



northern
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: DA2024/0499 – 116-120 Frenchs Forest Road West, Frenchs Forest

TRIM REFERENCE: 2025/385097

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.

The following matters were raised:

Number of Infill Affordable Housing Units – Conditions 20, 73 and 102

The applicant made the following comments in relation to Conditions 20, 73 and 102:

“The number of Infill AH units is incorrect, as highlighted in an extract of these conditions below:”

20. In Fill Affordable Housing SEPP Housing

A minimum of 19 dwellings within the Developpr housing as defined by the EP&A Act and State for a minimum tenure of 15 years from the day :

73. Infill affordable Housing – SEPP (Housing) 2021

Prior to the issue of any Occupation Certificate, the Applicant must provide evidence that:

- (a) the affordable housing component is complete
- (b) a restriction has been registered against the title to be carried out, in accordance with section 88E

- a minimum of 19 dwellings within the Developpr affordable housing as defined by the EP

102. Infill Affordable Housing – SEP

A minimum of ¹⁷19 dwellings within housing as defined by the EP&A Act for a minimum tenure of 15 years from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates.

Comment: The provision of AH/SEPP apartments was changed from the previous scheme to the revised scheme, with the number being reduced from 19 to 17, which still meets the requirement of 15% of the Gross Floor Area of the development.

Therefore, the change to the conditions is supported as detailed in the Recommendation.

Stormwater Conditions – Condition 14

The applicant made the following comments on Condition 14:

“Regarding the revision number of the stormwater plans, the latest plans uploaded to the Portal are Revision G, dated 23 April 2025.

However, Council has nominated Revision J, dated Nov 2024 in the consent, as highlighted below”

14. On-Site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Hydracor, drawing number CC 230 124 SW 5, SW 7, SW 8, SW 9, nSw 10, SW 11, SW 12, SW 14, SW 15 (all issue J), dated November 2024. Detailed drainage plans are to be prepared by a

Comment: Stormwater plans were updated to reflect the latest amended plans, with Issue G being superseded. The latest engineering plans prepared by Hydracor are Issue J and dated “**28.5.2025**”. Therefore, the references in the condition needs to be changed from “November 2024” to “28.5.2025”. Also, an additional plan numbered “SK1” needs to be added to the set that was inadvertently omitted. Finally, a “Reason” has been added to the condition that was also inadvertently omitted. Issue J was not uploaded to through the NSW Portal. This will need to occur prior to the determination.

Therefore, the changes to the condition (as detailed above) are supported as detailed in the Recommendation.

Recommendation

That the following conditions replace the corresponding conditions in the assessment report (Note: changes highlighted in bold and italics):

20. In Fill Affordable Housing SEPP Housing

A minimum of **17 dwellings** within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and State Environmental Planning Policy (Housing) 2021, for a minimum tenure of 15 years from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates.

Reason: To ensure the infill affordable housing obligations are met.

73. Infill affordable Housing – SEPP (Housing) 2021

Prior to the issue of any Occupation Certificate, the Applicant must provide to the Certifier evidence that:

- (a) the affordable housing component is complete and ready for occupation;
- (b) a restriction has been registered against the title of the site on which Development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, requiring:
 - a minimum of **17 dwellings** within the Development to be used for the purposes of affordable housing as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021* for a minimum of 15 years from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates;
 - specifically nominating those units to be allocated and used for affordable housing; and
 - the affordable housing component must be managed by a registered community housing provider;
- (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
- (d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Consent Authority.

Reason: To ensure affordable housing is provided in accordance with SEPP Housing 2021.

102. Infill Affordable Housing – SEPP (Housing) 2021

A minimum of **17 dwellings** within the Development must be used for the purpose of affordable housing as defined by the EP&A Act and *State Environmental Planning Policy (Housing) 2021*, for a minimum tenure of 15 years from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates.

For a period of 15 years commencing on the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates:

- (e) the affordable housing component must be used for affordable housing; and
- (f) the affordable housing component must be managed by a registered community housing provider; and
- (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
- (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

The Applicant must use best endeavours to ensure that the affordable housing units are at full occupancy and by 30 June of each year, must submit to the Secretary a report relating to the previous 12 month period as to:

- (a) the occupancy rate of the affordable housing units for that year; and
- (b) compliance with the requirement in this condition to use best endeavours.

Reason: To ensure affordable housing is provided in accordance with SEPP Housing 2021.

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The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Hydracor, drawing number CC 230 124 SW 5, SW 7, SW 8, SW 9, nSw 10, SW 11, SW 12, SW 14, SW 15 **and SK1** (all issue J), dated **28 May 2025**. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. All post development stormwater flows from the site are to be less than the pre developed state of nature flows up to the 1/100 AEP storm event.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure adequate provisions are made for stormwater management.