

## DA Referral Response

Strategic & Place Planning 2

**To:** Adam Susko  
**Date:** 21 March 2023  
**Application Number:** DA2023/0172  
**Land:** 1, 5, 5A & 7 Gladys Avenue FRENCHS FOREST  
**Record Number:** 2023/184947

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### INTRODUCTION

DA 2023/0172 was accepted by Council on 2 March 2023. A referral request was made to Strategic and Place Planning for comments in relation to affordable housing contributions.

### SUBJECT SITE

The subject site is 1, 5, 5A & 7 Gladys Avenue FRENCHS FOREST (Lot 16 & Lot 19 DP 25713 and Lot 171 & Lot 172 DP 849591).

The land is zoned R3 Medium Density residential under the Warringah LEP 2011 and is identified as a site contained within the WLEP 2011 affordable housing contributions scheme map.

The site currently contains 4 dwelling houses.

### ASSESSMENT OF DA

The submitted Statement of Environmental Effects (SEE) has been prepared by BBF Planners.

The SEE advises that the application seeks consent for demolition works and construction of a multi-dwelling housing development comprising of 30 townhouses and basement car parking.

### Affordable Housing Contributions Scheme

The application is on land identified as being within the Northern Beaches Council Affordable Housing Contributions Scheme (The Scheme), French's Forest Planned Precinct "Area A". The following affordable housing contribution rates apply to development applications for residential floorspace within this area:

Where the contribution is provided as a dedication of dwellings:

- Within area "A" the dedication in favour of the consent authority, free of cost, one or more complete dwellings with a gross floor area equivalent to 10% of the accountable total floor space.

Where the contribution is provided as an equivalent monetary contribution:

- \$11,000 per square metre\*

\* (as described in the Scheme dated September 2021 with the contribution indexed on an annual basis on 1 March every year in accordance with clause 3.2.1 of the Scheme).

The Scheme identifies that generally the contribution is to be provided via dedication of dwellings, or if the percentage of accountable total floor space (the gross floor area of the residential component of the development) results in an area which equates to less than 50 square metres, or where Council otherwise considers it appropriate to achieve a better affordable housing outcome, a monetary contribution equivalent to the market value of the dwellings that would otherwise be required will be sought as condition of development consent.

### **Warringah Local Environmental Plan 2011**

The application is on land identified within the WLEP 2011 affordable housing contributions scheme map in the Frenchs Forest Town Centre requiring not less than 10% of the gross floor area of the building to be used for affordable housing subject to the requirements of clause 6.11 of Warringah LEP 2011.

Clause 6.11 of Warringah LEP 2011 applies to development in an affordable housing contribution area that involves—

- (a) the erection of a new building with a gross floor area of more than 200 square metres, or*
- (b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area intended to be used for residential purposes, or*
- (c) alterations to an existing building and the consequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area.*

The application contains the erection of a new building with a gross floor area of more than 200 square metres and so clause 6.11 applies.

Clause 6.11 also stipulates a consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution equivalent to the applicable affordable housing levy contribution for the development.

A condition imposed under this clause must provide for the affordable housing levy contribution to be satisfied:

- (a) by dedication in favour of the Council of land comprising—*
  - (i) 1 or more dwellings, each having a gross floor area of not less than 50 square metres, with any remainder paid as a monetary contribution to the Council, or*
  - (ii) other land approved by the Council in accordance with the Affordable Housing Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or*
- (b) if the Council agrees, by monetary contribution paid to the Council.*

The application is therefore required to identify the dwellings to be dedicated to Council for the purpose of affordable housing in accordance with the Scheme and WLEP 2011.

Should the applicant wish to provide a monetary contribution in lieu of the dedication of dwellings, the application should also include justification for Council's consideration and agreement.

However, it is highly unlikely there would be a situation in which Council would support the payment of a monetary contribution over the dedication of dwellings.

**Proposed affordable housing contribution**

The application does not identify the dwellings to be dedicated to Council for the purpose of affordable housing as required by the Scheme and WLEP 2011.



The application also fails to include justification for Councils consideration and agreement as to why a monetary contribution can be paid in lieu of the dedication of dwellings. The application merely includes a letter accompanying the application stating they would be *“paying council a contribution for affordability housing scheme instead of Properties”*.

However as previously stated, it is highly unlikely there would be a situation in which Council would support the payment of a monetary contribution over the dedication of dwellings.

**RECOMMENDATION**

- A. The application is to be re-submitted identifying the dwellings to be dedicated to Council for the purpose of affordable housing in accordance with the Scheme and WLEP 2011.
- B. Following this Council will provide the relevant conditions with respect to the provision of affordable housing.

*This referral response has been peer-reviewed in accordance with agreed procedures. On approval/signature by peer reviewer, the contents of the DA referral response are included into Council’s ASSESS program against this DA.*

Prepared by: Toby Philp	Peer Review By: Neil Cocks
	
Position: Principal Planner, Strategic & Place Planning	Position: Manager, Strategic & Place Planning
DATE: 21 March 2023	DATE: 21 March 2023