

DATE OF DEFERRAL	29 May 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Steve Kennedy, Marcus Sainsbury
APOLOGIES	Annelise Tuor
DECLARATIONS OF INTEREST	None

Public meeting held via teleconference on 27 May 2020, opened at 9.38am and closed at 10.30am.

MATTER DEFERRED

PPSSNH-66 – Northern Beaches – MOD2019/0654 at 2-5 Skyline Place Frenchs Forest for modifications to approved development consent DA2018/0995 (as described in Schedule 1)

REASONS FOR DEFERRAL

The Applicant and Council addressed the Panel during the public teleconference meeting. No members of the public registered or attended the public teleconference meeting.

During the meeting, Council confirmed that reason for refusal number two (2) outlined in the Assessment Report had been resolved by presentation of a BASIX Certificate and also that the Applicant's proposed reduction in commercial/retail floor space was 25.5% (not 64.5% as set out in the Assessment Report).

The Panel considers the Modification Application has some merit however unanimously deferred the determination as Council's remaining reasons for refusal may be able to be resolved given further information and clarification.

The Panel is mindful that the principal consideration is the ability of the modification to satisfactorily achieve the aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP). Particularly relevant to the modification application is that it "*be of good design*" as required under Clause 2(1)(c) of the SEPP.

The Panel also considers that the issue of employment generation must be satisfactorily resolved given the stated grounds of the approval by the Review Panel (18 June 2019).

The Assessment Report, the Applicant's response to the report and the Applicant's responses during the public meeting led the Panel to conclude that the proposed modifications to the design are not well resolved in relation to significant issues: amenity for residents (including compliance with ADG Guidelines, access to the café and lift lobbies and design and use of the communal facilities); effective separation of commercial/retail and residential activities within the development; and effective separation between residential and commercial/retail uses within the Business Park.

Accordingly, the Panel seeks further information from the Applicant on the following points:

- Clarification and justification of the basis of the estimated employment numbers for both the approved and the modification application (and any amendments made to the application); and
- Clarification of the substance of design, separation and safety advice received by the Applicant from the operators of seniors housing as well as details of the seniors' focus group engagement, and how the advice has been incorporated into the modified design.

Additionally, specific matters that the Panel wishes to see addressed in amended plans and information include but are not limited to the following:



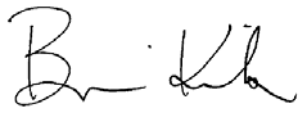


- How the Apartment Design Guide and SEPP are satisfactorily fulfilled, particularly with respect to room size and layouts, cross ventilation and solar access;
- Demonstration of all-weather access to the café and garbage room from the lift lobbies at ground level;
- Further detail around the access, security, and general maintenance arrangements including materials storage and composting;
- Adjustments to the Level 1 communal facilities arrangements, including the provision of a lift lobby to Lift 2, relocation of entry doors to units directly opposite Lift 2 and the provision of a reception area in close proximity to and visible from Lift 2, increased northerly aspect to principal communal areas and the provision of balconies, winter gardens and accompanying planting schedules for the principal communal areas; and
- Increasing the northerly aspect of the Common Area on Level 2, and improvement to the southerly aspects, including for example increases to the glazed area on the southern elevation, and the provision of improved amenity through the provision of planters with accompanying planting schedule.

Prior to submitting an amended proposal, the Panel requests the Applicant and their architect meet with Council as soon as possible to discuss the above issues, Panel comments and what amendments are necessary to address the Panel's concerns.

To allow the application to progress as soon as possible, amended plans and information should be provided to Council by 30th June 2020 where practicable.

Once updated plans and information have been provided to Council, a Supplementary Assessment Report will be prepared and the Panel Chair will convene another public meeting to determine the matter.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Steve Kennedy
 Marcus Sainsbury	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-66 – Northern Beaches – MOD2019/0654
2	PROPOSED DEVELOPMENT	Modification of Development Consent DA2018/0995 granted for Subdivision of land into 2 allotments, demolition of existing structures and construction of a mixed use development comprising a Seniors Housing development and commercial space.
3	STREET ADDRESS	Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot CP in SP 49558 5 Skyline Place, Frenchs Forest
4	APPLICANT/OWNER	Platino Properties (Applicant) The Owners Of Strata Plan 49558 (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy - Infrastructure 2011 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) Warringah Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 11 May 2020 Applicant Memo: 21 May 2020 Applicant submission to public meeting: 27 May 2020 Written submissions during public exhibition: 2 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Members of the Community - nil Council assessment officer – Lashta Haidari On behalf of the applicant – Jacinta Reed, Dan Keary, Simon Militano
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 26 February 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay Final briefing to discuss council's recommendation, 27 May 2020 at 9am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report