

Strategic Planning Referral Response

Application Number:	DA2024/0499
Proposed Development:	Demolition works and construction of three residential flat buildings
Date:	14/05/2025
To:	Steven Findlay
Land to be developed (Address):	<p>Lot 1 DP 213608 , 120 Frenchs Forest Road West FRENCHS FOREST NSW 2086</p> <p>Lot 2 DP 213608 , 118 Frenchs Forest Road West FRENCHS FOREST NSW 2086</p> <p>Lot 14 DP 25713 , 11 Gladys Avenue FRENCHS FOREST NSW 2086</p> <p>Lot 24 DP 25713 , 116 Frenchs Forest Road West FRENCHS FOREST NSW 2086</p>

Officer comments

ASSESSMENT OF DEVELOPMENT APPLICATION

The Frenchs Forest Town Centre Contributions Plan 2023 applies to the site.

The subject site is within the Frenchs Forest Planned Precinct. The Department of Planning and Environment prepared the Frenchs Forest 2041 Place Strategy on 17 December 2021 and the land was rezoned on 1 June 2022.

The Frenchs Forest Town Centre Contributions Plan 2023 (the Contributions Plan) is an IPART reviewed plan that came into force on 20 December 2023; and funds the delivery of local infrastructure required to support development under the Frenchs Forest 2041 Place Strategy. The Contributions Plan levies both residential and non-residential development that will result in additional population.

The Contributions Plan applies to the subject site and to the development proposed under DA2024/0499.

A contribution will be calculated in accordance with Table 2 in the Contributions Plan. The applicable contribution rates are indexed in accordance with Chapter 3.3 of the Plan.

A credit will be provided for the four existing 3-bed dwellings on the subject site.

As per the submitted plans (TRIM 2024/842772), the proposed development provides the following dwelling yield:

- 1 bedroom dwellings – 9
- 2 bedroom dwellings – 77
- 3 bedroom dwellings – 38
- Total: 124 dwellings

The Contributions Plan, in its Glossary of terms and abbreviations defines a bedroom as “any room or space within a dwelling capable of being used as or converted to a bedroom as determined by

Council”.

An assessment of the submitted plans (TRIM 2024/842772) has identified 19 dwellings containing study rooms and/or storage rooms that are considered to be bedrooms (for the purposes of this contribution plan) and have not been counted as bedrooms on the submitted plans.

The 19 dwellings in question are:

- Building A – A101, A201, A301, A102, A202, A302, A105, A205, A305
- Building B – BG05, B105, B205, B305, B108, B208, B308, B109, B209, B309

Due to the size and configuration of these rooms, they are considered to be bedrooms for the purpose of calculating a development contribution under the Frenchs Forest Contributions Plan, resulting in the 19 dwellings being considered 3 bedroom dwellings.

Therefore, the residential development contribution will be based on the following dwelling yield:

- 1 bedroom dwellings – 9
- 2 bedroom dwellings – 58
- 3 bedroom dwellings – 57
- Total: 124 dwellings

The total contribution amount required is:

9 x 1 bedroom dwellings = 9 x \$18,543 = \$166,887

58 x 2 bedroom dwellings = 58 x \$27,479 = \$1,593,782

57 x 3 bedroom dwellings = 57 x \$38,969 = \$ 2,221,233

Less 4 x 3 bedroom dwellings = 4 x \$38,969 = \$155,876

Total contribution = \$3,826,026

RECOMMENDATION

A. The application in its current form is supported subject to the inclusion of the following Condition (amended to include the definition of bedrooms under the adopted Contributions Plan) as follows:

Policy Controls

Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023.

A monetary contribution of \$4,015,232.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.11 of the Environmental Planning & Assessment Act 1979 and the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 (as amended).

This contribution is calculated on the basis of dwellings with same bedroom numbers and a 'bedroom' being defined in the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 (as amended) as “any room or space within a dwelling capable of being used as or

converted to a bedroom as determined by Council". In this regard, the approved 124 dwellings comprises:

9 x 1 bedroom dwellings,
58 x 2 bedroom dwellings, and
57 x 3 bedroom dwellings.

A credit for the existing 4 x 3 bedroom dwellings has been provided.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

The Applicant may negotiate with Council for the direct provision of other facilities and services, and/or the dedication of land (other than land identified above) in lieu of the monetary contribution above (or any portion of that monetary contribution) through a Planning Agreement between Council and the Applicant in accordance with the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023.

The Planning Agreement between the Applicant and Council must be finalised, formally signed and in place prior to the payment of the monetary contribution.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Frenchs Forest Town Centre Section 7.11 Contributions Plan 2023 that enables the provision of local infrastructure and services commensurate with the increased demand resulting from development in the Frenchs Forest Town Centre.

B. If the dwelling composition or quantum is altered from its current form, the proposal must be referred to Strategic and Place Planning 3 for calculation of the required contribution and a condition of consent.

The following response is dated 21 January 2025:

At present, uncertainty remains to the final quantum and composition of dwellings to be supported by the Assessment Officer. Due to this uncertainty, a calculation of the required development contribution cannot be provided at this time and the application is not supported.

Once the final quantum and composition of dwellings is known, the application must be referred to Strategic and Place Planning 3 to calculate the required contribution and apply a condition of consent.

RECOMMENDATION

A. DA2024/0499 is not supported at this time as it is premature to provide a total contribution amount until the final yield to be approved has been confirmed by the Assessing Officer.

B. The Assessing Officer is to determine whether 19 of the dwellings in question are labelled correctly in the number of bedrooms for the purpose of determining the development contributions given that a bedroom is defined the Frenchs Forest Town Centre Contributions Plan as follows:

a bedroom means “any room or space within a dwelling capable of being used as or converted to a bedroom as determined by Council”.

C. Prior to determination of the DA2024/0499, the Assessing Officer is to refer the DA back to SPP3 with advice on the final quantum and composition of dwellings being approved in particular the 19 dwellings (namely Dwellings A101, A201, A301, A102, A202, A302, A105, A205, A305 in Building A and Dwellings BG05, B105, B205, B305, B108, B208, B308, B109, B209, B309 in Building B). This will allow a calculation of the required contribution and finalisation of a condition of consent.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Strategic Planning Conditions:

Nil.