

28 May 2025

Northern Beaches Council

PO Box 82 Manly NSW 1655 Australia

Attention: **Steven Findlay**

Manager, Development Assessments

Dear Steven,

Address: 22 Forest Way Frenchs Forest NSW 2086

Application No: DA2023/1757

We would like to formally respond to the **draft development conditions**, particularly the following:

39. New Pedestrian Footbridge over Forest Way - Design and Approval

Full details of the design of the new pedestrian footbridge, including lift and stairs, are to be submitted to Council and Transport for NSW for their consideration and approval.

Details are to include: an Urban Design Report, Access Report, engineering plans, architectural plans, landscape plan and a detailed schedule of external colours and materials.

The bridge design is to be developed having regard to the architectural design, materials and colours of the approved plans for the modernised Forestway Shopping Centre development and the character of the suburb of Frenchs Forest.

The requirements of this condition are to be submitted and approved prior to release of the Construction Certificate.

96. Construction of Pedestrian Footbridge with Lifts and Stairs

The developer is to construct the pedestrian footbridge over Forest Way, as shown on the approved plans, with associated lifts and stairs in accordance with a design which is to be approved by Council and Transport for NSW prior to release of any Occupation Certificate.

The cost of the construction of the bridge, including landings and associated civil works and landscaping are to be at no cost to Council.

From the applicant's perspective, **Conditions 39 and 96**, regarding the pedestrian footbridge over Forest Way, should be removed, as the footbridge is no longer necessary to support the proposed

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development. This is due to the fact that the previously proposed right-turn exit onto Forest Way is no longer part of the development scope.

Following consultation with Transport for NSW, the proposed public domain works associated with the redevelopment of Forestway Shopping Centre now include:

- **Retention of the existing signalised pedestrian crossing on Forest Way**
- A new signalised intersection, facilitating:
 - Left-turn entry into the site
 - Right-turn entry into the site
 - Left-turn exit onto Forest Way
- A new deceleration lane on Forest Way (for northbound traffic)
- Construction of a concrete median in Russell Avenue, restricting driveway movements to left-in / left-out only
- Relocation of bus bays and bus shelters

Council's traffic referral considered the construction of a pedestrian footbridge necessary, based on an assumed removal of the existing signalised pedestrian crossing. However, this was a misunderstanding. As demonstrated in architectural drawing **Sheet 11993_SK073 Rev P1 – Proposed GA Plan (Ground Floor) Version 2**, the existing signalised pedestrian crossing on Forest Way is proposed to be retained. This ensures a safe pedestrian connection, supported by a dedicated traffic light phasing.

Transport for NSW has confirmed its support for **removal the requirement for the construction of a proposed pedestrian footbridge while retaining the on-grade pedestrian crossing**, as outlined in its response letter dated 9 May 2025:

- *TfNSW is amenable to the Applicant's request to remove the requirement for the construction of a proposed pedestrian bridge across Forest Way on the basis that an at grade pedestrian crossing on Forest Way at the new signalised intersection on the south approach does not conflict with any vehicular turning movements to/from the proposed development and provides a more direct pedestrian crossing opportunity to the bus stops on Forest Way.*

Regarding the **2041 Frenchs Forest Place Strategy**, TfNSW has further advised:

- *... the 2041 Frenchs Forest Place Strategy identifies a need for a pedestrian bridge along this section of Forest Way (subject to further investigation and funding source) amongst other Transport Infrastructure to support future population and employment growth within the Frenchs Forest Town Centre. As such, consideration should be given for the proposed development to be designed such that a pedestrian bridge can be landed and incorporated into the development in the future and delivered by others (subject to funding source).*

The applicant fully supports this position and has demonstrated that the current design accommodates future integration of a pedestrian bridge, should it be delivered by others at a later stage. It's the applicant's position that it's inappropriate to compel via conditions works otherwise required outside the intensification sought by the subject application.

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Furthermore, given the road authority's correspondence on this bridge in its latest reply, council's conditions are a failure to comply with **Clause 2.118 State Environmental Planning Policy (Transport and Infrastructure) 2021**.

It's further noted that any conditions for a footbridge not conditioned or required by TfNSW would be void as council is not the authority for Forest Way. Such authority rests with TfNSW under Section 38 Roads Act. TfNSW as consent authority has not required such works and it is inappropriate for council to condition the same

Moreover, following consultation with Council's traffic team, the applicant has agreed to implement additional traffic management measures to mitigate potential local road impacts resulting from the removal of the right-turn exit onto Forest Way. These measures—including the design and construction of a roundabout at the intersection of Fitzpatrick Avenue and Grace Avenue—are outlined in draft Condition 25.

Considering the points outlined above, the applicant respectfully requests the removal of **Conditions 39 and 96**, as the proposed pedestrian footbridge is no longer necessary to support the development.

Yours faithfully,

Emily Han

Senior Development Manager

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