

Memo

Development Assessment

To: Development Determination Panel

Cc: Steve Findlay
Manager, Development Assessment

From: Tom Prosser
Assessing Officer

Date: 9 April 2025

Subject: DA2024/0492 – 49 Blackbutts Road, Frenchs Forest and 21A Warili Road Frenchs Forest.

Record Number: 2025/251875

The purpose of this memo is to assist the Panel with consideration of new issues raised in late submissions, to provide an assessment of the variation to the visitor parking control, and to make amendments to the recommended conditions including updating the “Approved Plans” condition. Issues raised by the panel are accounted for in the recommended changes to conditions.

Amended plans requested by the panel

At the panel’s request, the applicant has submitted amended plans (registered to Council’s System on 2 April 2025).

The plans addressed the following points raised under Condition 9 “Amendments to Approved Plans:

- *the retaining walling along the along the eastern boundaries of lots 5 to 13 inclusive shall be relocated to provide an unobstructed landscape planting zone (a **minimum of 2m wide**). The stormwater pits and drainage lines shall be relocated accordingly.*
- *The three on-street car parking spaces to the south (highlighted in yellow below) are to be deleted and replaced with landscaping with proposed planting extended.*

As such, it is recommended that these points are deleted under condition 9. An updated Landscape Plan was not provided with the additional information, so there is no change recommended to the points relating to landscaping under condition 9.

Council’s Assessing officer has reviewed all information submitted 2 April 2025. The Assessing officer recommendation of approval remains for the reasons outlined in the original assessment report. Conditions in this Memo are amended in accordance with the panel’s request, and in response to late submissions by the applicant and

objectors.

Condition 9

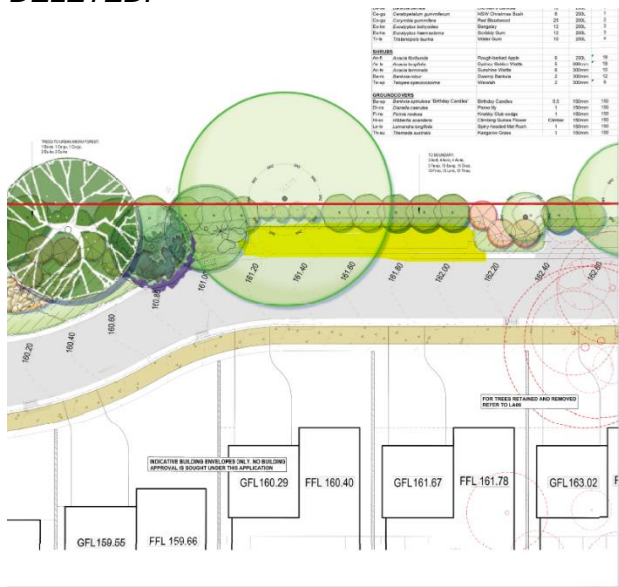
Condition 11 has been combined with Condition 9 (both amended plans conditions).

The amended condition follows:

9. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- i) *DELETED*
- ii) *Along the entire southern boundary of lot 13, species obtaining a mature height of 2m are to be provided.*
- iii) *Along the eastern boundary (lots 5-13), species obtaining a mature height of 3m are to be provided.*
- iv) *DELETED.*



Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

Late Applicant submission

The applicant has provided a request to amend conditions 4, 12, 49 and 67.

A comment is made in response to the request for each condition as follows:

Condition 4

It is agreed that it is appropriate to amend this condition to change the timing of the Housing and Productivity Contribution to be prior to the release of the first subdivision certificate, as this is consistent with the Housing and Productivity Contributions Guide.

Condition 12

Council's Development Engineer has stated condition 12ii) can be deleted.

Condition 49

The applicant states that it is intended that gas is not provided for the subdivision. It is recommended the condition is amended to allow some flexibility by providing gas or arrangements of a suitable alternative to gas. The condition is to be amended as follows:

49. Provision of Services for Subdivision

The applicant is to ensure all services including water, electricity, telephone and gas (or arrangements for a suitable alternative to gas) are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

Condition 67

The applicant suggests that the condition should be in the 'prior to Construction Certificate' section of the consent.

Council's Traffic officer has confirmed the condition should be a "Prior to Subdivision works" condition. This is recommended in conditions below.

Gavel submission

The submission is forwarded to the Panel for their consideration with comments on an issue raised as follows:

A request is made for Council to confirm that fill will be suitable and free from Hazardous Material

Comment:

Condition 32 and 35 exist in the recommendation to require appropriate fill.

Pearson Submission

The submission is forwarded to the Panel for their consideration with comments on an issue raised as follows:

A concern was raised that concept drawings were not provided for future buildings including layout.

Comment:

Indicative building footprints were provided in the plans that were not notified to the public. Assessment of these plans found that the subdivision provides opportunity for suitable development in the future (for the reasons outlined in the assessment report).

Phillips Submission

The submission is forwarded to the Panel for their consideration. Issues in this submission are considered and discussed in the Assessment report. There are no further changes recommended.

Assessment of Variation to Visitor Parking

The following control applies under Clause C3 *Parking Facilities* of the Warringah DCP:

Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot.

The requirement for 13 dwelling is therefore 3 spaces.

The amended plans involve 2 visitor car parking spaces.

Despite the shortfall of 1 space from the numerical control, there is sufficient parking opportunity on nearby streets and at Lionel Watts Park. Further, the depth of the lots is likely to allow for some informal visitor parking via a tandem arrangement in the future driveways.

RECOMMENDATION

As a result of the above consideration, the following changes are recommended to the conditions:

1. **Amend Condition 1 by providing updated dates for the plans and Engineering report, to be consistent with the plans and report registered on the Council's System on 2 April 2024.**
2. **Amend Condition 4(g(iii)) as follows:**
 - (g) **Prior to the release of the first subdivision certificate, payment of the following is required:**
 - iii) *Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.*

3. **Amend Condition 9 as follows:**

9. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- i) **DELETED**
- ii) *Along the entire southern boundary of lot 13, species obtaining a mature height of 2m are to be provided.*
- iii) *Along the eastern boundary (lots 5-13), species obtaining a mature height of 3m are to be provided.*

Item	Quantity	Unit	Price	Total
1. Excavation and backfill	100	cubic meters	1.50	150.00
2. Concrete foundation	10	cubic meters	15.00	150.00
3. Steel reinforcement	100	kilograms	1.50	150.00
4. Formwork	100	sheets	1.50	150.00
5. Labor	100	hours	1.50	150.00
6. Transportation	100	kilometers	1.50	150.00
7. Insurance	100	days	1.50	150.00
8. Miscellaneous	100	items	1.50	150.00
9. Contingency	100	percent	1.50	150.00
10. Total				1500.00

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7. Insurance	100	days	1.50	150.00
8. Miscellaneous	100	items	1.50	150.00
9. Contingency	100	percent	1.50	150.00
10. Total				1500.00

FOR TREES RETAINED AND REMOVED AFTER 10 YEARS

Item	Quantity	Unit	Price	Total
1. Excavation and backfill	100	cubic meters	1.50	150.00
2. Concrete foundation	10	cubic meters	15.00	150.00
3. Steel reinforcement	100	kilograms	1.50	150.00
4. Formwork	100	sheets	1.50	150.00
5. Labor	100	hours	1.50	150.00
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9. Contingency	100	percent	1.50	150.00
10. Total				1500.00

4. Delete **Condition 11 (duplicate Amended plans condition)**
5. Delete **Condition 12ii)** as follows:

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 Ensfire, drawing number 230057-00-DA C5.01(Rev 4),C5.02(Rev 4),C17.01 (Rev 17.01), dated 22/1/25. 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.

i. Detail the installation of a orifice plate as detailed in the DRAINS model.

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

6. Amend **Condition 49** as follows:

The applicant is to ensure all services including water, electricity, telephone and gas (**or arrangements for a suitable alternative to gas**) are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

7. Amend **Condition 67** as follows:

Submission of Engineering Plans

The application is to include four (4) copies of Civil Engineering plans for the design of a new road and stormwater drainage under community Lot number 1; including footpath, kerb and gutter, and indented parallel parking bay, which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- a) Construct a new internal access road, minimum 6m wide; with the exception of the 5.5m wide section from Warili Road to the property boundary of No.21 Warili Road and Lot 13.*
- b) Kerb and gutter (vertical faced only) and associated stormwater drainage for the full length of the internal access road.*
- c) The access road driveway crossing at Warili Road is to include a kerb splay to enable access for Council's Waste vehicle.*
- d) Construct a 1.5m wide concrete footpath on the eastern side of the road, from Warili Road connecting with the existing footpath on Blackbutts Road.*
- e) Construct a 12.2m radius turning circle for Council's 10.5m Waste vehicle to turn around in a continuous movement.*
- f) A swept path analysis is required for a widened road design which enables both Council's 10.5m waste vehicle and a B99 design vehicle to pass simultaneously on the curved section of road. The final kerb alignment and road layout must be approved by Council's Traffic Engineer.*
- g) Construct a single consolidated indented parking bay south of the turning circle providing 5 visitor parking spaces. The parking bay should be 2.1m wide and indented with a 45 degree angle transition to facilitate entry and exit. Linemarking of the intermediate spaces should be 6m in length and the end spaces 6.3m in length. Parking spaces must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).*

The submitted Signage and Linemarking Plans, Drawing No.230057-00-DA-C11.01 and 230057-00-DA-C11.02 Revision 1, must be amended and submitted to Council's Traffic team prior to the issue of any Construction Certificate:

- Installation of double dividing barrier line (BB lines) from Warili Road to the start of the turning area.
- Installation of an unbroken yellow 'No Stopping' line (C3 line) in the turning circle.
- Removal of proposed signage.
- Removal of proposed 'Give Way' holding line.

Details demonstrating compliance are to be submitted to Council for approval prior to the issue of the Subdivision Works Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification. To prevent parking along the internal access road and reduce signage clutter.