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beaches
council

S U P P L E M E N T A R Y M E M O

DATE: 3 June 2025

TO: Sydney North Planning Panel (SNPP)

CC: Peter Robinson, Executive Manager Development Assessment

FROM: Steve Findlay – Manager Development Assessment

SUBJECT: DA2023/1757 – 22 Forest Way, Frenchs Forest (Forestway Shopping Centre)

TRIM REFERENCE: 2025/388050

The purpose of this supplementary memo is to advise the Panel that; Council has received a response from the Applicant on the Draft Conditions of Consent and Council's review of that response.

The following matters were raised by the Applicant:

Design and Construction of a Pedestrian Bridge over Forest Way – Conditions 39 and 96

The applicant (*Revelop*) sent an email to Council on 28 May 2025 with an attached letter from *Revelop* also dated 28 May 2025 stating their case as to why the conditions relating to the design and construction of the pedestrian bridge (Conditions 39 and 96) should be deleted (see attachment).

In summary, the letter argues that, as the signalised pedestrian crossing is being provided, TfNSW does not require the bridge to be provided, and the right-hand turn out of the site onto Forest Way is not approved by TfNSW, the pedestrian bridge is no longer required to support the proposed development.

Traffic Engineers Comments:

It is noted that the applicant has requested removal of the draft development conditions relating to design and implementation of the pedestrian footbridge over Forest Way.

As outlined in the traffic engineering referral comments in the Assessment Report, the addition of the pedestrian overbridge and presence of the signalised pedestrian crossing over Forest Way are considered necessary to assist in offsetting traffic impacts of the development and the deletion of the pedestrian footbridge and associated infrastructure are not supported. Although it is understood that TfNSW will no longer require a new footbridge, lifts and stairs over Forest Way to the south of the new signalised carpark exit.

This work is still considered necessary for the following reasons:

- a) to ensure that there is always a safe means for pedestrians to cross Forest Way without delay
- b) to minimise the chances of pedestrian trying to undertake risky crossings of Forest Way contrary to traffic signals
- c) to minimise traffic delays for traffic as a result of pedestrian movements across Forest Way or the carpark access point.

Council considers that both the pedestrian overbridge and the signalised pedestrian crossing are required. If the signalised pedestrian crossing is implemented without the overbridge, there is concern that pedestrians will be tempted to attempt risky crossings of Forest Way between green pedestrian phases particularly to access buses.

It is noted that the pedestrian phase as outlined in the TfNSW conditions of consent would only operate in conjunction with the right turn phase into the site and it may therefore be a long wait between green phases as TfNSW will prioritise green time for Forest Way through movements. The presence of an overbridge would ensure that pedestrians always have another option for crossing of Forest Way. The presence of the overbridge will also assist in minimising delays for traffic exiting the development site or on Forest Way as the pedestrian phase would be triggered less often.

The applicant asserts that Council's request for the pedestrian bridge is based upon a misunderstanding that the signalised pedestrian crossing was being removed. There was no misunderstanding. The existing signalised pedestrian crossing is being removed and replaced with a new signalised intersection at the carpark egress onto Forest Way that egress incorporates a signalised crossing over Forest Way.

The signalised crossing should be supplemented by the overbridge to more adequately provide for active travel movements and encourage more pedestrian activity.

It is acknowledged that TfNSW is not requiring the new pedestrian bridge to be delivered now, but only requires that provision be made for its future introduction by others. Council considers it is more appropriately delivered now, and does not believe that TfNSW would oppose its installation in conjunction with these development works, if it were required as a condition of consent.

Finally, as outlined in the applicants response, the provision of the pedestrian bridge is identified in the Frenchs Forest Place Strategy, and the subject development provides an ideal opportunity to provide this key piece of infrastructure, rather than have it introduced at a later date with the inherent impacts upon the community during its construction on a second occasion.

Given the scale of this development and its potential to attract significant volumes of pedestrian traffic, as well as to add to the traffic congestion on Forest Way, it considered reasonable to require that the pedestrian overbridge be provided now to assist in offsetting those impacts.

Therefore, the proposed deletion of Conditions 39 and 96 is not concurred with and it is recommended that they remain as draft conditions of consent.

Approved Plans/Referrals - Condition 2 and 3

The Applicant has identified some errors in Condition 2 (plans) and Condition 3 (referrals) as follows:

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11993_DA-113	P12	Proposed GA Plan (Basement 1)	nettleton tribe partnership Pty Ltd	20 December 2024
11993_SK073	P1	Proposed GA Plan (Ground Floor) VERSION 2	nettleton tribe partnership Pty Ltd	17 April 2025
11993_DA-117	P8	Proposed GA Plan (Level 1)	nettleton tribe partnership Pty Ltd	20 December 2024
11993_DA-161	P6	Proposed Roof Plan	nettleton tribe partnership Pty Ltd	20 December 2024
11993_DA-201	P6	Building Elevations Sheet 1	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-202	P10	Building Elevations Sheet 2	nettleton tribe partnership Pty Ltd	11 April 2025 17 April 2025
11993_DA-203	P4	Forest Way Street Elevation	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-211	P3	Material Schedule	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-301	P6	Sections	nettleton tribe partnership Pty Ltd	20 December 2024
A100	1	Swim School Indicative Layout	Revelop	16 April 2025
A200	1	Gym Indicative Layout	Revelop	16 April 2025

NSW Rural Fire Service	Referral - RFS (RFS Reference: DA20240112000159-S38-1)	22 November 2024
NSW Police	Referral - NSW Police - Forestway Shopping Centre Forest Way Frenchs Forest	12 January 2024 12 January 2024

Council Assessment Officers Comments:

The above errors are agreed with and amended Conditions 2 and 3 are attached to the Recommendation.

Stormwater Conditions – Condition 21 and 77

The applicant has identified the following changes to the stormwater treatment plans in Conditions 21 and 77 as follows:

21	<p>21. Detailed Design of Stormwater Treatment Measures</p> <p>A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the Plans 21J51_DA Revision 2 dated 25.09.2023 and Council's Water Management for Development Policy. 21J51, Revision 3 dated 31.10.2024</p> <p>The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.</p> <p>Reason: Protection of the receiving environment.</p>
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77	<p>77. Certification for the Installation of Stormwater Treatment Measures A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the plans prepared by Henry and Hymas, Revision 2 dated 25.09.2023. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. Revision 3 dated 31/10/2024</p> <p>The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.</p> <p>Reason: Protection of the receiving environment.</p>
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Council Water Management Officers Comment:

The Water Management Officer is reviewing the submitted plans and will advise whether the plan references need to be changed.

Therefore, Council's position on the proposed changes to the conditions will be conveyed to the panel as soon as it is available.

Recommendation

- A. That conditions 39 and 96 remain
- B. That conditions 2 and 3 be amended to read (with the changes highlighted in bold and italics):

2. Approved Plans and Supporting Document

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
11993_DA-011	P3	Site Plan	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-031	P2	Demolition Plans	nettleton tribe partnership Pty Ltd	12 October 2021
11993_DA-111	P9	Proposed GA Plan (Basement 2)	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-113	P12	Proposed GA Plan (Basement 1)	nettleton tribe partnership Pty Ltd	20 December 2024
11993_SK073	P1	Proposed GA Plan (Ground Floor) VERSION 2	nettleton tribe partnership Pty Ltd	17 April 2025
11993_DA-117	P8	Proposed GA Plan (Level 1)	nettleton tribe partnership Pty Ltd	20 December 2024

11993_DA-161	P6	Proposed Roof Plan	nettleton tribe partnership Pty Ltd	20 December 2024
11993_DA-201	P6	Building Elevations Sheet 1	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-202	P10	Building Elevations Sheet 2	nettleton tribe partnership Pty Ltd	17 April 2025
11993_DA-203	P4	Forest Way Street Elevation	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-211	P3	Material Schedule	nettleton tribe partnership Pty Ltd	31 October 2024
11993_DA-301	P6	Sections	nettleton tribe partnership Pty Ltd	20 December 2024
A100	1	Swim School Indicative Layout	Revelop	16 April 2025
A200	1	Gym Indicative Layout	Revelop	16 April 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Proposed Site Acquisition Plan	A 001	REVELOP	17 April 2025
Landscape Plans titled 'LANDSCAPE DA PACKAGE'	6	Place Design Group Pty Ltd	7 January 2025
Geotechnical Report titled 'Point Polaris Forestway Shopping Centre'	1	Coffey Services Australia Pty Ltd	26 October 2018
Energy Performance Report titled 'Forestway Shopping Centre'	210409, Revision A	JHA	7 November 2023
BCA Capability Statement titled 'Forestway Shopping Centre Redevelopment'	230349, Revision 1.2	bmplusg	6 November 2023
Development Application Access Report titled '22 Forest Way, Frenchs Forest'	23301, Issue B	Vista Access Architects Pty Ltd	6 November 2023
Noise Impact Assessment titled 'FORESTWAY SHOPPING CENTRE'	TM206-01F03 Noise assessment (r4)	Renzo Tonin & Associates	6 November 2023

Preliminary Site Investigation (PSI) Report titled '22 Forest Way, Frenchs Forest'	ER23047	CET Geotechnical	15 December 2023
Environmental Site Assessment Review titled 'Former BP Service Station Forestway Shopping Centre'	25001245	Kleinfelder Australia Pty Ltd	2 May 2024

Arboricultural Impact Assessment and Tree Protection Plan titled '22 Forest Way, Frenchs Forest, NSW 2086'	Version 2.1	Vertical Tree Management & Consultancy Pty Ltd	20 April 2024
Stormwater Engineering Report titled 'Forestway Shopping Centre 22 Forest Way Frenchs Forest NSW'	21J51, Revision 3	henry & hymas	31 October 2024
Construction Management Plan titled 'FORESTWAY SHOPPING CENTRE'	-	REVELOP	-
Forestway Shopping Centre Retail Centre Plan of Management	Version 1	-	9 October 2024
Supplementary Traffic Advice titled 'MODIFICATIONS TO FORESTWAY SHOPPING CENTRE'	240047.08DA	McLaren Traffic Engineering	17 April 2025
Traffic Engineering Plans	240047, Version A	McLaren Traffic Engineering	23 April 2025
Operational Waste Management Plan titled 'Forestway Shopping Centre'	SO1063, Revision C	ELEPHANTS FOOT RECYCLING SOLUTIONS	11 September 2023
Illumination Strategy	-	Revelop	Undated

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. Compliance Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding any general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	-
Transport for NSW	Referral - Transport for NSW (TfNSW Reference: SYD24-00053/10)	9 May 2025
NSW Rural Fire Service	Referral - RFS (RFS Reference: DA20240112000159-S38-1)	22 November 2024
NSW Police	Referral - NSW Police - Forestway Shopping Centre Forest Way Frenchs Forest	12 January 2024

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

- C. Council's position on the proposed changes to Conditions 21 and 77 will be conveyed to the panel as soon as it is available.