

NORTHERN BEACHES COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

Panel Reference	PPSSNH-66
DA Number	MOD2019/0654
LGA	Northern Beaches Council
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
Street Address	Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot CP in SP 49558 5 Skyline Place, Frenchs Forest
Applicant/Owner	Platino Properties (Applicant) The Owners Of Strata Plan 49558 (Owner)
Date of DA lodgement	19 December 2019 (amended plans based on Panel deferral submitted 6 July 2020)
Number of Submissions	Two (2) submissions received as result of the amended plans
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Section 4.55(2) Modification of the Development Consent granted by the Sydney North Planning Panel (SNPP)
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 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 (WLEP 2011) • Warringah Development Control Plan 2011 (WDCP)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Architectural Plans (as amended); • Attachment 2 – Modified Draft Conditions (should the Panel decide to approve the application)
Clause 4.6 requests	Not Applicable
Summary of key submissions	<ul style="list-style-type: none"> • Traffic Impacts • Seniors Housing not permitted within B7 Business Park zone • Inconsistent with zone objectives • Inconsistent with Councils Strategic objectives for the locality
Report prepared by	Lashta Haidari –Principal Planner

Report date	26 August 2020
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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? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

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

PURPOSE OF THIS REPORT

The purpose of this Supplementary Report is to provide the Sydney North Planning Panel (SNPP) with an assessment of amended plans and further information submitted in accordance with the decision at the SNPP meeting of 27 May 2020. The report also provides details of the further public consultation carried out.

This report does not revisit any matter raised in the previous Assessment Report prepared by Council and considered by the SNPP at its meeting of 27 May 2020.

RELEVANT BACKGROUND

The Modification Application was considered at the SNPP on 27 May 2020. In the Assessment Report forwarded to the Panel, Council made a recommendation for refusal of the application for the following reasons:

1. *Pursuant to Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979, the amendments proposed under the Modification Application will result in a*

development that is not substantially the same as the development for which consent was originally granted.

2. *Pursuant to Section 4.15(1) (a) (i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of SEPP (Building and Sustainability Index: BASIX) 2004.*
3. *Pursuant to Section 4.15(1) (a) (i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the solar access and cross ventilation requirements of the Apartment Design Guide as applies under SEPP 65 – Design Quality of Residential Apartment Development.*
4. *The proposed modifications are inconsistent with the objective of the B7 Business Park zone under the Warringah Local Environmental Plan 2011 in relation to encouraging employment opportunities within the zone.*

At the meeting, the Panel deferred the determination of the application to allow the Applicant to attend to and respond to the following:

- *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 between residential and commercial/retail uses within the Business Park*
- *the SNPP therefore requested amended plans and further information prior to making a determination*

The SNPP also requested that prior to submitting an amended proposal, the Applicant meet with Council to discuss the above issues and amendments to address these issues.

Following the SNPP Deferral, the Applicant and Council staff met on 5 June 2020 to discuss the proposed amendments to the scheme. Draft amended plans were provided prior to the meeting and discussed at the meeting and Council feedback was provided.

In response to this feedback, further revisions to the plans were submitted and discussed with Council at a follow-up meeting on 25 June 2020 and further feedback was provided.

ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

On 6 July 2020, the applicant submitted to Council the following information:

1. Amended plans
2. Revised View Impacts Diagrams;
3. Revised Economic Assessment
4. Revised Traffic Report
5. Revised Bushfire Advice
6. Revised Design Verification Statement
7. Management Strategy Access
8. Management Strategy Communal Open Space
9. Management Strategy Waste
10. Focus Group Findings Report

On 21 July 2020, amended information was submitted, which included:

1. Revised BASIX Certificate
2. Revised NatHERS Certificate
3. Revised NatHERS Stamped

On the 27 July 2020, amended Landscape plans were submitted.

Proposed Amendments

1. The amended scheme incorporates the following key changes which are detailed in the accompanying statement from Kelylan Consulting Pty Ltd:
 - Two additional lifts, one in each lift core, to provide for increased accessibility and ease of use for residents, commercial tenants and visitors.
 - Additional north facing common space (indoor and outdoor) on Level 1.
 - Provision of communal areas on the rooftop of the eastern building, including both indoor space and outdoor landscaped gardens.
 - Minor internal modifications made to a number of the seniors' apartments to improve amenity and usability in line with the ADG and Focus Group feedback to increase the variety of designs and creating more entry level product.
 - Recess of 300mm off corridors provided to front doors of most senior's apartments to provide additional privacy and separation between private and common areas.
 - Provision of garbage and recycling store on each floor to provide for ease of use and functionality.
 - Provide WC/shower for maintenance store and store for maintenance staff.
 - Amendments to the façade materials.

A summary of the original DA approved scheme, original modification scheme and the current proposed scheme is provided within the Statement of Environmental Effects and reproduced in the following table:

Component	DA Approved	S4.55 Application as lodged	Amended proposal
Height	6 storey	6 storey	6 storeys The new rooftop common area on the eastern building results in an increase in height from RL 173.20 to RL of 174.6 (with a lift overrun height of 176.20).

			The area is approximately 15% of the footprint of the Building floor area on the roof level.
Site Area			
Lot 1	7,684m ²	7,811m ²	7,811m ³
Lot 2	4,886m ²	4,759m ²	4,759m ²
Total GFA - Lot 2	8,991m ²	8,269m ²	9,016m ²
Seniors Common Area	561m ²	450m ²	640m ² of indoor and 324m ² of outdoor Common area.
Commercial/Cafe Floorspace	2,219m ²	1,652m ²	1,758m ²
Carparking spaces	127	124	131
Landscaped Area	34.6% Landscaped Area and 1,234m ² (25.3%) Lot 2 Deep Soil: within proposed within front and side setbacks	Lot 2 Landscaped Area: 1,565m ² (32.8%) Lot 2 Deep Soil: 1,107m ² (23.25%)	Lot 2 Landscaped Area: 1,623m ² (34.10%) (excludes rooftop open space) Lot 2 Deep Soil: 1,281m ² (26.91%)

The amended proposal provides for design refinements to increase residential amenity and functionality. The majority of these proposed amendments are internal changes. The amended proposal maintains the approved overall height of 6 storeys as well as the approved setbacks, however, the proposal includes a new roof top terrace atop the eastern portion of the development, which is partly covered to provide weather protection.

The rooftop area has a maximum height of RL 174.6, which is higher than the approved height of the eastern building of RL 173.20.

The proposed façade amendments include:

- Amendments to the colour scheme; and
- New brick panels and glazed elements.

ASSESSMENT OF THE ADDITIONAL INFORMATION

SEPP 65 - Design Quality of Residential Apartment Development

The SEPP requires an assessment and consideration of any application for residential flat buildings against the 9 Design Quality Principles and the matters contained within the associated “Apartment Design Guide”.

This application, as modified, does not materially alter the design of the development such that it deviates from the original assessment and conclusions made by the SNPP Review Panel, with the exception of the following departures from the Apartment Design Guide.

Apartment Design Guide

The following table is a consideration against the criteria of the Apartment Design Guide' as it relates to the original DA, original modified scheme and current modified scheme:

ADG Requirement (those being altered as result of the proposed modification)	Approved Development	Original Modification Application	Consistency of Proposed Changes
Solar Access (70%)	70%	82%	Consistent 85.5%
South Facing Units (max 15%)	6%	16%	Not consistent (however an improvement on approved scheme) 14.5%
Cross Ventilation (60%)	61%	55%	Consistent 60%
Senior Living Units Per Corridor (max 8 per corridor)	5 units	4-8 units for single lift	Consistent 4-8 units sharing 2 lifts

The proposed amendments generally relate to the reconfiguration of the internal layout of the building at the Lower Ground Level, Ground Level, Level 1 and Level 2 to improve the size and layout of communal areas and to provide for additional north-facing communal open space in the form of a rooftop common area.

The proposal also included amendments to the façade design to achieve increased residential amenity, consistency with the ADG and resolve issues highlighted by the SNPP.

The proposed amendments, including; the provision of additional private winter gardens and a north-facing communal roof top terrace has demonstrate a greater level of compliance with the ADG requirements, in comparison to the plans submitted with the original modification application.

SEPP (Housing for Seniors or People with a Disability) 2004

The application, as modified, does not materially alter the design of the development such that it deviates from the original assessment and conclusions made by the SNPP. In this regard no further assessment is required with regards to the proposed changes against the requirements of the SEPP.

Warringah Local Environment Plan 2011 and Warringah Development Control Plan 2011

The amendments do not deviate from the original assessment of the proposal against the Warringah Local Environment Plan 2011 and Warringah Development Control Plan 2011.

As the proposed modifications relate largely to internal reconfigurations, provision of a roof top terrace and minor façade refinements, they will not affect the development's compliance with the Warringah DCP.

INTERNAL REFERRALS IN RESPONSE TO THE AMENDED INFORMATION

Internal Referral Body	Recommendation/ Comments
Development Engineers	No objections are raised to the proposed modifications.
Landscape Officer	<p>The proposed modification indicates no additional impacts on existing landscape features with the retention of an additional 3 trees previously indicated for removal.</p> <p>No objections are raised to approval. Existing landscape conditions are still considered relevant and adequate.</p>
Urban Designer	<p>The applicant has provided revised drawings following several meetings which reviewed amendments to the built form, facade articulation, revised landscape and rooftop community gardens and a number of internal planning amendments.</p> <p>Council's Urban Design Officer is satisfied that the modifications address previous issues raised by the SNPP and can support the modifications.</p>

EXTERNAL REFERRAL IN RESPONSE TO THE AMENDED INFORMATION

External Referral Body	Comments
NSW Rural Fire Service (RFS)	RFS has reviewed the application and has raised no objection to the proposed development subject to compliance with the General Terms of approval granted 23 March 2020.

PUBLIC EXHIBITION AND ADDITIONAL MATTERS RAISED IN SUBMISSIONS

The revised plans required further public exhibition. The Applicant provided a set of notification plans and paid additional notification/advertising fees.

Public Exhibition No. 2

The amended application was publicly exhibited in accordance with the Environmental Planning & Assessment Regulation 2000 and the Community Participation Plan.

The application was notified to adjoining and surrounding land owners and occupiers and those who made submissions under Public Exhibition No. 1 for a period of 14 days, which commenced on 17 July 2020 and ended on 31 July 2020.

As a result, two (2) additional submissions were received.

The issues raised within the submissions which relate to the amendments are as follows:

Visual Privacy

Both submissions raised the issue of visual privacy. The submissions state that the proposed six (6) storey building will overlook the residential dwellings that are located on the northern side of Frenchs Forest Road and in Bembadeen Crescent.

Comment:

The proposed development is largely similar development to that which was approved through the DA, with the amendment being focused on design refinements to address the SNPP concerns about residential amenity within the proposed seniors development.

The height, bulk and scale of the development is generally unchanged. Whilst the modified scheme includes a new roof top terrace, it is setback approximately 5.0m from the northern façade to ensure that it will not be visible and will not overlook neighbouring residential properties to the north.

Privacy screening elements including planters are also included to address these potential impacts. Given the separation distance between the site and the surrounding residential development, any overlooking from the rooftop is negligible.

Therefore, this issue should not be given determining weight.

CONCLUSION

The revised plans and additional information have been considered against the resolution of the Panel and relevant matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979.

This assessment has taken into consideration all referral responses received from relevant stakeholders and all community submissions received during the public exhibition period.

The information provided by the applicant to address the decision of the SNPP has been assessed and the outcomes are detailed in this report for the consideration of the Panel.

RECOMMENDATION

- a) That the amended scheme be referred to the Panel for their consideration Pursuant to the Panels previous decision.

- b) That the reasons for deferral of the matter by the Panel have been satisfactorily addressed by the Applicant through the amended plans.
- c) That revised draft conditions are provided to the Panel should they be minded to approve the application.
- d) That the application be referred back to the SNPP to determine the application.