

6 June 2023

Karen Harragon  
Director Social and Infrastructure Assessments  
NSW Planning  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Our Ref: 2023/294153

Dear Ms Harragon

**Notice of exhibition - Northern Beaches Mental Health Hub (SSD-30236074)**

Thank you for providing Northern Beaches Council with an opportunity to comment on the State Significant Development (SSD) which seeks approval to construct an eight-storey private mental health facility, Northern Beaches Health Hub (NBHH), including:

- Circa 80 patient rooms;
- Clinical therapy and consulting spaces;
- Ground floor café and outdoor dining;
- A three-level basement car park (73 spaces) with an additional 4 at ground level and an ambulance bay;
- Roof terrace and associated landscaping (31m building height to the top of the roof terrace fence); and
- Earthworks and tree removal (16 trees)
- Signage.

Total GFA 5,548sqm (3:1 FSR)

**Background**

On 4 December 2027 the Sydney North Panel (SNPP) approved a five-storey health facility (private hospital) with basement parking, signage and landscaping. It is noted that issues were raised in submission regarding the height and scale of the development and view impact issue.

SEARS – As part of the SEARs consultation engagement sessions were conducted with NBC on 12 August 2021 and 20 January 2022 and the following matters were raised:

- Setbacks;

- Heights and
- Landscape and deep soil

Council has reviewed the architectural plans prepared by Thomson Adsett, dated 28 June 2022, Environmental Impact Assessment (EIA) prepared by WillowTree Planning dated 13 April 2023 and the supporting documents made available on the Major Projects page of the NSW Planning Portal.

Northern Beaches Council acknowledges the details of the design approach by Thomson Adsett. This includes the site and context details, urban design and built form considerations, architectural design approach and overall analysis against the approved scheme of DA2017/0711.

Council has compiled a set of planning, environmental and infrastructure related key issues and assessment requirements that should be considered in the assessment of the SSD. The detailed referral responses provided by Council's Internal Units are summarised below.

## **1. Development Assessment**

### **Warringah LEP 2011**

#### Permissibility

The site is zoned Enterprise in the WLEP, (formerly B7 Business Park). The proposed Health Facility is permissible in the Enterprise Zone and generally meets the objectives of the zone.

#### Height

The proposed 8 storey building adjoins a 5-storey building to the north and a 2-storey building to the south. The bulk, height and scale of the proposed building exceeds that approved under the 2017 consent and the additional screening and edge devices on the upper floor add visible scale to the building. The increase in the height of the building compared to the 2017 approval will also increase the amount of overshadowing to the neighbouring sites to the south and south-west and may also cause concerns about view loss.

Whilst it is appreciated that the site is not restricted by a maximum height limit under the WLEP 2011 the following opportunities should be explored to minimise the impact of the height on the quality of the streetscape and potential impacts on surrounding properties.

- a) The high glass balustrade and planter boxes along the edge of the top floor add vertical height to the profile of the building. It is recommended that these elements should be set-back a further 1m from the roof line edge to the frontage.
- b) Ensure that any solar panels mounted on the roof area should be flat / <3degree angle to maintain a low profile.
- c) The screen to the roof top plant area should not exceed the height of the plant equipment behind that it is enclosing.

- d) The 'outlook' across the side boundary of No. 10 Tilley Lane should ensure that landscaping at ground level (outside the rear electrical easement area and within deep soil) includes suitable tall native trees to provide a canopy outlook (subject to appropriate spacing). It is noted that the streetscape of Tilley Lane demonstrates single trees similarly used to assist in maintaining a business park setting. The use of more exterior green-wall planting (on the side and rear to match the front façade) where appropriate will assist to break up the appearance of the building height.
- e) The over-extended parapet frame at the front is unnecessary given the building is proposed to be nearly 4 levels higher than No.10 Tilley Lane.

Other development assessment comments:

#### Site setbacks

The proposal maintains setbacks that include deep soil. The use of canopy trees (where appropriate to NSW RFS and Ausgrid easement) should be used. Maintaining continuity with adjacent finished ground levels near the side setbacks (area rear setback) to ensure landscape connectivity and minimise cross boundary issues (drainage, retaining wall dilapidation and the like).

#### Basement elements

The basement carparking (for visitor spaces) should include some EV charging points on each basement level which will add to sustainability features of the building. Planting over the basement areas where they extend outside the ground floor area is encouraged due to the landscape requirements of the Enterprise zone.

Construction phasing the building should consider how the basement levels can be used as soon as possible during construction for trade vehicle parking in completing the upper floors and final fit out to relieve impact on Tilley Lane traffic and parking.

#### Rear setback

The use of the rear setback area is significantly influenced by Ausgrid easement limitation, and therefore compliance with that is critical. The rear setback shows a 2.5m height rear fence above a retaining wall. The recommended fence height is 1.8m and therefore use of the proposed excessive fence heights is not encouraged.

#### Front setbacks

The proposal shows consistency with a reduced front setback of 4.0m that was accepted along Tilley Lane in the NSW Land and Environment Court case *Bridgehead Properties Pty Ltd v Warringah Council*. However, this did not appear to envisage any buildings of such height as the proposed building. The use of large canopy trees in the front setback is encouraged (subject to NSW RFS and appropriate native tree species).

## **2. Transport**

The development application is for an 8-storey private hospital providing Mental Health services at 11 Tilley Lane, Frenchs Forest comprising 80 patient beds and employing 120 full time equivalent staff with a maximum of 54 staff on site at any one time. 3 levels of basement parking are proposed providing parking for 73 vehicles including 3

accessible spaces and 27 visitor parking spaces. A servicing area accessed via a separate driveway and accommodating an ambulance/loading bay and allowing for access by vehicles up to a medium rigid vehicle is also proposed.

The following comments relating to the development are made:

#### Parking

As there are no parking rates for hospitals within the Warringah DCP the applicant has assessed the required parking by comparison with rates quoted in the Manly DCP, the Ku-ring gai DCP, and the parking approved for the previously approved development on the site (under DA2017/0711). The above approach is acceptable. The parking approved for that development was 72 spaces which exceeds the parking requirements for a hospital development if it were assessed under the Manly or Ku-ring gai DCP's. The developer proposes to provide 73 parking spaces including 27 visitor spaces (1 space for every 3 beds) and 3 accessible parking spaces which exceeds by one space the highest of the assessment approaches reviewed. The car parking proposed is considered adequate to serve the needs of the development.

The traffic report includes dimensions which demonstrate that parking spaces are sized in accordance with AS/NZS 2890 requirements, convex mirrors are proposed for the top of ramps to provide advance sightlines to approaching vehicles at points where there is constrained width for turning. It is however apparent that aisle widths are sized at greater than 5.8m width as per AS/NZS requirements and that there is space for a B99 to pass a B85 on the circulation aisles. It is noted that the traffic report has highlighted that parking bays 26 and 27 on basement level 2 appear to have columns sited within the parking bay door opening envelop that will prevent door opening. The columns will therefore need to be relocated and amended plans demonstrating compliance with AS/NZS for all parking spaces will therefore need to be provided.

#### Traffic Generation

Traffic generation from the development has been estimated using rates in the RMs guide to Traffic Generating Development and has been estimated to generate 31 vehicles per hour in the AM peak and 39 vehicles per hour in the PM peak. SIDRA analysis of the intersections of Wakehurst Parkway/Aquatic Drive, Tilley Lane/Aquatic Drive and Allambie Road/Aquatic Drive have been undertaken and revealed that the development traffic will not result in appreciable changes to the performance of these intersections.

The traffic generation from the development is acceptable.

#### Servicing

The development incorporates a separate driveway for ambulance and service vehicle access with a turntable to allow for forwards entry and egress of vehicles up to the size of a medium rigid vehicle (MRV). An overhead clearance height of 4.5m will be available which meets Australian standard requirements.

A vehicle parked in the service bay or on the turntable will not impede ingress by an ambulance however the ambulance would need to reverse from the site under such circumstances, which in an emergency and in the rare case that the service bay was

occupied when an ambulance needed to leave the site under flashing lights in an emergency scenario is considered acceptable.

The traffic report in Appendix C has annotated plans that advise that access to the servicing/loading area driveway will be managed by an intercom and/or detector and lights to indicate that the loading bay is occupied. While this will be useful to prevent access by multiple delivery/servicing vehicles ambulance access would need to occur in an uncontrolled fashion. The above will need to be conditioned as no details have been provided.

The servicing arrangements are supported.

#### Vehicular Access

The development is served by two side by side driveways, one of 5.5m in width providing access to the basement car parking area and another of 4.7m in width providing access to the servicing area.

The servicing bay driveway is of inadequate width to allow for passing of ingressing and egressing vehicles and as reversing from the driveway by delivery vehicles would be inappropriate, access to the loading area will therefore only be possible by one vehicle at a time. It is noted that Appendix C advises that access to the servicing/loading area driveway will be managed by an intercom and/or detector and lights to indicate that the loading bay is occupied. This is supported. As deliveries and serving are anticipated to occur on an infrequent basis these arrangements are acceptable however a loading bay management plan and additional details regarding the means of access control will be required.

Access to and from the carpark driveway and through the carpark has been demonstrated by way of swept path plots.

#### Facilities for Motorcycles, Pedestrians and Bicycles

The Warringah DCP does not specify rates for motorcycle parking however the developer proposes 6 (six) motorcycle parking spaces in total spread over two of the basement parking levels. This is supported and encourages travel by alternative transport modes.

In terms of pedestrian access, Footpaths are present along Aquatic Drive, Tilley Lane, Allambie Road and Warringah Road with a pedestrian link between Tilley Lane and Warringah Road. It is noted that there is streetlighting in Tilley Lane however the footpath is present on the east side of the lane with the lighting on the west side. A review of the adequacy of the streetlighting to meet the requirements of AS/NZS 1158 and ensure adequate illumination of the footpaths serving the site is required.

It is noted that Tilley Lane is a community title access road serving the business park, and an existing footpath is present along the development frontage. Reconstruction of this section of footpath will be required in conjunction with the development to ensure adequate pedestrian access remains available to the development following construction.

Bicycle parking in excess of the requirements of the Warringah DCP is proposed i.e. the DCP requires 1 per 15 beds for employees and 1 per 30 beds of visitors i.e. 8

spaces in total. The developer proposes 12 spaces, end of trip facilities in the form of 2 shower cubicles and 8 lockers again exceeding DCP requirements are proposed. The provisions for bicycles are supported.

### Summary

Overall, the development is supportable from a traffic engineering perspective, however, there will need to be some additional details provided to address minor concerns and lack of detail in regard to the issues that have been raised above.

- Lighting of footpath areas
- Plan of management for servicing/loading bay areas
- Intercom and/or detector and lights to control access to loading area
- Dimensioning of carparking to confirm compliance with the required dimensions under AS/NZS 2890. In particular, column locations adjacent to bays 26 & 27 on basement level 2 must be shown to be compliant.

### **3. Waste**

- Council will not be providing any waste collection services to this proposal.
- The applicant has provided a construction waste management plan that is acceptable to Council Waste Services Dept.
- The applicant has provided an ongoing waste management plan that is acceptable to Council Waste Services Department.
- A waste storage room has been provided on the ground floor of the proposal which is accessible to medium rigid trucks. This is acceptable to Council Waste Services Department.
- The standard conditions of consent that were applied to DA2017/0711 by Waste Services are valid for this proposal.

### **4. Landscape**

Council's Landscape Architects have reviewed the proposed development as reported and illustrated specifically in the following documents:

- Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees (revision A)
- Landscape Plans prepared by Site Design + Studios (revision G)

### Comments:

#### 1. Arboricultural Impact Appraisal and Method Statement

- a) the recommendations of the Arboricultural Impact Appraisal and Method Statement for removal of eighteen existing trees within the property raise no concerns based

on the low and very low retention value assessment of the existing trees, that are small, dead, in acute decline or have been heavily lopped under powerlines.

- b) all existing trees within adjoining properties shall be protected.

## 2. Landscape Plans

- a) the proposed *Cupaniopsis anacardioides* (Tuckeroo) trees not permitted to be planted within the Northern Beaches local government area, as this species has self-seeded into natural bushland area, and must be replaced with a locally native species selected from Northern Beaches Council's Native Plant Species Guide - Frenchs Forest Ward, or Council's Tree Guide.
- b) all proposed canopy tree planting shall be installed at least 3 metres or more from buildings and other trees, and all planting is to be managed to comply with the principles of Planning for Bush Fire Protection.
- c) no other landscape concerns are raised

## 5. Bushland and Biodiversity

Council's Bushland and Biodiversity Officer has reviewed the SEARS, the BDAR Waiver issued by the Department of Planning and Environment (DPE), as well as the relevant biodiversity referral comments from the previous 2017 development application.

DPE have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BC Act and clause 1.4 of the Biodiversity Conservation Regulation 2017 and have determined that the development is not likely to have any significant impacts on biodiversity values and that the application does not need to be accompanied by a BDAR. A waiver under section 7.9 has been granted for the proposed development.

With respect to local planning instruments and plans, there are no biodiversity related clauses or controls that specifically apply to the subject site, and therefore a Flora and Fauna Assessment is not required.

## 6. Environmental Health

Environmental Health have reviewed the proposal and supports the proposal subject to the following:

- a) Noise - Acoustic Considerations: Due to location the proposal operationally is not likely to have adverse impacts on any residential receivers. Noise to occupants from traffic has been taken into design account by the applicant.
- b) Food Business fit-out: Detailed plans and specifications to comply with the requirements of:
  - i) Australian Standard 4764-2004 (Design, Construction and Fit-out of a Food Premises)

- ii) Food Safety Standard 3.2.2 (Food Safety Practices and General Requirements), and
- iii) Food Safety Standard 3.2.3 (Food Premises and Equipment).
- c) Food Business Café and Centre Kitchen Mechanical Ventilation: The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- d) Food Business Registration: The café (if open to the public/visitors) is to be “Notified” registered with Council.
- e) Acid Sulfate: Geological Assessment by AssetGeoEnviro Pty Ltd 14 March 2023: Acid Sulfate soil impacts are assessed to be negligible.
- f) Site contamination: At demolition and excavation stages an assessment should be undertaken to determine, the presence of, and correct disposal of, any contaminants e.g. Asbestos.
- g) Medical Waste: To comply with Public Health requirements medical waste (including sharps) must be collected by an authorised contractor.

## **7. Development Engineering**

The proposal has not addressed the on-site detention requirements for the site.

The following amendments are required:

- a) The post development flows should be limited to pre-development levels for all storm events from the 50% to the 1% AEP event.
- b) A DRAINS model is to be prepared to determine the on-site detention storage volumes and required orifice size using an initial – continuing loss model in accordance with ARR 2019 methodology.

Alternately, the applicant is asked to provide documentation justifying how an existing system will attenuate flows from the site to pre-development levels.

## **8. Water Management**

The site is located on the headwaters of Curl Curl Creek catchment. Northern Beaches Council Water Management for Development Policy supports Councils commitment to protecting and enhancing the aquatic and terrestrial natural environment while ensuring protection of public and property across the Northern Beaches.

The proposed development is located in a high-quality catchment (refer Water Management for Development Policy map page 95) ultimately discharging into sensitive receiving waters (Manly Dam and Lagoon).

The water management objectives for the high-quality catchment are “no impacts” for water quality and water balance.

Council acknowledged the water management design intent. The use of water sensitive urban design is satisfactory and supported by Council.



It is noted that the proposed stormwater strategy is based on generic targets.

Due to the high ecological value of the downstream environment Council require that a no impact assessment based is consolidating the proposal. Additional modelling with a pre/post scenario comparison should confirm the suitability of the water treatment chain (refer table 4 Water Management for Development Policy).

## **9 Strategic Planning**

The subject site at 11 Tilley Lane, Frenchs Forest is located within the 'Jobs Growth' SP4 Enterprise zone of the Hospital Precinct Structure Plan. The subject site is located within land zoned SP4 Enterprise under Warringah Local Environmental Plan 2011. There are no issues with loss of employment land and there is no impact with the strategic objectives of the Hospital Precinct Structure Plan.

The proposal is considered acceptable in terms of Council's Strategic Planning.

Notwithstanding the above, consideration should be applied towards the protection of the operational capacity of surrounding sites and potential future noise in the precinct. It is recommended that appropriate levels of sound proofing for any bedrooms be considered to prevent future land use conflict and minimise mental health impacts of noise on future patients.

## **10 and 11 Urban Design and Building Control**

Council's Urban Designer and Building Control Officer offer no objections to the proposal.

## **Summary**

Council generally supports the Mental Health Hub and acknowledge the positive social benefit for the community. However, some issues have been raised by Council's Development Assessment Officer and engineers which require further consideration and/or additional information. The Applicant is strongly encouraged to resolve these outstanding matters before the assessment is finalised.

Council welcomes the opportunity to make a further submission on the application should amended plans and additional information be submitted to address issues raised during the exhibition period. Further consultation with Council and other stakeholders on this State Significant Development will ensure the best outcome for the site and the locality. Upon completion of these processes Council can provide a comprehensive set of conditions applicable to the proposal.

Once again thank you for the opportunity to provide comments on this SSD.

Should you require any further information please contact Anne-Marie Young, Principal Planner on 8495 6507.

Yours Faithfully



Azmeena Kelly  
Acting Director Planning & Place