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29 May 2023

Director Social and Infrastructure Assessments
NSW Planning
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Derek Smyth

Dear Mr Smyth

**LETTER OF OBJECTION TO SSD-30236074
CONSTRUCTION OF AN EIGHT STOREY MENTAL HEALTH FACILITY
11 TILLEY LANE, FRENCHS FOREST**

I refer to the above State Significant Development Application ('SSD') for an eight storey mental health facility at 11 Tilley Lane, Frenchs Forest ('the development site'). The exhibition of the proposal as the 'Northern Beaches Mental Health Hub' is misleading as this terminology implies a government aligned facility rather than a privately run treatment centre. The proposed facility is not stated to be affiliated with the existing Northern Beaches Hospital.

I act on behalf of Community Association DP 270323 Tilley Lane ('the Association') which is the legal entity that represents all the properties in Tilley Lane.

I have inspected the development site and examined the relevant documents, plans and reports, including the Environmental Impact Statement (EIS).

In summary, the Association objects to the proposed development for the following reasons:

- Not in keeping with the character of the business park and the broader enterprise zone
- Inconsistent with the operations of existing and future businesses
- Excessive building height, bulk and scale
- Inadequate landscaping
- Lack of operational detail
- Traffic and parking impacts
- Impacts on adjoining properties during construction

Community Association DP 270323 Tilley Lane (Frenchs Forest)

The development site is part of a community subdivision, known as the Aurora Business Park, created under the Community Land Development Act 1989 and currently governed by the Community Land Management Regulation 2021. The land covered by the Community Association is shown in Figure 1 below.

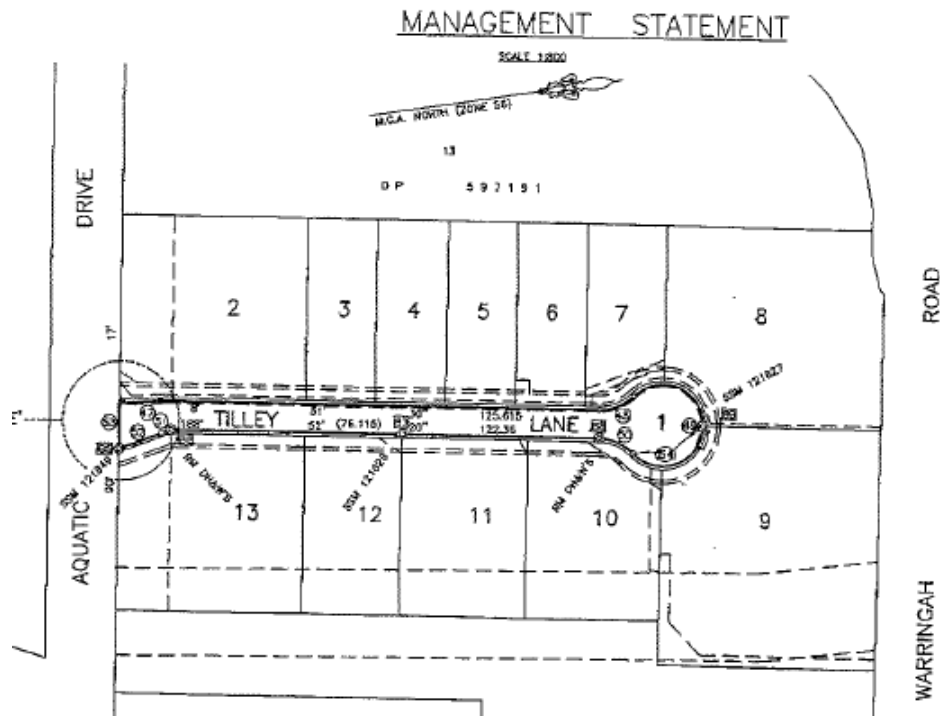


Figure 1. Extract from the Community Management Statement for DP270323

The Management Statement includes an extensive set of the legal By-Laws and rules for the Scheme which must be adhered to. Matters covered in the By-Laws include landscaping, building lines, retaining walls, car parking, loading docks and access arrangements.

The proposed development conflicts with the following By-Laws;

- I. 1.1.2 Building Setbacks – 4m
- II. 3.5 9 (b) (iii) not park any vehicle on the open accessway – traffic flow and inadequate off street parking.
- III. 21.4 (c) no parking on Access way being Tilley Lane – construction and off street parking

The site is shown in its broader context in Figure 2 below.



Figure 2: Development site shown shaded yellow and community plan association land outlined in red (source: SIX maps)

Reasons for the Associations Objection

The Association make the following objections to the proposed development the subject of SSD-30236074:

1. USE INCONSISTENT WITH STRATEGIC PLANNING FRAMEWORK

The proposed mental health facility is an inappropriate use in the business park, the broader SP4 Zone (south of Warringah Road) and is inconsistent with the statutory planning framework for the area.

The proposal effectively comprises of short term residential accommodation (in the form of a mental health facility or treatment centre) where patients will presumably live for weeks (possibly months) at a time. Fundamental concerns are raised regarding the introduction of residential accommodation into a business park. Whilst mental health care facilities are recognised as important in the community, the SP4 zoned land, on the southern side of Warringah Road is not a suitable location. This land comprises of business and industrial uses and if a residential use is introduced, it could compromise the existing strategic advantage of the business park by creating future land use conflicts between residential and industrial uses. Business /industrial uses could then be forced to restrict activities, e.g. automated 24 hour advanced manufacturing and warehousing operations, due to impacts (e.g. noise, odours, privacy, traffic) to residents of the mental health facility.

Northern Beaches Hospital Precinct Structure Plan (HPSP)

The proposal is inconsistent with the Northern Beaches Hospital Precinct Structure Plan (HPSP) adopted by Council in 2017. As shown in Figure 3 below, the HPSP shows the area to the east of Wakehurst Parkway identified as jobs growth. The appropriate location for a mental health facility/treatment centre would be in the SP2 Infrastructure or B4 Mixed Use zone which have greater connectivity with the existing hospital site.

The HPSP has undergone extensive planning and community consultation with areas suitable for additional building height, strategically identified in the new town centre and the adjoining hospital site. The proposed 8 storey development is better located in these areas.



Figure 3. Extract of the Hospital Precinct Structure Plan (HPSP) showing Tilley Lane as Jobs Growth

Warringah Local Environmental Plan 2011 (WLEP)

The desired future character is established by the objectives of the SP4 Enterprise Zone under Warringah Local Environment Plan 2011. The proposal is inconsistent with the objectives of the SP4 zone as outlined below:

- To provide for development and land uses that support enterprise and productivity.

Comment: The proposed mental health facility/treatment centre is a form of residential accommodation and does not directly relate to enterprise and productivity.

- *To provide healthy, attractive, functional and safe business areas.*

Comment: The proposed development will have a detrimental impact on the streetscape of Tilley Lane and the functionality of the existing access and parking arrangements. Insufficient information has been provided to determine safety impacts.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

Comment: The proposed development will bring a residential accommodation into the business park. This creates opportunities for conflict where noise and other externalities generated by business may have amenity impacts on the residents of the mental health facility.

- *To create business environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

Comment: The proposed development has excessive height, bulk and scale, and inadequate landscaping. These deficiencies will be expanded upon below.

- *To provide a range of facilities and services, light industries, warehouses and offices.*

Comment: The proposed mental health facility is not a business, light industry, warehouse or office use.

- *To provide opportunities for new and emerging light industries.*

Comment: The proposed mental health facility is not a new or emerging light industry.

- *To restrict retail uses to ensure sufficient land is available for industrial and light industrial uses to meet future demands.*

Comment: The proposed development will erode the supply of land available for industrial or light industrial uses.

As outlined above the proposed development is inconsistent with the objectives for the SP4 Enterprise zone.

The Frenchs Forest 2041 Place Strategy

The site is not part of the Frenchs Forest Town Centre which is the appropriate location for an eight storey mental health facility/treatment centre. The Frenchs Forest 2041 Place Strategy identifies the site and Tilley Lane business park for continued employment activity. Part G9 – Frenchs Forest Town Centre of the Warringah Development Control Plan (WDCP) identifies the location for buildings up to 12 storeys as being the Northern Beaches Hospital site and the area to the west (the Frenchs Forest Town Centre).

The proposal is contrary to Council's Local Strategic Planning Statement - Towards 2040, particularly priority 28 to safeguard employment lands, priority 22 Jobs that match the skills and needs of the community and Priority 23 Frenchs Forest as a sustainable health and education precinct.

Sydney North District Plan

The proposal is also contrary to the desired future character established by State Government metropolitan Planning, which reinforces the importance of retaining and enhancing employment uses within the enterprise zones.

The proposed development is inconsistent with the Objectives of the Sydney North District Plan, which aims to strengthen Frenchs Forest through a variety of approaches and to reinforce the Frenchs Forest centre as an employment hub for the Northern Beaches.

The Sydney North District Plan contains the lowest concentration of Sydney's total stock of industrial and urban services land (including B7 zoned lands) land and has the highest utilisation rate, indicating the strong demand for this limited resource and importance of protecting and managing it.

The proposal would compromise the capacity of Frenchs Forest to grow as a strategic centre and meet the State Government target of 2,000-3,700 additional jobs by 2036 set in the North District Plan.

The proposed development creates the potential for land use conflict with surrounding businesses, particularly given the growing trend towards automated and 24 hour operational activity given the shortfall of industrial floor space in the North District which is projected to be only 1sqm per capita by 2036 compared to a benchmark of 3sqm per capita used by the Greater Sydney Commission.

The Business Park environment supports and encourages a diverse range of commercial and industrial activities with a shortfall of industrial land in the North District seeing increasing demand for industrial floor space in Business Parks on the Northern Beaches. Hospital uses are better located on the northern side of Warringah Road. Severance issues with the hospital and the business park exist with pedestrian access to the subject site unappealing given the major arterial roads to the north (Warringah Road) and west (Wakehurst Parkway).

2. EXCESSIVE BUILDING HEIGHT, BULK AND SCALE

The proposed building height, bulk and scale is excessive and inconsistent with surrounding development, leading to unacceptable amenity and streetscape impacts.

Tilley Lane has a mix of existing buildings ranging from 2 storeys to 5 storeys (up to 18.9m).

The proposed development does not comply with objectives for building height or planning controls for site coverage, front setbacks, building bulk, and landscaped open space. These non-compliances are outlined below:

Clause 4.3 - Building Height

While the Warringah Local Environmental Plan (WLEP) does not specify a numerical requirement for building height, the objectives for building height listed in clause 4.3 apply. This are addressed below:

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment: The proposed 8 storey (28m) development, is not compatible with the height and scale of surrounding development. Tilley Lane has a mix of existing buildings ranging from 2 storeys to 5 storeys (up to 18.9m). The proposal is three storeys and approximately 9m higher than the maximum height of existing development.

- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

Comment: The proposed 8 storey (28m) development is visually intrusive, will result in view loss and privacy impacts to 10 Tilley Lane, and loss of solar access to 13-15 Tilley Lane.

- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

Comment: The proposed 8 storey (28m) development will have an adverse impact on the bushland character of the Frenchs Forest area. The existing maximum building height for all development on SP4 zoned land south of Warringah Road is 5 storeys. The proposed development will therefore represent an anomaly and will protrude above the existing tree canopy resulting in a detrimental impact on the bushland character of the area.

- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Comment: As noted above, the proposed 8 storey (28m) development will have an unacceptable visual impact when viewed from surrounding roads and parks.

B4 Site Coverage

Clause B7 of the Warringah Development Control Plan (WDCP) specifies a maximum site coverage of 33.3%. The proposed development will have a site coverage of 65% representing a significant breach to this control.

B7 Front Boundary Setback

Clause B7 of WDCP prescribes a 10m setback to Tilley Lane. The proposed development provides a 4m setback to Tilley Lane, which is inconsistent with the control and surrounding development. The proposed eight storey development with a 4m setback will have an imposing impact on the streetscape.

The NSW Government Architect (NSW GA) response letter dated 25 March 2022 (Appendix 30 of the EIS), notes that landscaped zone at the street frontage is not wide enough to support large trees or provide a high level of amenity to the public domain. The NSW GA recommends an increase in the setback of the western façade to match the building to the north (10 Tilley Lane) and allow for a generous landscaped streetscape.

Clause D9 - Building Bulk

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

The proposal does not satisfy the requirement of Clause D9 as follows:

- The side and rear setbacks are not progressively stepped as wall height increases.
- With three levels of basement, excavation of the landform is not minimised.
- The excessive building footprint does not allow for adequate landscape plantings to screen the visual bulk of new building and works.
- The elevations have not been adequately articulated to reduce building mass.

The resultant built form does not appropriately respond to the character of the surrounding business park.

Clause D1 Landscaped Open Space and Bushland Setting

Clause D1 of WDCP requires a minimum area of landscaped open space is 33.3% of the site area. The proposal includes 18.7% (or 336.3m²) as landscaped open space and therefore fails to provide adequate deep soil planting. The proposal also fails to satisfy the following objectives of the control:

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

The excessive site coverage and shortfall of deep soil planting have been identified as areas of concern in the NSW GA response letter, as follows:

‘Site coverage and deep soil

The building is located in a commercial area and will be providing respite for patients and their families during a vulnerable and sensitive time. It is, therefore, imperative that the site strategy allows for wider setbacks and greater deep soil areas to support significant

landscaping and meet the objectives of the project's design principles, specifically; 'Dignity', 'Sanctuary' and 'Privacy'.

There is a high quantum of landscape in the project however the dimensions of the deep soil areas proposed are not wide enough to support trees of a significant height to provide a green outlook and privacy to the patient rooms and communal areas.'

The numerous non-compliances with Council's built form controls indicate an overdevelopment of the site.

3. INSUFFICIENT OPERATIONAL DETAIL

Insufficient operational detail is available to allow an adequate assessment of the impacts of the mental health facility/treatment centre. The EIS acknowledges that a final operator has not been agreed so details are high-level. Nevertheless, basic details regarding the following are required to satisfactorily assess the possible impacts of the hospital on the surrounding area, such as;

- The length of stay of patients
- Outpatient services
- Visiting hours
- Security and access
- Requirements for off-site services
- Allocation of parking between staff, patients and visitors

Given that mental health treatment centres typically provide longer term residential care, concerns are raised that the proposed development lacks an appropriate level of internal residential amenity for patients, for example a lack of privacy from the adjoining commercial tenancy to the north, and inadequate access to private open space.

4. TRAFFIC AND PARKING

Tilley Lane is a narrow private road that already experiences numerous traffic and parking problems. Concern is raised regarding the additional traffic generated by the proposed development. Figure 4 below demonstrates the frequent dangerous traffic movements created by the narrow width of Tilley Lane.



Figure 4. view looking south from northern end of Tilley Lane

The Transport Study completed for the NB Hospital in November 2016 specifically identified that "No Major growth is suitable for the area south of Warringah Road or East of Wakehurst Parkway" - ear marked as unsuitable for growth - and does not include any major development outside the "central Zone" for 20 years.

As noted above, the lack of operational detail makes it difficult to assess traffic and parking impacts.

The proposed number of parking spaces is considered inadequate to cater for the proposed number of patients, staff and visitors. This shortfall will lead to an increase in the demand for on-street carparking which is already in short supply.

5. IMPACTS FROM EXCAVATION, DEMOLITION AND CONSTRUCTION

The proposed development includes excavation across the majority of the site to a depth of approximately 9m below existing levels and therefore is likely to involve removal of rock and require heavy earth moving equipment. A detailed construction management plan has not been provided to assess vehicle parking, delivery of building materials and how dust and noise impacts are appropriately managed.

The proposed development requires bulk excavation to depths of 9m. This raises significant concerns relating to the stability of adjoining buildings and other impacts during construction such as noise, dust, vibration and heavy truck movements.

Excavation

The Geotechnical Report submitted in support of the DA acknowledges on page 17 that 'potential geotechnical risks of construction on adjoining developments could include vibration effects due to rock excavation, settlement/deflection of adjacent footings due to the basement excavation, and induced settlement due to groundwater drawdown within soils'. Given these concerns, the overall level of excavation should be reduced.

Acoustic, dust and vibration issues

The potential noise, dust and vibration impacts are likely to have a considerable impact on the everyday lives of the numerous workers in the business park as well as the children in the two childcare centres. These impacts should be fully addressed prior to issue of any approval.

The need for safeguards

It is considered that the geotechnical issues and associated construction management issues are not adequately addressed in the SSD application and the application should not be determined until such information is available and found adequate. This is not a matter that can be addressed by standard conditions requiring a pre-construction dilapidation report. Further geotechnical and construction investigation is required to determine the methods to be used, their likely impacts on stability and amenity and thus any restrictions required on excavation methods or equipment.

A more detailed construction management plan should be prepared to include measures to control dust emissions during excavation and construction.

Dilapidation reports

In order to protect the common property of the Association and the amenity of users of the business park, it is requested that, in the event that consent is recommended to the proposed development, there be a condition imposed requiring the owner, prior to the construction certificate, to prepare a dilapidation report for all buildings within Tilley Lane. In addition, there would need to be a condition of consent requiring strict adherence at all times during the construction to the recommendations of the Geotechnical report and any other suitably worded similar requirements deemed necessary or reasonably appropriate by the Department's engineering staff.

Security bond

In order to protect the Association's property, it is requested that, in the event that consent is recommended to the proposed development, there be a condition imposed requiring the owner, to lodge a security bond (as respects the cost of making good any damage caused to the common property of Tilley Lane).

The Association seeks to be indemnified by the owners of the development site for and in respect of any damage caused directly or indirectly to common property (including but not limited to buildings, drainage infrastructure, road and retaining walls) as a result of or arising out of the carrying out of demolition, excavation and construction works by the applicant and their contractors. To the extent to which a condition of consent along those lines can legally be imposed, the Association respectfully submits that the imposition of such a condition is both warranted and appropriate.

6. CONCLUSION

In summary, the Community Association DP 270323 object to SSD-30236074 application for a mental health facility at 11 Tilley Lane for the following reasons:

- Inappropriate use in a business zone
- Excessive building height, bulk and scale
- Non-complying building form
- Lack of operational detail
- Unacceptable traffic and parking impacts
- Unacceptable impacts during excavation and construction

The proposed development is inconsistent with the strategic planning framework which allocates areas north of Warringah Road for buildings up to 12 storeys and seeks to protect the business/industry use of enterprise land south of Warringah Road.

The proposed development is three storeys higher than any other building in Tilley Lane, fails to satisfy numerous building form controls and is found to be an overdevelopment of the site.

For the reasons outlined above, it is recommended that the application be refused.

Yours faithfully,



Danielle Deegan

Director DM Planning Pty Ltd on behalf of Community Association DP 270323