

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	5 June 2025
DATE OF PANEL DECISION	4 June 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Graham Brown, Annelise Tuor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 30 May 2025.

MATTER DETERMINED

PPSSNH-499 – Northern Beaches – DA2024/0499 at 116, 118, & 120 Frenchs Forest Road West, Frenchs Forest & 11 Gladys Avenue Frenchs Forest – Demolition works and construction of three residential flat buildings (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons below and in Council's original and supplementary Assessment Reports.

The Panel met with the Council and Applicant on 16th April to discuss the original Assessment Report then met again with Council on 4th June to consider the Supplementary Assessment Report.

At the April meeting, Council's recommended reasons for refusal were discussed extensively with both parties and it became apparent to the Panel that Council's concerns may be resolved if the Applicant adopted further design amendments and provided additional information. Accordingly, the Panel asked Council and Applicant to resolve the outstanding issues of concern to allow Council to submit a further assessment report.

The Panel notes the original assessment report was supportive of the general built form, setbacks, building separation, landscaped area, car parking and provisions for affordable housing. The planning issues, which originally had not been satisfactory, were then addressed in the amended application including reducing the height of Buildings A and C, such that the application no longer required a Clause 4.6 variation.

The Panel notes the Supplementary Assessment Report details the design and information changes, which have resolved Council's original reasons for refusal and further notes the amended application was not required to be publicly exhibited as the amendments resulted in a lesser or reduced environmental impact.

The Panel believes the amended application has been properly assessed against relevant planning controls and is generally consistent with the WLEP, WDCP and ADG. The amended proposal will add to the diversity

of housing stock including affordable housing in the R3 Medium Density Residential Zone and warrants approval.

CONDITIONS


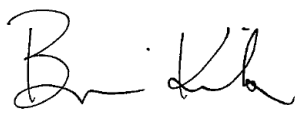

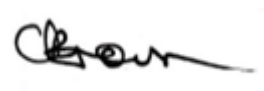
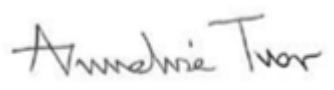
The Development Application was approved subject to the conditions in Council's Supplementary Assessment Report, as updated by Council's subsequent Supplementary Memo.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Application of Housing SEPP
- Building height
- Access and car parking
- ADG objectives, primarily communal open space
- Design Excellence
- Frenchs Forest Precinct objectives, DFC and Character Statement
- Future undergrounding of power lines
- Setbacks
- Tree removal, landscaping and biodiversity
- Stormwater and waste management

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and appropriate conditions have been imposed.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Graham Brown
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-499 – Northern Beaches – DA2024/0499
2	PROPOSED DEVELOPMENT	Demolition work and construction of three residential flat buildings.
3	STREET ADDRESS	116, 118, & 120 Frenchs Forest Road West, Frenchs Forest & 11 Gladys Avenue Frenchs Forest
4	APPLICANT/OWNER	BMHP Group Pty Ltd Young Assets Holding Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 8 April 2025 Supplementary Assessment Report and Attachment A – Conditions of Approval: 30 May 2025 Supplementary Memo: 3 June 2025 Written submissions during public exhibition: 7
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 4 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk <u>Council assessment staff</u>: Adam Croft, Thomas Prosser <u>Applicant representatives</u>: Hong Huang, Joel Fang, Jason Lee, Greg Boston, BMHP Group Pty Ltd <u>Department staff</u>: George Dojas, Adam Iskander Briefing: 4 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Nicole Gurran, Brian Kirk, Graham Brown <u>Council assessment staff</u>: Adam Croft, Thomas Prosser <u>Applicant representatives</u>: Kevin Huang, Joel Fang, Jason Lee, Greg Boston, BMHP Group Pty Ltd <u>Department staff</u>: Adam Iskander

		<ul style="list-style-type: none"> • Council and applicant briefing: 16 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Adam Croft, Steven Findlay ○ <u>Applicant representatives</u>: Greg Boston, Joel Fang, Kevin Huang, Hong Huang ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman • Determination Briefing: 4 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Steven Findlay ○ <u>Applicant representatives</u>: The Applicant was not required to attend ○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	As uploaded to the NSW Planning Portal on 5 June 2025