

NORTHERN BEACHES COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

Panel Reference	PPSSNH-499
DA Number	DA2024/0499
LGA	Northern Beaches Council
Proposed Development	Demolition works and construction of three residential flat buildings
Street Address	Lot 1 DP 213608, 120 Frenchs Forest Road West FRENCHS, Lot 2 DP 213608, 118 Frenchs Forest Road West FRENCHS FOREST, Lot 14 DP 25713, 11 Gladys Avenue FRENCHS FOREST and Lot 24 DP 25713, 116 Frenchs Forest Road West FRENCHS
Applicant/Owner	BMHP Group Pty Ltd
Date of DA lodgment	13/05/2024
Number of Submissions	7 (original public exhibition, noting amended scheme is not required to be re-exhibited)
Recommendation	The Panel consider the contents of this supplementary assessment report and associated change to the recommendation in the original assessment report from refusal to approval, subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General development exceeding \$30 million CIV
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 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy – Transport and Infrastructure 2021 • Warringah Local Environmental Plan 2011 • Warringah Development Control Plan 2011
List all documents	<ul style="list-style-type: none"> • Amended Architectural plans • Amended Landscape plans

submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Supplementary Statement of Environmental Effects • Amended Arboricultural Report • Amended Stormwater plans • Revised Traffic Impact Assessment • Revised Waste Management Plan
Clause 4.6 requests	<ul style="list-style-type: none"> • NIL (Clause 4.3 of WLEP 2011 – Building Height variation no longer forms part of the application)
Summary of key submissions (in response to original notification and amended scheme notification)	<ul style="list-style-type: none"> • Application of SEPP Housing Section 16 additional FSR and building height incentives • Building height variation • Site access and car parking design • SEPP Housing Design Quality Principles • ADG objectives, primarily communal open space • Design Excellence provisions • Frenchs Forest Precinct objectives, DFC and Character Statement • Provisions for future undergrounding of power lines • Front and side setback treatments • Tree removal, landscaping and biodiversity • Stormwater and waste management
Report prepared by	Steve Findlay – Manager Development Assessment
Report date	30 May 2025

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the Assessment Report?

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 and as detailed in the Supplementary Assessment Report?

Yes

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?

**N/A
(amended
scheme no
longer**

**requires a
CL 4.6)**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **N/A**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

PURPOSE OF THIS REPORT

This Supplementary Assessment report provides the Sydney North Planning Panel (SNPP) with an assessment of the amended scheme as requested by the Panel at its meeting on 16 May 2025.

The Development Application was reported to the SNPP on 16 May 2024 with a recommendation for refusal.

RELEVANT BACKGROUND

The matter was considered by the SNPP on 16 April 2025 and the Panel decided to defer the determination of the application and allow the applicant additional time to lodge an amended application to address Council's planning issues and resolve the referral issues.

The Panel requested the Applicant to lodge an amended application by 26 April and for Council to provide a report addressing the amended application, and a determination date of 21 May was set down.

The Panel was advised by Council that an extension of time would be required as the resolution of the referral issues was taking longer than expected, and for a full and comprehensive supplementary assessment report to be prepared and sent to the Panel.

The Panel advised that Council's Report was due on 28 May and that the determination meeting was scheduled for 4 June 2025.'

ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

Plans and Reports	Preparation, Issue/Revision No. and Date
Amended Architectural plans	BMHP Group, Rev B plans, dated 24.4.2025
Amended Landscape plans	Conzept Landscape Architects, Rev M plans, dated 23.4.2025

Supplementary Statement of Environmental Effects	Boston Blyth Fleming Town Planners, dated 24.4.2025
Amended Arboricultural Assessment	Arbor Express, dated 23.4.2025
Amended Stormwater plans	HYDRACOR Consulting Engineers Pty Ltd, Issue J, dated 28.5.2025
Amended Traffic Impact Assessment	Genesis Traffic, dated 23.4.2025
Waste Management Plan	MRA Consulting Group, Version 2, dated 23.4.2025

ADDITIONAL INFORMATION PROVIDED BY COUNCIL

Information provided to the Panel by Council	<ul style="list-style-type: none"> • Review and assessment of planning matters by the Assessment Officer • Referral comments from Landscape Officer regarding the amended Landscape plans • Referral comments from Traffic Officer on amended Traffic Report • Referral comments from Development Engineer on amended Stormwater plans • Referral comments from Strategic Planning Team (Frenchs Forest Town Centre and Affordable Housing Contributions) • Referral comments from Waste Management Officer on amendments to the waste facilities
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ASSESSMENT OF AMENDED APPLICATION

The original assessment report contained ten (10) reasons for refusal of the application.

Based on an assessment of the revised scheme, each of the reasons have been addressed as follows:

Reason 1 – Inconsistent with SEPP Housing and ADG

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 State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide.

Particulars:

- i. Due to the inadequate front and side setback treatments and overall landscape outcome, the proposal fails to achieve compatibility with the desired elements of the character of the locality, contrary to Section 20 Design Requirements of SEPP Housing.***
- ii. Due to the various non-compliances with the objectives of the ADG, the proposal fails to achieve the following Design Quality Principles at Schedule 9 SEPP Housing:***

***1: Context and Neighbourhood Character
5: Landscape
6: Amenity
8: Housing Diversity and Social Interaction
9: Aesthetics***

- iii. The proposal is inconsistent with the following objectives of the ADG:***

***3A Site Analysis
3C Public Domain Interface
3D Communal and Public Open Space
4O Landscape Design
4V Water Management and Conservation
4W Waste Management***

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 1.</p> <p><i>“As previously indicated, the architectural and landscape plans have been amended to remove the paving and built form elements from within the Frenchs Forest Road West setback and provide a general rationalisation of built form elements within the side setbacks to maximise deep soil tree planting opportunities and facilitate the future undergrounding of power lines.</i></p> <p><i>The amended landscape plans provide for additional compensatory canopy tree plantings to ensure that the development sits within a landscape setting noting that significant landscape elements have been retained as components of the overall development particularly in the south-eastern corner of the site.</i></p>
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	<i>This draft reason for refusal has been appropriately addressed.”</i>
Council Assessment Officer	<p><u>Design Quality Principles of SEPP Housing</u></p> <p><i>Principle 1 - Context and Neighbourhood Character</i></p> <p>The concerns with this principle were based on the unsatisfactory landscape treatment of the front and side setbacks. The revised scheme has satisfactorily addressed the concerns by deleting terraces and other structures and providing greater deep soil areas for more significant tree planting to achieve a good streetscape and character outcome. Based on this, the proposal is consistent with this principle.</p> <p><i>Principle 5 – Landscape</i></p> <p>The concerns with this principle were also related to the treatment of the front and side setbacks. As mentioned above, the changes made in the revised scheme have satisfied the issues, and the proposal is now consistent with this principle.</p> <p><i>Principle 6 – Amenity</i></p> <p>The concerns with this principle were related to the design of the private open space areas. Specifically, the roof top communal open space did not provide weather protection for users and access was only via a set of stairs (no lift). The revised scheme incorporates lift and stair access to the roof top terraces on Buildings A and B. Based on this, the proposal is consistent with this principle.</p> <p><i>Principle 8 - Housing Diversity and Social Interaction</i></p> <p>The concerns with this principle were related to the communal open space areas. As mentioned above, the addition of weather protection and lift access has satisfied the issues, and the proposal is now consistent with this principle.</p> <p><i>Principle 9 – Aesthetics</i></p> <p>The concerns with this principle were related to unsatisfactory landscape design for the nature of the built form proposed. The improvements to the landscape design satisfy the issue and the proposal is now consistent with this principle.</p> <p><u>Guidelines of the ADG</u></p> <p><i>3A Site Analysis</i></p> <p><i>3C Public Domain Interface</i></p>

	<p>3D Communal and Public Open Space</p> <p>4O Landscape Design</p> <p>The issues with the above guidelines revolve around the unsatisfactory nature of the landscape treatments, setting and communal open space. As detailed in the commentary on the design principles above, the proposal is now consistent with these provisions.</p> <p>4V Water Management and Conservation</p> <p>The revised stormwater plans have been reviewed by Council's Development Engineer and satisfy Council's Water Management Policy. Therefore, the proposal is now consistent with these provisions.</p> <p>4W Waste Management</p> <p>The additional information provided by the applicant has satisfactorily addressed the issues raised by Council's Waste Management Officer, as detailed in the section dealing with Reason 8 below. Therefore, the proposal is now consistent with these provisions.</p> <p>Reason for refusal No. 1 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>
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Reason 2 – Aims of WLEP 2011

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 2.</p> <p><i>"Based on the amendments made to the proposal to address the balance of the draft reasons for refusal we are of the opinion that the proposal is consistent with the aims of Warringah Local Environmental Plan 2011.</i></p> <p><i>This draft reason for refusal has been appropriately addressed."</i></p>
Council Assessment Officer	<p>The revised scheme has satisfied the issues and concerns raised with the proposal and have demonstrated that it is now consistent with the Aims of the LEP.</p> <p>Reason for refusal No. 2 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>



Reason 3 – Clause 4.6

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 Clause 4.3 Height of Buildings and Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.

Particulars:

- i. The proposed additional building height does not correspond to the proposed additional floor space ratio or the proportion of gross floor area proposed to be used for affordable housing as required by Section 16 of SEPP Housing.***
- ii. The consent authority is not satisfied that the applicant's variation request under Clause 4.6 of WLEP 2011 seeking to justify a contravention of Clause 4.3 Height of buildings has adequately demonstrated that:***
 - compliance with the standard is unreasonable or unnecessary, or***
 - there are sufficient environmental planning grounds to justify the contravention.***

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 3.</p> <p><i>“The proposal utilises the full 30% FSR and building height bonuses applicable to infill affordable housing pursuant to Chapter 2 of SEPP Housing. The plans have been amended to ensure strict compliance with the building height standard and accordingly the application does not rely on a clause 4.6 variation request.</i></p> <p><i>This draft reason for refusal has been appropriately addressed.”</i></p>					
Council Assessment Officer	<p>The revised scheme (Revision B) has reduced the height of the two non-compliant elements of the original scheme (Revision A, involving lift overrun on Building A and the lift overrun on Building C), and now fully complies with the SEPP height bonus provisions as follows:</p>					
		Standard	Requirement	Proposed	% Variation	Complies
		Height of Buildings	<u>Buildings A and B</u> 22.75m (17.5m + 30%)	<u>Buildings A & B</u> 22.75m	Nil	Yes
			Building C	Building C:	Nil	Yes

		16.9m (13m + 30%)	16.9m		
<p>The height reduction from Rev A plans to Rev B plans is shown below:</p>  <p>Figure 1 – Height Blanket for Previous Scheme (Rev A)</p>  <p>Figure 2 – Height Blanket for Revised Scheme (Rev B)</p> <p>Therefore, as the proposal has been reduced in height to comply with the SEPP building height controls, the proposal satisfies the provisions of the SEPP and no longer relies upon a Clause 4.6 variation.</p> <p>Reason for refusal No. 3 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>					

Reason 4 – Design Excellence

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 8.3 Objectives for Development in Frenchs Forest Precinct and Clause 8.5 Design excellence—Sites F, G and I of the Warringah Local Environmental Plan 2011.

Particulars:

Due to the unacceptable public domain, landscape and character impacts and the various non-compliances with the applicable building height, landscape, amenity and

water and waste management controls, the proposal is inconsistent with the following WLEP provisions:

- **The objectives of the R3 Medium Density Residential zone,**
- **Clause 8.3 Objectives for Development in Frenchs Forest Precinct, and**
- **Clause 8.5 Design excellence—Sites F, G and I.**

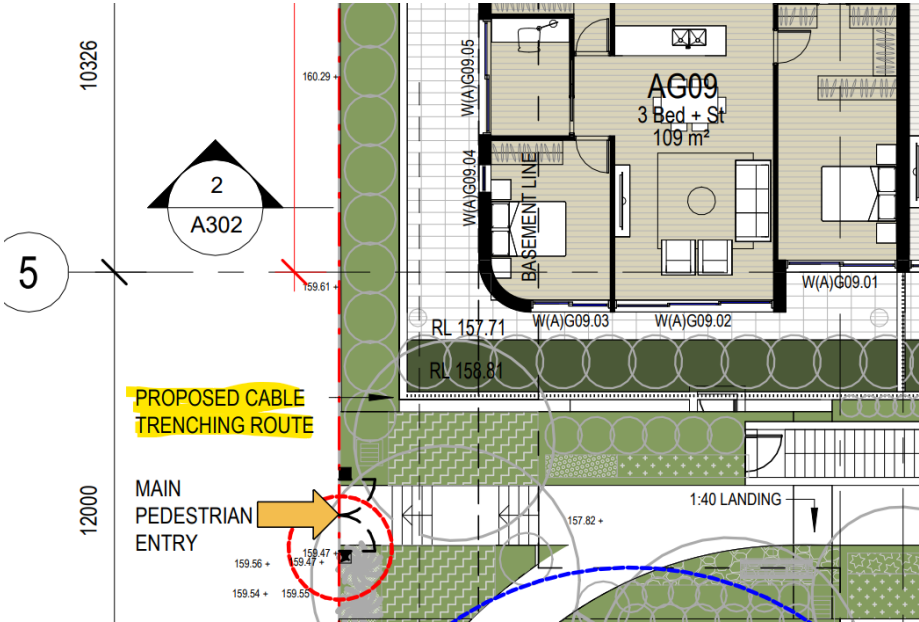
Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 4.</p> <p><i>“Based on the amendments made to the proposal to address the balance of the draft reasons for refusal we are of the opinion that the development is consistent with the clause 8.3 Objectives for development in the Frenchs Forest precinct and the clause 8.5 Design Excellence provisions of WLEP.</i></p> <p><i>This draft reason for refusal has been appropriately addressed.”</i></p>
Council Assessment Officer	<p>The revised scheme has addressed the design excellence issues as follows:</p> <p>(a) Building Height – the height issues stemmed from the non-compliance with the SEPP building height as noted in Reason 3 above. The elimination of the height non-compliance has satisfied the concern.</p> <p>(b) Landscape – the landscape issues have been addressed via the provision of additional deep soil in the front and side setbacks of Buildings A and B. The revised scheme has reduced the extent of paved areas and structures within these setback areas, which as significantly improved the landscape amenity, buffers and setting.</p> <p>(c) Amenity – the improvements to the landscape scheme will provide better amenity for adjoining residential properties.</p> <p>(d) Water Management – the issue with water was associated with the stormwater management for the site, which has now been resolved.</p> <p>(e) Waste Management – the issues with waste have been resolved.</p> <p>Reason for refusal No. 4 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>

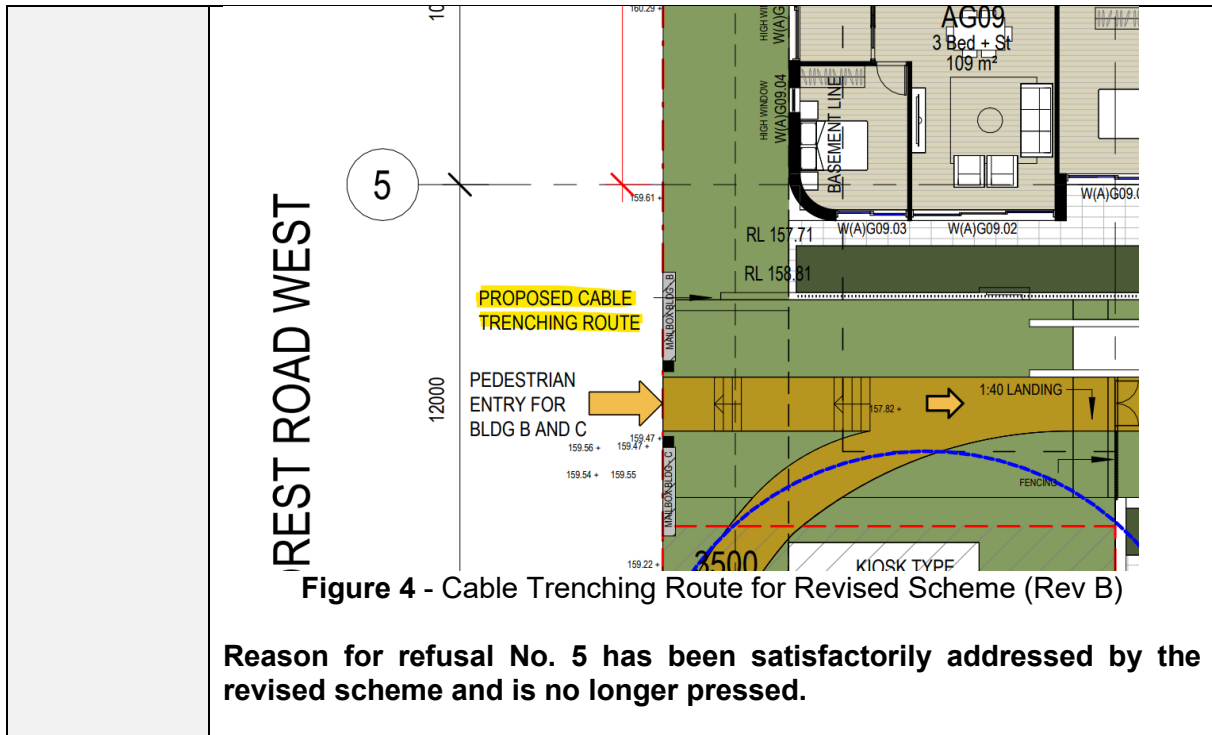
Reason 5 – Power Lines

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 8.10 Power lines—Site G of the Warringah Local Environmental Plan 2011.

Particulars:

The inclusion of paving and structures within the setback area to Frenchs Forest Road West do not enable the relocation of the existing power lines underground.

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 5.</p> <p><i>“As previously outlined, this draft reason for refusal has been comprehensively addressed”.</i></p>
Council Assessment Officer	<p>The amendments to the front setback that have deleted paved areas and structures from the front setback, make adequate provision for future power lines, as shown below:</p>  <p>Figure 3 – Cable Trenching Route for Previous Scheme (Rev A)</p>



Reason 6 – Traffic and Parking

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C2 Traffic, Access and Safety and C3 Parking Facilities of the Warringah Development Control Plan.

Particulars:

The proposal does not comply with various requirements contained within the following sections of the WDCP:

- **C2 Traffic, Access and Safety**
- **C3 Parking Facilities**

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 6.</p> <p><i>“As previously outlined, this draft reason for refusal has been comprehensively addressed as detailed on the amended architectural plans and within the amended Traffic Impact Assessment”.</i></p>
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Council Traffic Officer	<p>Council's Traffic Officer has reviewed the amended plans and reports and provided the following comments:</p> <p><i>"The Applicant has provided further updated Architectural Plans for consideration. It should be noted that the latest plans are still showing the date as 24.04.2025 Revision B, even though this was submitted about 3 weeks afterwards and is the third set of plans reviewed for the proposed 124 unit development.</i></p> <p><i>The Applicant has made the recommended changes to the car park layout to facilitate convenient access from the loading bay to the Building A lifts. The majority of the signage and linemarking changes to improve circulation have also been made however the 'No Entry' signs are still shown on the Basement level plans. Basement 2 - Drawing No.A101, shows the 'No Entry' sign located in the parking aisle which contradicts the pavement arrow and directional flow to access the parking spaces.</i></p> <p><i>This sign must be deleted, and it is also recommended that the 'No Entry' sign shown on Basement 1 - Drawing No.A102, be removed as the sign would be ineffective for approaching drivers and unnecessary with the latest signage improvements. The removal of the 'No Entry' signs can however be conditioned as part of the Consent, with the amended plans to be submitted for approval prior to the issue of a Construction Certificate.</i></p> <p><i>The proposal can be supported subject to the recommended Conditions."</i></p> <p>Reason for refusal No. 6 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>
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Reason 7 - Stormwater

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4 Stormwater of the Warringah Development Control Plan.

Particulars:

- i. The proposal does not provide sufficient information in relation to the below matters which are required to demonstrate compliance with Council's Stormwater Policy:***
 - DRAINS modelling,***
 - The external pipe connection point to the existing Council stormwater inlet pit in Gladys Avenue, and Hydraulic Grade Line Analysis.***

- ii. ***As the basement excavation will intercept the groundwater table , in accordance with the principles set down in The Sydney Coastal Council Groups Groundwater Management Manual, the basement is required to be tanked to prevent the continual pumping of groundwater seepage to Councils stormwater drainage system.***

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 7.</p> <p><i>“These matters have been comprehensively addressed within the updated stormwater management plans with DRAINS modelling emailed to Council under separate cover. No objection is raised to a condition requiring the tanking of the basement.</i></p> <p><i>This draft reason for refusal has been appropriately addressed.”</i></p>
Council Development Engineering Officer	<p>Council's Development Engineering Officer has reviewed the amended plans and provided the following comments:</p> <p><i>The amended stormwater drainage plans prepared by Hydracor now detail the location of the onsite detention tank and water quality component within the ground floor basement area.</i></p> <p><i>This has eliminated the previous issue of having a drowned orifice outlet. No objections to the development proposal subject to conditions.</i></p> <p>Reason for refusal No. 7 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>

Reason 8 – Waste Management

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C9 Waste Management and D14 Site Facilities of the Warringah Development Control Plan.

Particulars:

i. The proposal fails to comply with Council's Waste Management Design Guidelines in the following ways:

- ***No equipment storage area for a bin tug and trailer is identified on the plans,***
- ***No storage area for vegetation bins is identified on the plans,***

- ***The doors to the bulking goods store and waste rooms A, B and C must open outwards,***
- ***The proposal does not demonstrate that Council waste trucks can enter and circulate***
- ***through the site.***

ii. The proposed bin holding area is not designed to minimise visual, odour and noise impacts and does not incorporate adequate landscaping for visual screening.

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 8.</p> <p><i>“These matters have been comprehensively addressed on the architectural plans and within the updated waste management plan.</i></p> <p><i>This draft reason for refusal has been appropriately addressed.”</i></p>
Council Waste Officer	<p>Council’s Waste Management Officer has reviewed the additional information submitted by the applicant and has provided the following commentary and conditions:</p> <p><u><i>Street Level Bin Holding Area & Access for Collection</i></u></p> <p><i>Applicants confirmed they raise no objection to a condition requiring the lawn area directly in front of the waste holding area to be “trafficable turf” and capable of taking the weight of a Council waste collection vehicle. This was shown on the original plans submitted to Council and was signed off by Councils Waste Management Officer.</i></p> <p><i>Applicant confirms they rely on the waste collection swept path analysis contained within the most recent Traffic Impact Assessment to demonstrate that Council waste trucks can be reversed partially onto the site during collection to ensure that car/vehicle movements to and from the site and within the cul-de-sac are not compromised during collection. To be conditioned as follows:</i></p> <p><i>The lawn area between the bin holding area and the Gladys Avenue boundary of the property shall utilise a structural turf system such as “Grass-Cell” or similar capable of accommodating the weight and use of a Council waste collection vehicle. Details to be provided prior to issue of the relevant Construction Certificate.</i></p> <p><u><i>Collection of Waste</i></u></p> <p><i>Applicants confirm appropriate signage will be placed on the street facing wall of the temporary bin holding area clearly stating: “Waste collection area. No parking at any time. To be conditioned as follows:</i></p>

	<p><i>Clearly visible and legible signage shall be placed on the street facing wall of the temporary bin holding area clearly stating: "Waste collection area. No parking at any time."</i></p> <p>Reason for refusal No. 8 has been satisfactorily addressed by the revised scheme and is no longer pressed.</p>
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Reason 9 – Tree Removal

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E1 Preservation of Trees or Bushland Vegetation, Clause E2 Prescribed Vegetation, E4 Wildlife Corridors and E6 Retaining unique environmental features of the Warringah Development Control Plan.

Particulars:

Due to the proposed tree removal and inability to provide sufficient compensatory canopy planting within the proposed landscaped areas, the proposal does not comply with various requirements contained within the following sections of the WDCP:

- ***E1 Preservation of Trees or Bushland Vegetation***
- ***E2 Prescribed Vegetation***
- ***E4 Wildlife Corridors***
- ***E6 Retaining unique environmental features***

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 9.</p> <p><i>"As previously indicated, the architectural and landscape plans have been amended to provide additional deep soil compensatory planting opportunity to ensure that the DCP provisions are satisfied.</i></p> <p><i>This draft reason for refusal has been appropriately addressed."</i></p>
Council Landscape Officer	<p>Council's Landscape Officer has reviewed the amended plans and reports and provided the following comments:</p> <p><i>The concerns raised in the referral comments dated 11/12/24 have generally been addressed, and as such landscape referral is supportive of the proposal subject to the imposed conditions. The planting proposal generally represents an "urban forest" and is "making a feature of the forest" which is sought under the desired future character of the DCP.</i></p>

**Council
Assessment
Officer**

This architectural site plan illustrates the proposed development, featuring two main buildings labeled BUILDING A LOBBY and BUILDING B LOBBY. The plan includes detailed room layouts, corridors, and service areas. Key features include:

- Landscaping:** Extensive green spaces, trees, and shrubs are shown around the perimeter and between buildings.
- Infrastructure:** A pedestrian entry, a main pedestrian entry, and a proposed cable trenching route are indicated.
- Site Boundaries:** A dashed line marks the 18m HIGH LIGHTWEIGHT FENCE TO SIDE BOUNDARIES.
- Orientation:** North arrows and grid lines (e.g., 1-6, 7-9) provide spatial context.
- Other Labels:** "COS" (Construction Office Site) and "LANDSCAPE" are also present.

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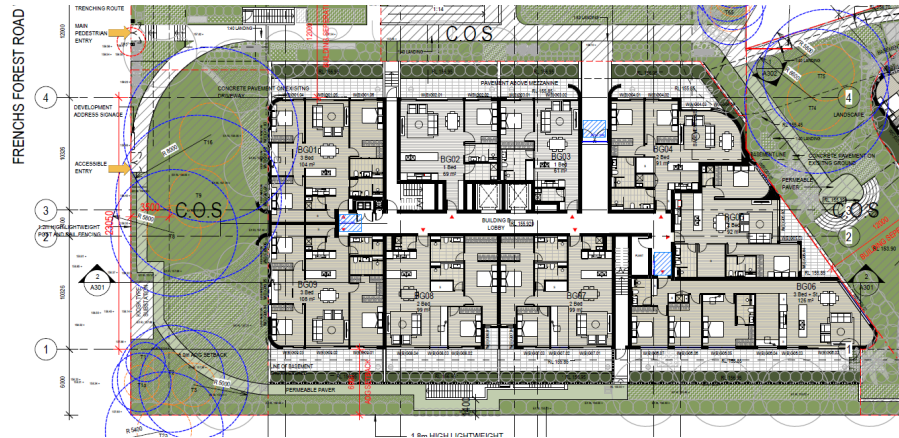


Figure 7 - Landscape Setbacks for Building B (Previous Scheme - Rev A)

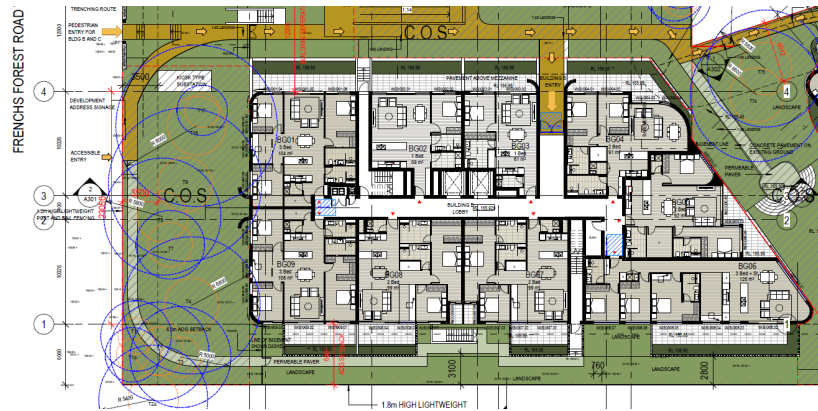


Figure 8 - Landscape Setbacks for Building B (Revised Scheme - Rev B)

Reason for refusal No. 9 has been satisfactorily addressed by the revised scheme and is no longer pressed.

Reason 10 – WDCP 2011 (Frenchs Forest Town Centre)

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause G9 Frenchs Forest Town Centre of the Warringah Development Control Plan.

Particulars:

i. Due to the excessive proportion of paving and structures within the front and side setback areas and subsequent inability to provide adequate landscaping, including canopy trees, the proposal does not comply with the requirements in Clause G9 Frenchs Forest Town Centre of the WDCP:

- **2 Desired Future Character**
- **Character Statement - Precinct 05 Frenchs Forest Road West Neighbourhood**
- **5.2.3 Building Setbacks**
- **5.2.8 Landscaped Area**

ii. The proposal does not comply with the requirements in Clause G9 Frenchs Forest Town Centre of the WDCP:

- **9 Water Management**
- **10 Waste Management**

Applicant	<p>The Applicant makes the following comments on how the amended application addresses Reason 10.</p> <p><i>“These matters have been comprehensively addressed as previously outlined within this supplementary statement.</i></p> <p><i>This draft reason for refusal has been appropriately addressed”.</i></p>
Council Assessment Officer	<p>The revised plans have removed excessive hard paved areas and structures within the front and side setbacks which allows for greater deep soil landscaping and canopy tree planting.</p> <p>The amended proposal provides for the following changes to the landscaping:</p> <p>Building A – The 3.5m front setback now comprises deep soil, with new canopy tree planting and minimal pedestrian pathways and the hydrant booster has been removed from the front boundary.</p> <p>Building B – The 6.0m front setback now comprises deep soil, with retention of significant canopy trees and relocated kiosk substation.</p> <p>Building C – The 6.5m front setback now comprises landscaped area on the eastern side of the driveway (“Trafficable Turf” deleted), and a 2.8m landscaped side setback to the bin holding area, as shown below:</p>

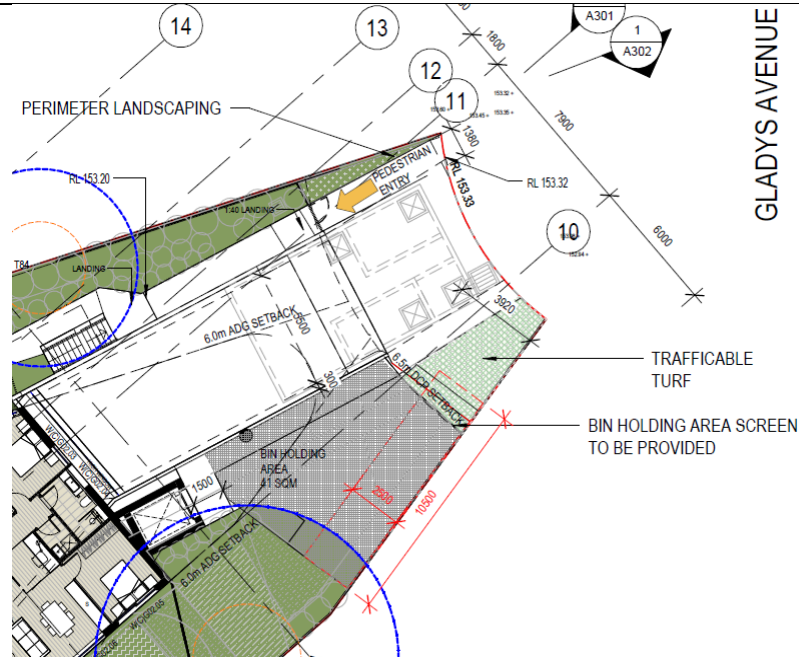


Figure 9 – Bin Holding Area Previous Scheme (Rev A)

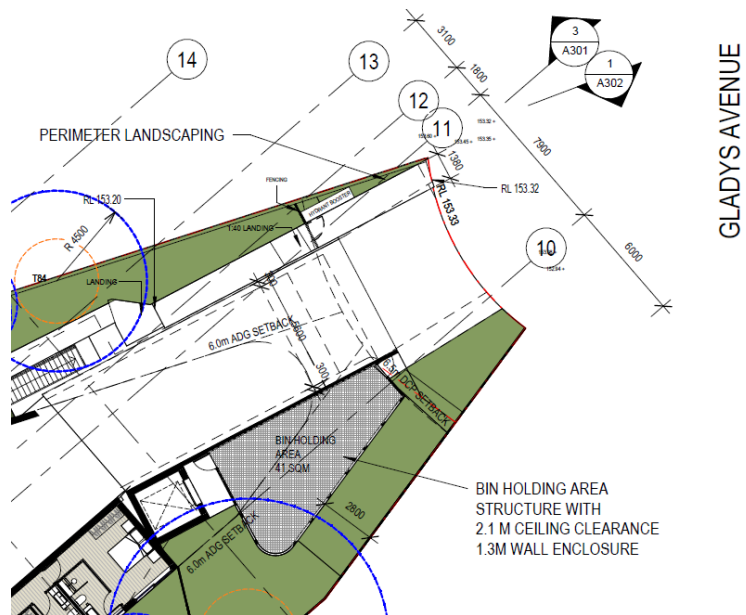


Figure 10 – Bin Holding Area Revised Scheme (Rev B)

The revised scheme is consistent with the desired future character as envisaged by the Character Statement for Precinct 05 - Frenchs Forest Road West Neighbourhood.

	Reason for refusal No. 10 has been satisfactorily addressed by the revised scheme and is no longer pressed.
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CONCLUSION

This Supplementary Assessment Report presents an overview of the matters which were the subject of the SNPP's consideration of the application at its meeting on 16 April 2025.

The Panel resolved to defer the determination of the application to allow the Applicant additional time to resolve the issues raised in the Assessment Report, and that the application be referred back to the Panel for determination on 28 May 2025.

Based on Councils review of the additional information submitted by the Applicant on 24 April 2025, matters were identified that required the submission of further information, including amended Stormwater Management Plans, Traffic Report and Waste Management Plan (operational). Due to the time taken to resolve the matters outlined in the Reasons for Refusal, an additional period of time was required, which was given and so this report is scheduled to be reported to the Panel on 4 June 2025.

The amended application, including architectural plans and other plans and reports, was not required to be publicly exhibited under Council's Community Participation Plan, as the amendments result in a lesser or reduced environmental impact.

The planning assessment in the original Assessment Report was supportive of the general built form, setbacks, building separation, landscaped area, carparking and provisions for affordable housing. The areas where the original scheme was not satisfactory, included exceedance of the building height controls, lack of landscaping in front and side setback areas, poor amenity for rooftop communal open space areas, inadequate stormwater management analysis and plans, unresolved traffic matters and unresolved waste management matters.

The revised scheme has reduced the height of Buildings A and C, such that the application no longer requires a Clause 4.6 variation.

As detailed in this supplementary assessment report, the amended plans and accompanying reports have satisfied the reasons for refusal outlined in the original assessment report.

Accordingly, the application is now recommended for approval subject to standard and special conditions.

The matter is referred to the SNPP for determination of the application.

RECOMMENDATION (APPROVAL)

- a) That the Panel consider the amended application in its determination of DA2024/0499, noting the change in the recommendation from refusal to approval subject to conditions.

- b) That the Panel consider the additional assessment and conditions contained in this supplementary assessment report.
- c) The Panel approve the application subject to the following draft conditions of consent that are included as **Attachment A**.