls must be addressed. Floor space is likely to require reduction to achieve this balance.</p>	

Other Relevant Controls within Warringah DCP 2011

Other Relevant Environmental Planning Instruments/SEPPs

You are advised that the following Environmental Planning Instruments apply to the development:

- SEPP No. 55 – Remediation of Land;
- SEPP No. 64 – Advertising and Signage (if required);
- SEPP (Infrastructure) 2007; and

Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at www.warringah.nsw.gov.au:

- Applications for Development - Policy for the handling of unclear, non-conforming, insufficient and Amended applications: PDS-POL 140
- Stormwater drainage for low level properties PDS-POL 135
- Building over or adjacent to constructed Council drainage systems and easements: PAS-PL 130
- Vehicle access to all roadside development: LAP-PL 315
- Section 94A Contributions Policy.

Required Documentation

- All information required to be submitted under Schedule 1 of the Environmental Planning and Assessment Regulation 2000;
- All information as required on the Development Application form checklist;
- Site Analysis;
- Site Survey (prepared by a registered Surveyor);
- Statement of Environmental Effects addressing:
 - Section 79C of EPA Act,
 - all relevant sections of WLEP 2011, including demonstrating consistency with the B7 Business Park zone and the compliance with the Height of Buildings Development Standard.
 - All relevant sections of WDCP 2011;
 - other relevant Environmental Planning Instruments.
- Architectural plans including 4 cross sections and driveway profile to the kerb.
- Geo-technical report with Site Contamination Assessment (SEPP 55);
- Accessibility and preliminary BCA assessment;
- Acoustic report (including construction / excavation management considerations)
- Bushfire Report;
- Traffic and Parking Report;
- Shadow diagrams (9am, midday ,3pm only);
- Landscape Plan showing the layout of the landscaping within the site and the planting schedule appropriate to Bushfire requirements;
- Waste Management Plan;

Required Documentation

- Stormwater Management Plan / Drainage Diagram as required (addressing Tilley Lane Management Agreement);
- Erosion and Sedimentation Plan;
- Colour and Materials Schedule;
- Signage Plan (if required);
- Owners consent (all owners)
- Cost Summary Report, if the cost of works exceeds \$100,000. (Note: S94A Contribution rates) This report is to be in addition to the Estimated Cost of Work options in Part 2.3 of Council's Development Application Form.

Concluding Comments

These Minutes are in response to a pre-lodgement meeting held on 2 February 2017 to discuss a warehouse / light industry building at Nos.11 Tilley Lane. The Minutes reference preliminary plans Dwg.01 to Dwg .16 prepared by *Group HIS* received 7/12/2016.

At present, the proposal is will not be supported. The development is substantially below the landscaped open space requirement and further loss may be incurred by pathways, facilities, and service requirements not yet on the draft plans. This equates to an overdevelopment of the site against the DCP controls and is unlikely to be supported. To be included, landscaping must be at ground level, at least 1.0m deep soil and the placement of basement areas boundary to boundary and within the setbacks and easement will not be supported.

Based upon the above comments you are advised to revise the proposal prior to lodging an application. The principle concerns detailed within these notes must be addressed to achieve compliance and an appropriate balance for the development for the reasons raised in these Minutes. Further discussion with Council planning staff, prior to lodging a development application is recommended, including an invitation to submit a revised scheme for further feedback without another formal pre-lodgement meeting.

Other Matters

- **Requirement to Submit Correct, Clear and Accurate Information at Lodgement**

You are advised, that if an application is unclear, non-conforming or provides insufficient information, or if Council requests additional information in accordance with Clause 54 of the EPA Regulations 2000 and it is not provided within the specified time frame, a development application may be rejected or refused without notice.

The time to discuss and amend your design is prior to lodgement of your Development Application, as there will be no opportunity to do so during the assessment process.

- **Privacy and Personal Information**

You are advised that Council is legally obliged to make Development Applications and supporting documents available for public inspection – see section 12 of the Local Government Act 1993. We do this at the Customer Service Centre and by placing copies of the applications and supporting documents on the Council website.

Should this proposal result in a development application being lodged these notes will form part of the development application documentation that will appear on Council's website – DA's online.

Other Matters
<p>www.warringah.nsw.gov.au</p> <ul style="list-style-type: none">• Monitoring DA progress after lodgement <p>Once lodged you can monitor the progress of your application through Council's website – DA's online. www.warringah.nsw.gov.au</p>