

SYDNEY NORTH PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-57
DA Number	DA2019/1419
LGA	Northern Beaches
Proposed Development	Construction of a Health Services Facility, being a Medical Centre (Cancer Treatment Centre) with associated basement parking, signage and landscaping
Street Address	Lot 7 DP 1020015, 49 Frenchs Forest Road East FRENCHS FOREST
Applicant/Owner	Forest Central Business Park Pty Ltd (Owners) Erilyan Pty Ltd (Applicant)
Date of DA lodgement	11 December 2019
Number of Submissions	Seven (7) submissions received
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Private Infrastructure and Community Facilities over \$5 million - Capital Investment Value is \$19,386,000
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulation 2000; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007;
List all documents submitted with this report for the Panel's consideration	Attachment 1: Draft Conditions Attachment 2: Pre-Lodgement Meeting Notes Attachment 3: Architectural Plans
Clause 4.6 requests	Not Applicable
Summary of key submissions	<ul style="list-style-type: none"> • Excessive earthworks and potential structural damage • Traffic Issues and impact other business • Impact of construction on right of way • Inadequate carparking • Lack of notification with adjoining business owners
Report prepared by	Lashta Haidari – Principal Planner
Report date	22 April 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

This Report is an assessment of a Development Application (DA) for the construction of a Medical Centre on the site known as 49 Frenchs Forest Road East, Frenchs Forest (Lot 7 DP1020015). The site has an area of approximately 1,776m².

The site is zoned "B7 – Business Park" under the Warringah Local Environmental Plan 2011 (WLEP 2011) in which Medical Centres are a permissible land use.

The development proposes the construction and use of a "fit-for-purpose" medical centre (Cancer Treatment Facilities) comprising four levels of medical facilities and four basement levels of car parking. The current vehicular access to the site is via an internal road off Frenchs Forest Road East, which will be utilised by the proposed development.

The application is referred to the Sydney North Planning Panel (SNPP) for determination pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, as the development falls under the definition of Health Care Facilities and has a Capital Investment Value (CIV) in excess of \$5 million.

The assessment of the application has found that the proposal is generally acceptable and can be supported subject to conditions. Detailed assessment issues include non-compliances with the built form controls for front setbacks and site coverage under the provisions of WDCP 2011. The proposed building height is assessed as being acceptable on its merits, given the site in the *B7 Business Park* zone in this location has no building height standard. The building height and scale of the building is compatible with the objectives of the zone and will not create an unreasonable impact on adjacent development, or the existing streetscape amenity.

The DA was publicly exhibited in accordance with the Northern Beaches Community Participation Plan and a total of 7 submissions were received, all of which objected to the proposal. The issues and concerns raised in the submissions are addressed in this report.

The assessment concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the assessment considers the development is in the public interest and should be approved subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The DA seeks consent for the construction and use of a four (4) storey building to accommodate a medical centre (Cancer Treatment Centre), comprising the following:

- Demolition works and tree removal
- Earthworks and excavation
- Construction of a fit for purpose medical centre, comprising four (4) levels of medical facilities and three (3) basement levels of car parking
- Signage
- Site landscaping

The proposed medical centre has a Gross Floor Area (GFA) of 1,976m². The medical centre is to provide a cancer treatment centre with radiation oncology, medical oncology and support services. Treatment of patients at the facility would be by appointment only, due to referral requirements for such patients.

Figure 2 and Figure 3 below is provided to assist in the identification of the proposed building footprint within the site and the appearance of the building, as viewed from Warringah Road.

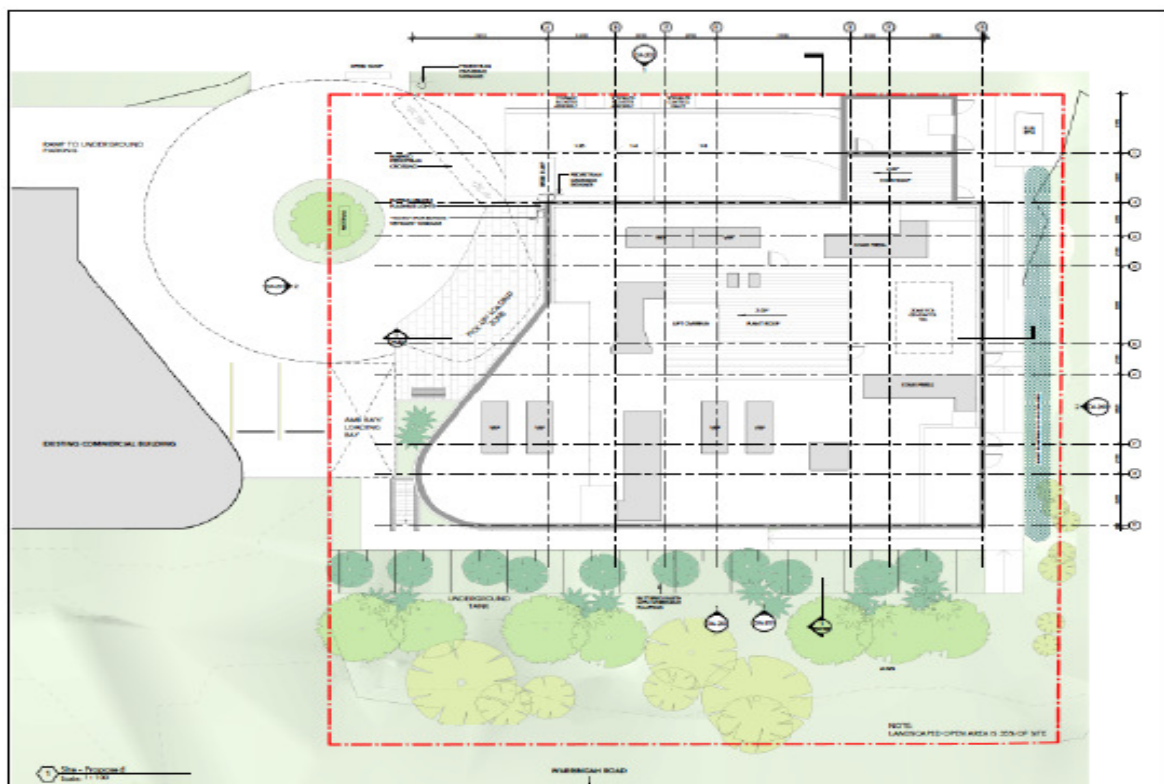


Figure 1: Site Plan Source: Architectural plan dated 4/12/2019 and prepared by Team 2)



Figure 2: Photomontage view from Warringah Road – Proposed Building is to the right, existing Citizen building to the left (Source: Architectural plan dated 4/12/2019 and prepared by Team 2)

Access

In terms of vehicle access, the proposal will utilise the current vehicular access via the internal road off Frenchs Forest Road East.

Car parking

A total of 75 car parking spaces will be provided, with the following breakdown:

- 44 car spaces for patient use
- 31 car spaces for staff

Staff Numbers

Total of 37 Staff will be employed at the premises

Number of Patients

- A maximum of 144 to 156 patients per day at full capacity
- A maximum of 24 patients per hour

Signage

The proposal includes two business identification signs and one directional sign. Further detail of the proposed signage is included in the SEPP 64 section of this report.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the EP&A Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the EP&A Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SITE DESCRIPTION

The development site is Lot 7, DP 1020015, No. 49 Frenchs Forest Road East, which occupies a rectangular shaped area of some 1,774m² within the *Forest Central Business Park*. The site has a frontage (but no vehicular access) to the northern side of Warringah Road, Frenchs Forest.

The site is currently used as storage as part of the Northern Beaches Hospital Stage 2 Road Network Enhancement project with construction vehicle access provided at the Warringah Road frontage.

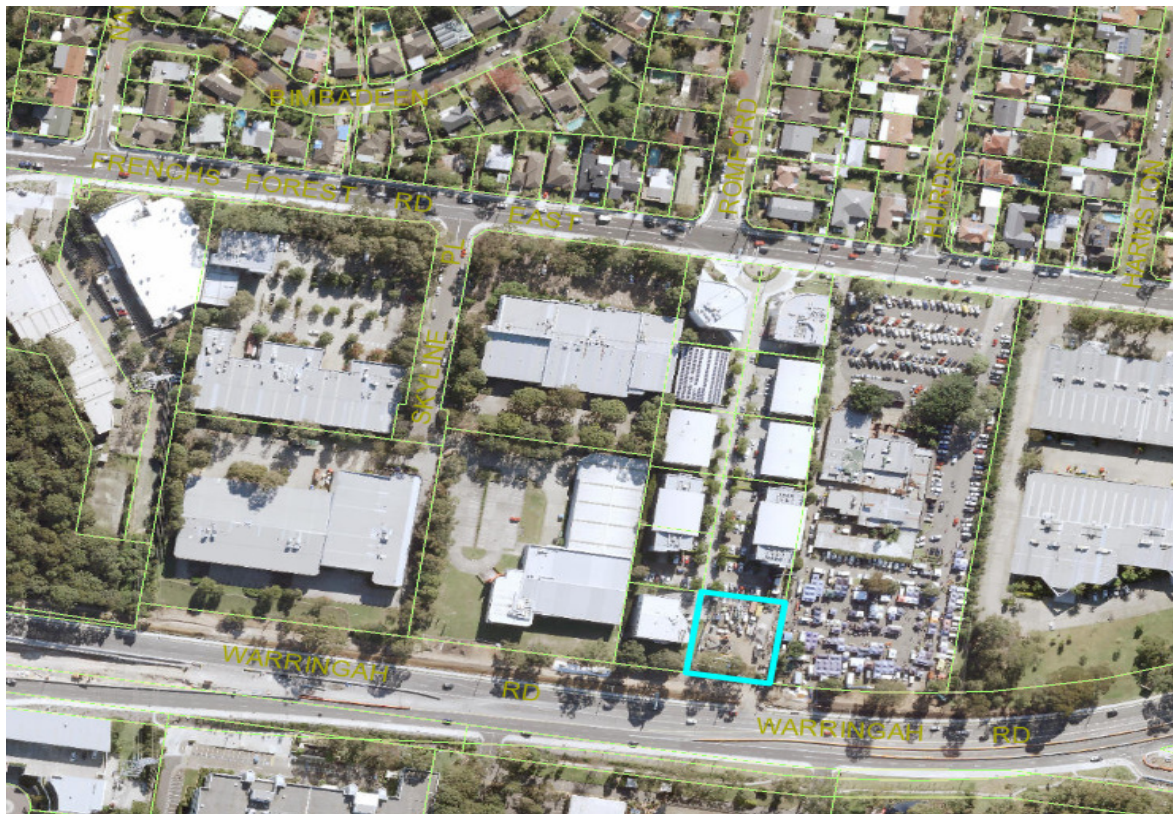


Figure 3 - Site Map (within the Forest Central Business Park)

The surrounding areas to the north (opposite side of Frenchs Forest Road East) comprise traditional residential dwellings while the area to the west, east and south generally comprises a mixture of old and new industrial and commercial buildings. Interspersed within this are a mixture of schools, an aquatic centre, a hotel (under redevelopment), a drive-through fast food restaurant (KFC) and a small shopping precinct.

Vehicular access to the site is provided from Frenchs Forest Road East via two driveways. The eastern driveway provides for entry and the western driveway provides for exit.

The adjoining lot to the east at No.39 Frenchs Forest Road East has been approved for a new Hotel, Dan Murphy's bottle shop, 100 room motel and 271 onsite parking spaces. That development is now under construction.

RELEVANT BACKGROUND

Pre-lodgement Meeting

A pre-lodgement meeting was held with the applicant on 2 May 2019 to discuss a proposal for redevelopment of the site for the purposes of a Medical Centre.

A copy of the notes are attached to this report (refer to Attachment 2).

Development Application (DA2019/098)

A previous DA was lodged for the subject site for generally the same proposal. The DA was subsequently withdrawn by the applicant on 8 November 2019, following Council's request which raised a number issues with the application, including a significant deficiency in carparking.

HISTORY OF THE SUBJECT APPLICATION

The current application was lodged with Council on 11 December 2019. During the assessment of the application, a number of internal referral bodies raised concerns with the proposal, particularly in regards to vehicular access arrangements. In response, the applicant submitted additional information on 6 February 2020 in an attempt to address the concerns raised.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

The relevant matters for consideration under the Section 4.15 of the EP&A Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any EPI	See the discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft EPIs	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The proposal has been reviewed by Council's Environmental Health Officer – Contaminated Lands and no concerns have been raised.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 (WDCP 2011) applies to this proposal.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	No Planning agreement has been entered into or offered to be entered into under Section 93F of the Act.
Section 4.15 (1) (a)(iv) – Provisions of the EP&A Regulation 2000	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the BCA. This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><u>Environmental Impacts</u> The environmental impacts of the proposed development on the natural and built environment are addressed under the relevant sections in this report. In summary, the assessment has considered the likely impacts of the proposed development and those impacts are satisfactory or can be appropriately managed or mitigated through conditions.</p> <p><u>Social Impacts</u> The proposed development will provide social benefits through the provision of an additional specialised medical centre in the vicinity of the Northern Beaches Hospital and prevent people needing to travel outside the area for such medical treatments. The development will improve the social wellbeing of the community through improved and additional medical services and have a positive social outcome.</p> <p><u>Economic Impacts</u> The proposed development will not have a detrimental economic impact on the locality considering the proposal will provide an additional health care facility within the area which is already becoming a service sector for the Northern Beaches Hospital, and the proposed development will have positive impacts through the creation of employment both in the short term during the construction and long term operation.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The suitability of the site in terms of likely impacts on the environment and amenity has been discussed in detail in the various section of this report. In summary, the site is concerns suitable for the proposed development.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Regulations 2000	See the discussion on “Public Exhibition” in this report.
Section 4.15 (1) (e) – the public Interest	<p>The public interest has been considered as part of the assessment. Overall, the public interest is best served by the consistent application of the applicable planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised and/or managed.</p> <p>The proposal has been assessed against the provisions of the relevant planning controls and is deemed to be acceptable in terms of its impact on the site, the business park and the residential areas to the north, subject to suitable conditions to manage the construction and ongoing operations of the centre.</p> <p>On this basis, the proposal is considered to be in the public interest.</p>

NOTIFICATION & SUBMISSIONS RECEIVED

The DA has been exhibited from 11 January 2020 till 8 February 2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Northern Beaches Community Participation Plan (CPP).

As a result of the public exhibition process, Council is in receipt of seven (7) submissions, each of which raised concerns in relation to the proposed development.

The following issues were raised in the submissions:

1. Construction related impacts

Concern is raised regarding the excavation and construction impacts associated with the development, and the potential impact on the operation of the adjoining business within the business park.

Comment

The subject site is the last vacant lot within the Forest Central Business Park. It is expected that excavation, deliveries, and piling work will have the greatest potential noise and vibration impact on the operation of the adjoining business, however detailed acoustic assessments of the individual activities cannot be undertaken prior to knowing the activities/construction methods proposed, their duration and location.

In the event that approval is granted appropriate conditions should be imposed that require a Construction/Traffic Management Plan (C/TMP) to be prepared. The C/TMP is to be prepared in consultation with the other business within the complex and should include “respite periods” for noisy activities during the construction phase to mitigate potential impacts of noise.

The issue raised is noted, however can be addressed by way of condition, hence this issue does not warrant the refusal of the application.

2. Traffic safety and congestion

Concern has been raised that the development will have a detrimental impact on the congestion of surrounding streets and will give rise to greater traffic hazards and risks, particularly upon the Forest Central Business Park which shares access arrangements with.

Comment

This issue is addressed in detail under Council's Traffic Referral Comments.

In summary, the applicant submitted a Traffic Impact Assessment with the application, and a revised Traffic Report on 6 February 2020, which assessed the likely traffic impacts of the proposal on the shared access way due to additional traffic and parking demand generated by the proposed development.

The assessment and information provided by the applicant is satisfactory and Council's Traffic Section raises no concerns in relation to the proposed development on traffic grounds, recognising that the proposal will be acceptable in relation to traffic impacts.

Overall, the increase in traffic generation associated with the proposed development is not considered to have a significant traffic impact on the adjacent road network and intersections nor on the amenity of adjoining and surrounding sites.

This issue does not warrant the refusal of the application.

3. Car parking spaces

Concern has been raised that the proposal does provide a sufficient number of parking spaces for the proposed development.

Comment

This issue is addressed in detail in the WDCP section of this report. In summary, Council's Traffic Engineer has raised no objection to the proposed number of parking and concludes that the proposed 75 parking spaces are considered adequate and capable of accommodating the parking demand of the proposed medical centre.

This issue does not warrant the refusal of the application.

4. The DA has not been correctly exhibited, advertised or notified

Concern was raised that the DA has not undergone the correct exhibition, advertised or notification process.

Comment

It is noted that this submission was prepared for the previous DA, which was withdrawn.

The public exhibition of the current DA was in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the

Community Participation Plan and also included advertising in the Manly Daily and notification signs placed on site.

Therefore, this issue should not be given determining weight.

5. Incomplete information regarding the use of Level 3

Concern has been raised that there is insufficient information regarding the use of Level 3 of the development.

Comment

The applicant has advised that use of Level 3 will be for an Imaging Suite, which will be outsourced to be separate provider. The internal fit-out of Level 3 does not form part of the current application and a condition has been included to ensure that a separate DA or CDC is obtained for this use/fit/out.

The parking demand for Level 3 has been considered as part of the assessment and found to be adequate.

Therefore, this issue should not be given determining weight.

6. Excessive earthworks

Concern has been raised that the proposed development includes excessive excavation and earthworks and the applicant has not addressed the detail of this within the Geotechnical Assessment Report. Concern has been raised that the excavation will have adverse impacts and will structurally damage the adjoining buildings and the shared access roadway.

Comment

The applicant's Geotechnical Report provides detailed assessment of the proposed earthworks and addresses the requirements of Clause 6.2 – Earthworks of WLEP 2011 and the requirement of C7 – Excavation and Landfill of WDCP 2011.

With regards to excavation and construction management, appropriate conditions (including the requirement for a dilapidation report) which aim to minimise impacts can also be imposed in a consent should this application be approved.

The issue raised is noted, however can be addressed by way of condition, hence this issue does not warrant the refusal of the application.

7. Unacceptable interference

Concern has been raised that the development will have unacceptable interference, particularly during the construction phase on lot owners' access to Right of Way numbered 6 in DP1020015. The submission states that the 4.6m width is insufficient to cater for large truck access.

Comment

There is a 4.6m wide easement on all lots within the business park that have full frontage to the central common access road/driveway i.e. the lots on both sides of the business park each provide an easement for access of 4.6m, which is a total combined roadway/pedestrian path of 9.2m.

In this regard, it is recommended that conditions be included in the consent requiring:

- There to be no construction parking on any existing lot within the business park without the relevant owner's consent.
- That there be no trucks standing in the driveway/access road or blocking the right of way access at any time.

The issue raised is noted, and can be addressed by way of condition, hence this issue does not warrant the refusal of the application.

INTERNAL REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Contaminated Lands)	<p>Assessment of the contaminated land component of an application to construct a medical facility. Previously, Environmental Health reviewed a Phase One assessment that recommended sampling and analysis of stockpiled materials and we recommended that any contaminated material be reported to Council.</p> <p>With the re-submission of this DA, the applicant has provided a Phase Two assessment (E32505BTrpt2Rev2 by JK Environments) which resulted in identification of some minor contamination of stockpiled material and recommended no remediation required.</p> <p>Environmental Health recommend approval of the development subject to a condition.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p>
Environmental Investigations (Industrial)	No objection subject to conditions.
Landscape Officer	The plans indicate rainforest/tropical tree species to be planted in the setback to Warringah Road. In view of the elevated nature of the site and relatively poor soils and to comply with CI B14 of WDCP2011, the tree species

Internal Referral Body	Comments
	<p>are to be substituted for local native species, as indicated in recommended conditions.</p> <p>B14 Main Roads Setback <i>Relationship with other setback controls</i> <i>Where land is subject to this Main Roads Setback and is also subject to a front building setback, a rear building setback or a side building setback, this control shall prevail to the extent of any inconsistency.</i> <i>Applies to Land</i> <i>This control applies to land shown on DCP Map Main Roads Setback.</i> <i>Objectives</i> <ul style="list-style-type: none"> <i>• To provide a densely landscaped buffer between the development and the main road/s.</i> <i>• To enhance the aesthetic quality of main roads.</i> <i>Requirements</i> <ol style="list-style-type: none"> <i>1. Development is to be set back the minimum indicated on the DCP Map Main Road Setbacks. The measurement is to be made perpendicular to the property boundary to the main road.</i> <i>2. On land where the main roads setback is 30 metres, the front setback area:</i> <ol style="list-style-type: none"> <i>a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and</i> <i>b) no signs are to be erected in the 30 metre front setback area.</i> <i>Exceptions</i> <i>Ground level car parking may be permitted between 15 and 30 metres from the road boundary provided views of the car park area, from the main road, are screened by landscaping.</i> <p>Subject to conditions as recommended, no objections are raised to approval.</p> </p>
Strategic Planning - Urban Design	<p>The proposed development can generally be supported.</p> <p>The bulk, scale and architectural treatment and materiality reflects the surrounding quality of the urban realm with a distinct coalescing with the existing Citizen building to the west and associated site planning.</p>
Strategic and Place Planning	<p>This application has been referred as the subject site is identified within the 'Jobs Growth' area of the Hospital Precinct Structure Plan, adopted by Council on 1 August 2017.</p> <p>The site is currently zoned B7 Business Park under Warringah LEP 2011 and development consent is required for a health services facility.</p> <p>Council has adopted the Hospital Precinct Structure Plan (HPSP) to guide future land-use planning decisions in Frenchs Forest over the next 20 years. Whilst this is not a statutory document, Council is working with the NSW Department of Planning and Environment to implement Phase 1 of the HPSP into the statutory planning framework as part of the Frenchs Forest</p>

Internal Referral Body	Comments
	<p>Planned Precinct project.</p> <p>The HPSP states that this precinct is able to grow and mature under its current B7 Business Park zoning to support the new Northern Beaches Hospital and deepen the locality's employment base.</p> <p>The Application is for the construction of a four storey health services facility comprising a gross floor area of 2,099m². The proposed development intends to accommodate a cancer treatment centre with consulting, imaging and pathology services. Two beds are proposed for anaesthetic procedures and recovery. The facility proposes to provide jobs for 52 staff and accommodate a maximum of 98 patients.</p> <p>No issues are raised with the proposed land use. The proposal is supported as it will contribute towards additional jobs for the precinct. In addition, the uses will support the new Northern Beaches Hospital, the NSW Government's vision for a health and education precinct, and encourage employment growth in the area.</p> <p>The application is supported as it will contribute towards additional jobs for the precinct. In addition, the uses will support the new Northern Beaches Hospital, the Greater Sydney Commission's vision for a health and education precinct, and encourage employment growth in the area.</p>
Development Engineering	<p>The development proposes works within adjoining lands, Lot 6 DP 1020015. Please ensure that any Development Consent includes this property. The creation of easements and encumbrances are also to be conditioned.</p> <p><u>Stormwater:</u></p> <p>The proposal is located below the groundwater table. As such, the development shall be permanently tanked and appropriately conditioned.</p> <p>No objections are raised to the proposed development, subject to conditions.</p>
Traffic Engineer	<p>The proposal is for 18 consulting and treatment rooms, and considering the staffing levels proposed is 37, and the need for spaces for patients next in the waiting list, the 75 spaces is deemed acceptable. This will be subject to ongoing management of the <i>Work Place Travel Plan</i>. A condition will ensure that the plan is implemented and adhered to at all times. An ongoing review process will be required and the data is to be provided to Council to ensure the effectiveness of the plan. A condition will be added to require a bi-annual report on the ongoing effectiveness of the work place travel plan and car park operation.</p> <p><u>Traffic:</u></p> <p>The proposed traffic generation rates and assumptions</p>

Internal Referral Body	Comments
	<p>are deemed acceptable.</p> <p><u>Access:</u> Access to the subject site along the private road has been assessed as part of the application.</p> <p><u>Car park and access configuration:</u> The applicant has demonstrated how the site can be serviced along with the adjoining lot at the end of the access road.</p> <p><u>Pedestrian:</u> The low speed environment is deemed safe for pedestrian and vehicular interactions. No objections are raised.</p> <p><u>Servicing:</u> All servicing is to be undertaken by commercial contractors. The plans must be designed to cater for the expected vehicle size and a <i>Loading Bay Management Plan</i> will be required to be in operation.</p> <p>Support: Council's Transport Network Team supports the application with conditions provided to address:</p> <ul style="list-style-type: none"> - Access - Parking - Servicing

EXTERNAL REFERRALS

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
Transport for NSW (Former RMS)	The application was referred to Transport for NSW for comments on 27 December 2019, however no comments have been received, it is therefore assumed that no objection are raised and no conditions are recommended.
Water NSW	<p>The application was referred to Water NSW as Integrated Development under Section 91A (3) of the EPA Act 1979, requiring water supply work approval under the <i>Water Management Act 2000</i> (WM Act).</p> <p>Water NSW by letter dated 1 April 2020, issued their General Terms of Approval, which are to be included as conditions of consent.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All EPIs (State Environmental Planning Policies (SEPPs), Regional Environment Plans

(REPs) and Local Environment Plans (LEPs)), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each EPI (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs)

A further consideration is required for the following State policies:

SEPP (State and Regional Development) 2011

The proposed development does not constitute State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011.

Of more relevance, Clause 20 of this policy cross-references Schedule 7 of the EP&A Act 1979, which identifies a range of developments that, either due to their nature, scale, value, impact or location, are deemed to be of regional significance and which, as a result, require that the SNPP become the consent authority.

In this regard, Schedule 7 (5) indicates that development that has a capital investment value of over \$5 million for Health Care facilities are of regional significance. As indicated on the DA form and as confirmed by a quantity surveyors report accompanying the application, the proposed development has a capital investment value of \$19 million. As such, the consent authority for the application is the SNPP.

SEPP 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers in determining when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

In response, the applicant has submitted a Stage 1 and Stage 2 Environmental Site Assessment, prepared by JKE Environments. The report concludes that:

“the site is suitable for the proposed development and that potential risks associated with contamination at the site are low and further investigation (or remediation) is not considered to be required”.

The application was also referred to Council’s Environmental Health Officer who raised no objection to the proposal subject to conditions. Accordingly, the land is considered to be suitable for the development subject to conditions.

SEPP 64 - Advertising and Signage

Clause 13 of the SEPP states that a consent authority must not grant development consent to an application to display signage unless the advertisement of advertising structure:

- a) Is consistent with the objectives of this policy as set out in clause 3(1) (a);
- b) Has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impact; and
- c) Satisfies any other relevant requirement of this Policy.

The proposal includes a total of 2 business identification signs and directional sign, which are as follows:

Sign Details	Location	Width	Height	Area	illumination
Business Identification sign (wall sign)	Pedestrian Entry Point	1.5m	0.46m	0.69m ²	Yes
Business Identification sign (wall sign)	Top left hand corner of south	4m	1.225m	4.9m ²	Yes
Directional sign	Located near the vehicular access point of building	0.6m	0.75m	0.45m ²	No

The proposed development has been assessed using the assessment criteria in Schedule 1 below and overall, the proposed signage locations and size are considered to be compatible with the desired amenity and visual character of the area. The potential impacts are considered to be acceptable and consistent with the requirement of the SEPP.

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed development includes business (identification) and wayfinding signage. The signage is necessary to help identify and locate the facility. It comprises a coordinated suite of signage which is appropriate in scale and integrated with the development. It is compatible with the existing and future character of the area.	Yes

Matters for Consideration	Comment	Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Although the signage does not involve any advertising, its design is compatible with other wayfinding and business signage in the area.	Yes
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage is low key and integrated into the design of the development. It will not detract from the amenity or visual quality of heritage items in the vicinity.	Yes
3. Views and vistas Does the proposal obscure or compromise important views?	No important views are impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is complementary to the building and does not dominate the skyline.	Yes
Does the proposal respect the viewing rights of other advertisers?	There is no impact on the viewing rights of other advertisers.	Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	As noted above, the signage is low key and subservient to the overall building. The scale, proportion and form of the signage are compatible with the streetscape and do not detract from the surrounding setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage will assist in providing visual interest to the business park. This is particularly important to identify the use and entry points to the facility.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no signage on the site. The proposal involves a coordinated suite of signage that is simple, clear and uncluttered. It will not result in excessive signage.	Yes
Does the proposal screen unsightliness?	The signage is not intended to screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	Yes
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	As noted above, the signage has been designed as an integral part of the building and its surrounds. The different forms of signs, their location and design are appropriate to the intended message and their relationship to the building and landscape.	Yes

Matters for Consideration	Comment	Complies
Does the proposal respect important features of the site or building, or both?	As noted above, the signage is subservient to the building and does not impact on important architectural or landscape features.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The building itself is innovative and the signage has been designed as a compatible component of the overall facility.	Yes
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Some of the signs will be backlit. In these instances, lighting will be integrated into the sign design.	Yes
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	As noted above, some of the signs will be backlit but the level of illumination will be modest and will not result in unacceptable glare, considering its location within the business park.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The signs have the potential to be adjusted if necessary.	Yes
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Because of the nature of the signage, it is not expected that the signs will impact on road, pedestrian or bicyclist safety. In particular, the signs will remain static and will not create glare.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not impact on sightlines from public areas.	Yes

SEPP (Infrastructure) 2007

For the purpose of this development, the proposed medical centre is defined as a Health Services Facility which is permissible with consent within the B7 Business park zone.

A **health services facility** is defined as a facility 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 the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,

(e) hospitals.

The proposed Health Services Facility (medical centre) is consistent with the general aims of the SEPP to facilitate the effective delivery of infrastructure across the State by providing greater flexibility in the location infrastructure and service facilities.

(i) Clause 45 – Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any DA (or an application for modification of consent) for any development carried out:

- *Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);*
- *Immediately adjacent to an electricity substation;*
- *Within 5m of an overhead power line;*
- *Includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.*

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

(ii) Clause 102

The proposed development does not trigger the provisions of Schedule 3 Traffic Generating Development and does not require a referral to Transport for NSW.

SEPP 33 – Hazardous and Offensive Development

The SEPP requires Council to assess whether or not the proposed development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP's thresholds are breached, Council must then determine whether or not the proposed development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods, including setbacks from the site boundaries, in accordance with the SEPP.

The application is for a “fit for purpose” medical centre to be used as cancer treatment facilities and is not considered to be hazardous or offensive development as defined by the SEPP.

STATE REGIONAL ENVIRONMENTAL PLANS

There are no SREPs applicable to the site.

LOCAL ENVIRONMENTAL PLAN

WARRINGAH LOCAL ENVIRONMENT PLAN 2011

The Warringah Local Environmental Plan 2011 is the relevant LEP that is applicable to the development.

Is the development permissible with consent?	Yes
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	(refer to discussion below)
After consideration of the merits of the proposal, is the development consistent with:	
Aims of the LEP?	Yes
Zone objectives of the LEP?	Yes

Zoning and Permissibility

Definition of proposed development: (ref. WLEP 2011 Dictionary)	<p>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:</p> <ul style="list-style-type: none"> a) a medical centre, b) community health service facilities, c) health consulting rooms, d) patient transport facilities, including helipads and ambulance facilities, e) Hospital.
Zone:	B7 Business Park
Permitted with Consent or Prohibited:	Health Services Facilities are permitted with consent under both WLEP 2011 and SEPP (Infrastructure) 2007.



Figure 4 – Site Zoning under WLEP 2011 (note: site boundaries shown in light blue)

Compliance Assessment Summary

Relevant Clauses	Compliance with Requirements
Part 1 Preliminary	
1.2 Aims of the Plan	Yes
Part 2 Permitted or prohibited development	
2.1 Land Use Zones	Yes
2.7 Demolition requires consent	Not Applicable

Relevant Clauses	Compliance with Requirements
Part 4 Principal development standards	
4.3 Height of buildings	Not Applicable (refer to discussion below)
4.6 Exceptions to development standards	Not Applicable
Part 5 Miscellaneous Provisions	
5.9 Preservation of trees or vegetation	Yes
Part 6 Additional Local Provisions	
6.2 Earthworks	Yes (refer to discussion below)
6.3 Flood planning	Not Applicable
6.4 Development on sloping land	Yes (refer to discussion below)

Detailed Assessment

Principal Development Standards

Relevant Development Standard	Requirement	Proposed	Variation (%)	Compliance
Clause 4.3 Height of Buildings	No height limit	21.95m	N/A	N/A

Clause 4.3 – Height of buildings

The objectives of Clause 4.3 are:

- (a) To ensure that buildings are compatible with the height and scale of surrounding and nearby development.*
- (b) To minimise visual impact, disruption of views, loss of privacy and loss of solar access.*
- (c) To minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments.*
- (d) To manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

There is no maximum height limit for the site indicated on the Height of Buildings Map.

The proposal satisfies the objectives of Clause 4.3, as it is considered that:

- (a) The size and the scale of the proposed building is compatible with the other development within this portion of the business park.
- (b) The relatively low-rise nature of the new building and location ensure that there will be no impact on the amenity of adjoining and neighbouring land in regard to visual bulk, privacy impacts, overshadowing or views.

- (c) The development will not have any adverse impact on the scenic quality of Warringah's coastal and bush environments.
- (d) The visual impact of the development as viewed from a public place (i.e. from Warringah Road) will be similar to that of the existing Citizen building to the west and will be partially screened by canopy trees within the road reserve will sit alongside the new motel building under construction to the east.

Clause 6.2 - Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development:

- (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, and*
- (b) *to allow earthworks of a minor nature without requiring separate development consent.*

In this regard, before granting development consent for earthworks, Council must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality

Comment: The proposal is unlikely to unreasonably disrupt 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

Comment: The proposal will not unreasonably limit the likely future use or redevelopment of the land.

(c) the quality of the fill or the soil to be excavated, or both

Comment: The excavated material will be processed according to the Waste Management Plan for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The proposed earthworks will not result in unreasonable amenity impacts on adjoining properties. Conditions have been included in the recommendation of this report to limit impacts during excavation/construction.

(e) the source of any fill material and the destination of any excavated material

Comment: The excavated material will be processed according to the *Waste Management Plan* for the development. A condition has been included in the recommendation of this report requiring any fill to be of a suitable quality.

(e) the likelihood of disturbing relics

Comment: The site is not mapped as being a potential location of Aboriginal or other relics.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area

Comment: The site is not located in the vicinity of any watercourse, drinking water catchment or environmentally sensitive areas.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in relation to earthworks.

Clause 6.4 - Development on sloping land

The site has been identified as being within 'Area A' on Council's Landslip Risk Map, Clause 6.4 of the WLEP is relevant as the proposal includes excavation works. In this regard, the applicant has submitted a Geotechnical Report, prepared by JK Geotechnics in accordance with requirements of this clause.

Under this clause, 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

Comment: The applicant has submitted a Geotechnical Assessment Report prepared by a suitably qualified geotechnical expert. This report concludes that the proposed development is acceptable from a geotechnical perspective and therefore, Council is satisfied that the development has been assessed for the risk associated with landslides in relation to both property and life.

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

Comment: The applicant's Geotechnical Assessment report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions. Therefore, Council is satisfied that the development will not cause significant detrimental impacts because of stormwater discharge from the development site.

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment: The applicant's Geotechnical Assessment report concludes that the proposed development is acceptable from a geotechnical perspective. The application has also been assessed by Council's Development Engineers in relation to stormwater. The Engineers have raised no objections to approval, subject to conditions.

Therefore, Council is satisfied that the development will not result in adverse impacts or effects on the existing subsurface flow conditions.

DEVELOPMENT CONTROL PLAN

WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The Warringah Development Control Plan 2011 is the applicable DCP in relation to the proposed development.

Built Form Controls

Part B: Built Form Controls			
Relevant Control	Requirement	Proposed	Compliance
B4 Site Coverage	33.3% (599.9m ²)	36% (647m ²)	NO
B5 Side Boundary Setbacks	Nil	4.2m eastern side boundary 4.5m -27.4m western side boundary	YES (acceptable on merit)
B7 Front Boundary Setbacks	30m from Warringah Road	15m from Warringah Road	NO
B9 Rear Boundary setbacks	Merit Assessment	7.3m for the majority of the development with small portion (switch room) has nil setback to the rear	YES (demonstrates consistency with adjoining properties)
D1 Landscape Open space (LOS)	33.3% (599.9m ²)	35% (621.6m ²)	YES

Detailed Assessment of listed Numerical Built form Non-compliances:

The following provides a merit-based assessment of the above non-compliances against the objectives of the respective clauses.

B4 - Site Coverage

Description of Non-compliance

The WDCP limits the site coverage to 33.3% of the site area within the B7 Business Park zone. The proposed site coverage is 36% (647m²), being a 2.7% variation.

Merit Consideration

The development is considered against the objectives of the control as follows:

- *To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.*

Comment

A range of native landscaping is proposed as detailed within the planting schedule shown on the landscape plans submitted with the application. The landscaping proposed will ensure suitable ground covers, medium and large trees to provide a landscape setting to the building.

- *To minimise the bulk and scale of development.*

Comment:

The site is not affected by a numerical maximum height limit or storey limit, therefore building bulk and scale is a function of balancing landscaping and site coverage with the remaining land able to be also used for parking, access and ancillary elements, outside the building footprint.

The business park includes a range of buildings that vary from 2 storeys to 5 storeys. The building bulk is suitably addressed by its compatibility with other adjoining development, landscaping and setbacks minimise adverse impacts on adjacent land.

- *To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.*

Comment:

The site is required to be cleared and re-graded for the works and therefore erosion controls are required. Landscaped areas have been provided around the perimeter of the site with comprehensive planting to reduce runoff, prevent soil erosion and maintain a landscape setting consistent with the business park location.

- To limit impervious areas and encourage natural drainage into the sub-surface.

Comment:

The proposed site coverage and ancillary impervious areas are consistent with development on adjacent land within the same business park complex and will not create an unreasonable impact on natural drainage.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in relation to site coverage.

B7 - Front Boundary Setbacks

Description of Non-compliance

The DCP requires a 30 metre building setback for the zone for site fronting a Main Road, which in this case is Warringah Road. The proposal is setback 15m which is a 50% variation to the DCP.

Merit Consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- To create a sense of openness.

Comment:

The site has a depth of 45m, hence a 30m setback from Warringah Road would result in an undevelopable lot. The proposed setback for the building is 15m, which is consistent with the adjoining building to the west and is entirely appropriate.

In addition to the above, it is noted that the front setback of Warringah Road through this section of the road has significantly changed due to the roadworks and the construction of the Northern Beaches Hospital. The landscaped reserves have been acquired by Transport for NSW and used for road widening of Warringah Rd. Therefore, the 30m requirement will be difficult to be achieved for the developments in this section of Warringah Road.

Therefore, the proposed 15m setback is considered adequate to provide a landscaped buffer between the proposed facility and Warringah Road.

The front setback area does not contain any significant aboveground structures that will unreasonably diminish the sense of openness for the landscaped setting.

- To maintain the visual continuity and pattern of buildings and landscape elements.

Comment:

The proposed setback is 15m for the building (including the basement) which is consistent with the visual continuity. Therefore, the pattern of building elements and landscape area is consistent with development on adjacent land to the west.

- To protect and enhance the visual quality of streetscapes and public spaces.

Comment:

The site is currently vacant. Development of site will provide an in-fill development of the last remaining (undeveloped) lot within this business park. The proposed setbacks, visual quality of the building, including the landscaped setting, is consistent with the B7 Business Park zone and will not create an unreasonable impact on the streetscape or surrounding public spaces.

- To achieve reasonable view sharing.

Comment:

The proposed setback of 15m is consistent with adjacent land and the development of the site will result in unreasonable view impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported in relation to front setback.

Detailed Assessment against Relevant Clauses with the WDCP:

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction		
A.5 Objectives	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part B Built Form Controls		
B4 Site Coverage	No	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
B9 Rear Boundary setbacks	Yes	Yes
Part C Siting Factors		
C2 Traffic, Access and Safety	No	Yes
C3 Parking Facilities	Yes	Yes
C3(A) Bicycle Parking and End of Trip Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Mixed Use Premises (Residential/Non-Residential)	Yes	Yes
Part D Design		
D1 Landscape Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D16 Swimming Pools and Spa Pools	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
Part E The Natural Environment		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or high conservation habitat	Yes	Yes
E5 Native vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E7 Development on land adjoining public open space	Yes	Yes
E8 Waterways and riparian lands	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

Clause C3- Parking Facilities

The control specifies the following car parking provision in relation to a medical centre:

- Medical Centre - 4 car spaces per 100m² GFA

Based on the above rate and a gross floor area of 1,976m², the proposed development is required to provide a total of 79 car spaces. The development proposes a total of 75 on-site car parking spaces, which results in 4 space shortfall.

The applicant's Traffic Report submitted with the application includes Travel Mode Surveys carried out of other comparable Oncology Centres to assess the parking demand for the proposed facility. Based on the survey outcomes, the report concludes that the proposed facility would require a minimum of 51 car spaces (20 spaces for patients and 31 spaces for staff).

A total of 75 spaces are proposed to be provided, including 40 spaces for patients and 31 spaces for staff. The provision of 25 car spaces for patient use has included parking provision for the drivers (support persons and carers).

An assessment of the car parking provisions, having regard to the requirements under WDCP 2011 has been undertaken by Council's Traffic Engineer. In summary, Council's Traffic Engineer has raised no objection to the proposed number of parking and concludes that the proposed 75 parking spaces are considered adequate and capable of accommodating the parking demand of the proposed fit for purpose medical centre.

Clause D3- Noise

An Acoustic Assessment of the proposed development has been carried out by Acoustic and Air and accompanies the DA. The assessment has predicted noise impacts at the most sensitive receiver positions, taking into account distance attenuation, building reflections and directivity. The calculations show that all the relevant criteria (as provided for in the WDCP 2011 and EPA NSW Industrial Noise Policy) for noise emissions will be met. In addition, the L_{Amax} sound level generated by activities of the premises in each space is expected to comply with the NSW Industrial Noise Policy.

The assessment concludes that the proposed facility will have no adverse noise impact at the nearest sensitive receiver.

Clause D9- Building Bulk

Clause D9 seeks to minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

In respect to the requirements of this Clause, Council's Urban Designer has reviewed the proposed development and has raised no objection to the design of the development in relation to building bulk and character. Accordingly, it is considered that proposal represents good design and innovative architecture and will enhance the urban environment. The visual quality of the building will make a positive contribution to the character of the business park.

The proposal is found to be satisfactory in relation to the objectives of this Clause.

Clause D23 - Signs

The objectives of D23 are:

- *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.*

A detailed assessment of the proposed signage has been provided earlier in the report in relation to SEPP 64 – Advertising and Signage. The assessment indicates that the signage is appropriate and consistent with the provisions under SEPP 64. Similarly, it is considered that the proposed signage is consistent with the objectives of the Warringah DCP.

OTHER MATTERS

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention through Environmental Design.

POLICY CONTROLS

Northern Beaches Contributions Plan 2019.

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$193,860 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 1% of the total development cost of \$19,386,000.

CONCLUSION

This report provides a comprehensive assessment of the DA for the construction of a Health Services Facility (Medical Centre) with associated car parking, signage and landscaping.

The application has been considered against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment has taken into consideration the plans and all documentation submitted with the application, all referral responses received from relevant stakeholders and all community submissions received during the public exhibition periods.

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 objectives of the zone also 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 consists of a single vacant lot and requires minimal site preparation/clearing works, being the only remaining undeveloped lot within the complex. The complex contains a mix of compatible Business Park style uses including, office premises, health care facilities, and small business operations, and various small scale commercial service uses. Major land uses/works and development transition near the site includes the Northern Beaches Hospital, and long term re-development for the Frenchs Forest Town Centre precinct. Therefore, the proposed use of the site for a medical centre is conveniently located to service the local area in the future.

The assessment of this application found that planning, urban design, character, landscaping, bushfire, traffic, stormwater, services infrastructure and noise has found that the proposal is generally acceptable and can be supported subject to conditions.

The assessment also concludes that the built form of the proposed development is acceptable within the context of the Northern Beaches Hospital and health precinct, and would not result in any significant adverse environmental or amenity impacts. The traffic and parking generated by the proposed development can be accommodated within the local traffic network. Noise impacts would be appropriately managed through conditions of consent.

The variations to the numerical planning controls include site coverage and front building setback to Warringah Road. Overall, the building has provided a satisfactory design response to those non-compliances, that does not create unreasonable issues for adjacent or nearby land. The subject site does not have a building height limit however the number of storeys, scale, bulk and height metres has been considered in the context of surrounding development and the applicable development controls and is found to be acceptable.

The public submissions received have been addressed within this report and those issues raised have been considered in the context of the objectives of the zone, building design response and likely impacts weighed against the applicable development controls.

Submissions raised concerns raised in respect of traffic/parking, construction noise, building height, landscaping, views, development values, and amenity. These matters have been considered in detail pursuant to Section 4.15 of the EP&A Act 1979 and the relevant local planning controls. No issues raised warrant refusal of the application or further amendment to the proposal and issues, where appropriate, have been addressed by conditions.

In summary, the proposal is supported, subject to conditions to ensure consistency with the Warringah DCP 2011 and Warringah LEP 2011. This includes conditions to address the future occupancy of Level 3 and its associated car parking, dilapidation reports, noise management, erosion measures, fire and accessibility and managing the construction related activities.

As a direct result of the application and the consideration of the matters detailed within this report, it is recommended that the Sydney North Planning Panel (SNPP), as the determining authority, grant development consent.

RECOMMENDATION (APPROVAL)

That the Sydney North Planning Panel as the consent authority grant Development Consent to Development Application No. DA2019/1419 for Construction of a Health Services Facility, being a fit for purpose Medical centre with basement parking, signage and landscaping on land at Lot 7, DP 1020015, No. 49 Frenchs Forest Road East, Frenchs Forest, subject to the conditions outlined in Attachment 1.