

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Demolition and  
development of multi-  
unit housing**

**1, 5, 5a and 7 Gladys  
Avenue, Frenchs Forest**



**RESPONSIBLE FOR THIS REPORT:**

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**February 2023**

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# 1 Introduction

## 1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for the demolition of the existing dwelling houses and development of multi-dwelling housing comprising 30 dwellings over 3 storeys, 45 car parking spaces at 1, 5, 5a, and 7 Gladys Avenue, Frenchs Forest.

The proposal is depicted in the accompanying architectural plans by Walsh Architects. In summary, the key aspects of the proposal are noted as follows:

- The demolition of the existing dwellings and structures.
- Development of multi-dwelling housing comprising the following:
  - 30 dwellings over 3 storeys containing 1-3 bedrooms most with internal access from each basement garage
  - Basement level containing vehicle parking and waste storage
  - Private open spaces at the ground level adjacent to living rooms
  - Landscape areas surrounding the proposed building.
- The construction of a new driveway and basement car parking and storage level containing 45 car parking spaces, including 4 car share spaces. 3 accessible car spaces, 15 motorbike parking spaces. 68 Bicycle storage spaces (60 residential, 8 for visitors) as marked on the architectural plans.
- A garbage bin storage area is located area at the front of the proposed building with direct access from the street frontage. The waste areas will be accessible to all future residents of the property and waste collectors. A bulky good waste area is located within the basement level.
- Proposed landscaping works are depicted in the accompanying landscaping plans. Landscaping works include (but are not limited to) vegetation removal, excavation, retaining walls, various plantings, and private courtyard areas.
- All stormwater disposal has been designed to meet the relevant standards and Council policy as detailed in the accompanying documentation.
- The car parking and vehicle access configuration has been designed to satisfy the appropriate standards. The proposal is accompanied and supported by a traffic and parking impact assessment.

## **1.2 Pre-lodgement consultation (PLM 2022/0178)**

Pre-DA submissions were made to Council in relation to proposed development of the site. There was also a series of follow up submissions to Council providing further information following the meeting. The submissions were discussed at the following meetings:

- Design and Sustainability Advisory Panel 27 October 2022
- DA Pre-Lodgement Meeting, 24 January 2023

The application has been prepared in response to the issues raised by Council. The design changes following the Pre-DA applications is summarised by Walsh Architects in the document titled Architectural Design Report which accompanies the DA. In these ways the application has addressed the issues raised by Council during the Pre-DA lodgement discussions.

## **1.3 Statement of Environmental Effects**

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.



**Figure 1 - architectural image of the proposal's western streetscape presentation**



**Figure 2 - architectural image of the proposal's northern streetscape presentation**



## 2 Site Analysis

### 2.1 Site description

The subject development site comprises 4 individual allotments known as 1, 5, 5a, and 7 Gladys Avenue, Frenchs Forest. The sites have an estimated total area of 3,523m<sup>2</sup>.

The land is developed with 4 dwelling houses and their associated structures.

The site has an irregular configuration and two frontages to Gladys Avenue, akin to a corner allotment. The total length of frontage to Gladys Avenue is approximately 105 metres.

The land is modestly sloping from the south to the north east, displaying a level difference of approximately 2m (from approximately RL 158 to RL 156).

There are numerous trees of various sizes, garden areas, and vegetation within the site (see accompanying arborist report).

The properties are characterised by a treed setting and streetscape interface which is reflective of the existing low-density zoning and landscaped setting.

The figures on the following pages depict the existing streetscape character of the local context.

### 2.2 Local context

The existing character of the local area is of mixed land use and built form with notable features that include the Northern Beaches Hospital (a regional scale hospital), Frenchs Forest High School, Frenchs Forest Police Station, various boarding houses (both constructed and approved), approved seniors housing at 8 Gladys Avenue. Plan sheet DAO21(3) notes the description and location of recent medium density residential development approvals; they are each located within the R2 zoned land opposite the site within Gladys Avenue.

The proposed character of the local area is envisaged to change and evolve in the manner outlined within Part 8 of the Warringah LEP and the Warringah DCP Part G9 Frenchs Forest Town Centre. This is broadly described as changing from:

- R2 low density to R3 medium density. Like the subject site, the land to the east, west and south is zoned R3 medium density under the WLEP 2011. The land to the north is zoned R2 low density residential, however as noted above contains various higher density housing approvals
- Additional commercial land uses along Frenchs Forest Road, to the immediate south of the subject site.
- 2 storey / 8.5m building height increasing to 4-5 storeys and upto 13.5m. To the immediate south of the subject site the building height limit increases to 17.5 metres and 5-6 storeys.
- A suburban FSR of approximately 0.5 to 1 increasing to 1 to 1 for the subject site. To the immediate south of the subject site the FSR increases to 2 to 1.



Figure 3- Location of the site within its local context (courtesy: Northern Beaches Council)





Figure 4 – Alignment, orientation, and spatial layout of the subject site in red outline (courtesy Northern Beaches Council)





**Figure 5 – streetscape character of the junction of Glades Avenue and Frenchs Forest Road looking east**



**Figure 6 – streetscape character of Gladys Avenue looking north**



**Figure 7– existing streetscape presentation of 7 Gladys Avenue**



**Figure 8 – streetscape character of Gladys Avenue looking south**

## 3 Environmental Assessment

### 3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

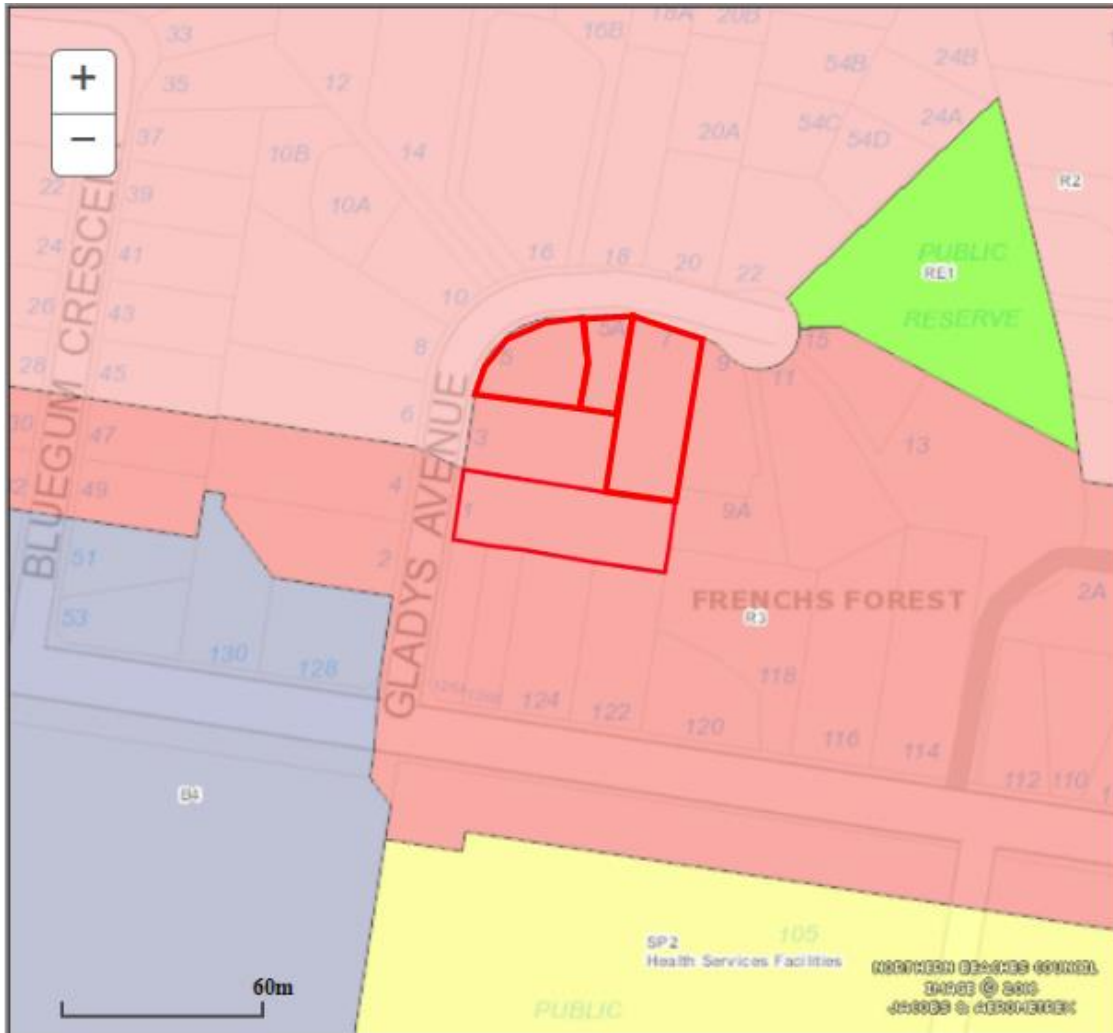
The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.



## 4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

### 4.1 Warringah Local Environmental Plan 2011 – Zoning

The property is zoned R3 Medium Density Residential under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.



**Figure 9 – zone excerpt (Northern Beaches Council website)**

The proposal constitutes demolition and construction of multi-dwelling housing which is defined as ‘3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building’.

The proposal is permitted within the zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to ‘have regard to the objectives for development in a zone’ in assessing the proposal. The objectives of the zone are stated as follows:

*To provide for the housing needs of the community within a medium density residential environment.*

*To provide a variety of housing types within a medium density residential environment.*

*To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

*To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

*To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

It is assessed that the proposed development is consistent with the zone objectives as it will:

- Increase the supply of *multi-dwelling housing*, thereby providing for the housing needs of the community;
- be positioned within a landscaped setting;
- present a characteristic, low rise medium density residential building form to adjoining land and be of high visual quality in its presentation;
- be compatible with the mix of development within the planned local area.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

## 4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size	NA to the proposed development.	NA
LEP Clause 4.3 – Height of Buildings, 13m	Complies, as shown of the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio – 1 to 1	Proposed FSR is: 0.1 to 1 / 3,516m <sup>2</sup>	Yes
LEP Clause 4.6 – Exceptions to development standards	NA	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA



SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

LEP Provision	Response	Complies
LEP Clause 5.10 Heritage Conservation	The property is not identified as having heritage significance under the LEP.	NA
LEP Clause 5.21 Flood Planning	Council's maps do not identify the site as being flood affected.	NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	NA	NA
LEP Clause 6.2 Earthworks	<p>Earthworks are proposed to accommodate the proposed development including excavation for a basement car parking level below the existing site levels.</p> <p>The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p> <p>A stormwater management plan accompanies the application and makes appropriate provision for the management of stormwater. Drainage patterns and soil stability are not adversely impacted, and stormwater will be managed in accordance with the stormwater management plan.</p> <p>Appropriate measures are proposed to avoid, minimise, or mitigate the impacts of the proposed redevelopment of the land including appropriate stormwater management, siltation control, geotechnical input, and structural engineering.</p> <p>A landscape plan accompanies the application and makes appropriate provision for the design of cut, fill, and treatment of the site's external areas. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development.</p> <p>The Development Application is accompanied by a waste management plan which addresses the destination of any excavated material. Further conditions of development consent may reasonably be imposed to ensure this occurs in an authorised manner.</p> <p>Heritage is not relevant to the proposed development. Not being in a heritage conservation area, it is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or environmentally sensitive areas proximate to the site.</p>	Yes

LEP Provision	Response	Complies
	<p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.</p>	
LEP Clause 6.4 Development on sloping land	<p>The site is identified as being within Area A on the LEP landslip risk maps.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.4(3) of the LEP and results in appropriate outcomes against these criteria noting that:</p> <ul style="list-style-type: none"> <li>▪ The proposal is accompanied by a geotechnical assessment that concludes that the site is not at risk of landslide and the proposal is appropriate for the site.</li> <li>▪ The proposed development will not cause significant detrimental impacts arising from stormwater discharge because it is accompanied by the appropriate stormwater management plans.</li> <li>▪ The proposal is accompanied by a geotechnical assessment and stormwater management plans that address stormwater management and the existing subsurface flow conditions.</li> </ul> <p>Based on the above the proposed development satisfies the considerations within clause 6.4 and the site is suitable for the development proposed.</p>	Yes
LEP Provision	Response	Complies
<b>Part 8 of LEP - Frenchs Forest Precinct</b>		
LEP Clause 8.1 Definitions	The land is located within the area shown as Site G.	Yes
LEP Clause 8.2 Land to which this Part applies	Part 8 is applicable to the subject site and clause 8.2 of the LEP is satisfied.	Yes
LEP Clause 8.3 Objectives for development within Frenchs Forest Precinct. The objectives of this Part are as follows— <i>(a) to facilitate development in accordance with the objectives and principles of the Frenchs Forest 2041 Place Strategy,</i>	<p>The proposed redevelopment of the land presents an opportunity to achieve the objectives for the renewal of land within the Frenchs Forest Precinct.</p> <p>To the extent that the objectives are relevant to the subject site, it is assessed that the proposed development is consistent with the objectives for development within the Frenchs Forest Precinct for the reasons set out within this report and the</p>	Yes

SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

LEP Provision	Response	Complies
<p>(b) to promote design excellence in relation to buildings, open space and public domain areas,                      (c) to ensure a balance between the provision of high quality housing and a mix of retail, business, employment, civic, cultural and recreational facilities,                      (d) to accommodate additional employment opportunities, service functions and space for business,                      (e) to ensure development positively contributes to the visual quality and pedestrian comfort of the public domain and provides a seamless integration between public and private spaces,                      (f) to ensure development is designed with consideration of transport infrastructure,                      (g) to ensure development is sustainable and contributes to reducing greenhouse gas emissions,                      (h) to ensure high quality landscaped open space.</p>	<p>documents that accompany the development application.</p>	
<p>LEP Clause 8.4 Development control plans</p>	<p>A DCP has been prepared for the subject land and clause 8.4(2) of the LEP is satisfied.</p>	<p>Yes</p>
<p>LEP Clause 8.5 Design excellence sites F, G and I</p>	<p>In response to 8.5(1) (a), the land is located within Site G. In response to 8.5(1) (b), the DA involves the erection of a new building. Therefore, the design excellence provisions of the clause apply.</p> <p>The Development Application is accompanied and supported by a design excellence statement prepared by Walsh Architects. It demonstrates how the proposed development responds to the environmental conditions of the land and satisfies the design excellence provisions of this clause.</p> <p>From an environmental planning perspective:</p> <ul style="list-style-type: none"> <li>▪ The proposal will result in compliance with building height, FSR, setbacks, landscaped area, shadowing, and car parking requirements anticipated for site G.</li> </ul>	<p>Yes</p>

LEP Provision	Response	Complies
	<ul style="list-style-type: none"> <li>▪ The proposed building massing is compatible with the desired medium density building forms.</li> <li>▪ The proposed massing and setbacks will result in an appropriate streetscape, landscape setting and amenity impacts on neighbouring properties.</li> <li>▪ The proposal will achieve a planted setting and treed streetscape interfaces, compatible with the desired 'medium rise' residential density and neighbourhood character.</li> </ul>	
<p>LEP Clause 8.6 Minimum site areas—Sites G, H and I - 1,400m<sup>2</sup></p>	<p>The proposed development site comprises a land area of approximately 3,523m<sup>2</sup> and therefore satisfies the provisions of the clause.</p> <p>The Development Application is accompanied and supported by a letter from Maddox Lawyers confirming the implications of the clause. At 3.2 and 3.2 it states:</p> <p><i>'In respect of the potential site isolation of 3 Gladys Avenue, this is not a relevant consideration when determining whether the proposed development is permissible by reference to clauses 8.6 and 8.7 of the WLEP.</i></p> <p><i>3.3 In our view, clauses 8.6 and 8.7 of the WLEP are development standards, and do not operate as prohibition on development. Therefore, it is still possible for 3 Gladys Avenue to achieve development for the purposes of multi-dwelling housing and residential flat buildings if its clause 4.6 request to vary a development standard was considered to be acceptable by Council'.</i></p> <p>Based on the above the provision is not an impediment to the development of the site in the manner proposed.</p>	Yes
<p>LEP Clause 8.7 Minimum street frontages—Sites G, H and I</p> <p><i>'Development consent must not be granted to development in a site and zone shown in Columns 1 and 2 of the following table, for a purpose shown in Column 3, unless the street frontage of the site area is equal to or greater than the length shown in Column 4—'</i></p>	<p>The provision is applicable to Site G but not applicable to <i>multi-dwelling housing</i>. Notwithstanding, the subject site meets and exceeds the site frontage of 30m with a frontage of approximately 105m.</p> <p>The abovementioned letter from Maddox Lawyers also addresses the implications of this clause.</p>	Yes

SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

LEP Provision		Response		Complies
Column 1	Column 2	Column 3	Column 4	
Site G	Zone R3 Medium Density Residential Zone B4 Mixed Use	Residential flat buildings, shop top housing		30 metres
<b>Responses:</b>	Zone R3	Multi-dwelling housing - NA		105m.
LEP Clause 8.8 Deep soil zone—Site F		NA		NA
LEP Clause 8.9 Additional floor space for certain BASIX affected buildings—Site F		NA		NA
LEP Clause 8.10 Power lines—Site G. 8.10 states:  In deciding whether to grant development consent to development on Site G, the consent authority must consider whether the development includes adequate measures to ensure that existing power lines on Site G will be relocated underground.		The subject land is within site G which comprises a larger area.  There are no power lines adjacent to, within, or traversing the subject land.		Yes
LEP Clause 8.11 Relocation of Frenchs Forest Police Station		NA		NA

## 4.3 State Environmental Planning Policy

### 4.3.1 State Environmental Planning Policy – BASIX

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

### 4.3.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable are applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

#### Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Warringah DCP for the purposes of the SEPP. The subject properties are characterised by a treed setting and streetscape interface which is reflective of the existing low density zoning and landscaped setting.

The following trees are shown on plan sheet DA022 of the architectural plan set:

- the endemic tree protection zones - orange
- the category A1 tree protection zones - pink
- the category A2 tree protection zones – yellow.

An arborist report accompanies and supports the proposed development. Key recommendations include:

*9.2 A total of fifty trees will be removed as part of the development works. Of these, 23 and Group 1 are assessed as category Z trees. The remaining 27 trees are category A trees.*

*9.3 Thirteen trees consisting of three category Z trees and ten category A trees will be retained and protected.*

*9.4 Two retained trees (T16 and T17) will require tree sensitive construction methods specified in section 8.2.*

*9.5 One tree to be retained (T4) will require tree sensitive landscaping techniques to minimise impacts and is detailed in the section below.*

*9.6 Landscaping within the Tree Protection Zone of tree 4 has been assessed as of minor encroachment where the proposed plans do not show retaining walls. The landscaping works can be managed without significantly impacting the trees providing the works are carried out in accordance with section 10.10 of this report.*

The arborist identifies and recommends mitigation measures to manage these potential impacts. The recommendations for the management and mitigation of tree impacts which may reasonably form conditions of development consent.



Based on the above, the proposed development has made appropriate assessment of vegetation impacts and the provisions of this policy are satisfied by the proposal.

### **4.3.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

The following aspect of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the land and the proposed development:

- Chapter 4 - Remediation of Land

This matter is addressed below.

#### **Chapter 4 – Remediation of Land**

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

## **4.4 State Environmental Planning Policy 65 Design Quality of Residential Apartment Development**

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat developments.

In accordance with the provisions of Clause 4 (copied below), SEPP 65 does not apply to the proposed development because it comprises *multi-dwelling housing* (as defined in the LEP) which is expressly excluded from the policy by Section 4 clause (1), which is repeated below:

*(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—*

*(a) the development consists of any of the following—*

*(i) the erection of a new building,*

*(ii) the substantial redevelopment or the substantial refurbishment of an existing building,*

*(iii) the conversion of an existing building, and*

*(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*

*(c) the building concerned contains at least 4 or more dwellings.*

Therefore, SEPP 65 and its accompanying Apartment Design Guide do not apply to the assessment of the proposed development.

## **4.5 Building code and access – design compliance**

The application is accompanied and is supported by an assessment of the design against the key provisions of the Building Code of Australia. The report assesses the design compliance of the proposed building identifying matters for further consideration at detailed design and construction certificate stage. The report concludes that the proposal is capable of achieving compliance.

## 5 Development Control Plan

### 5.1 Overview

In response to Section 4.15(1)(iii) of the Act, the Warringah Development Control Plan (DCP) is applicable to the property.

Section 1.1 of the DCP establishes the provisions of the DCP that apply / don't apply and is repeated below:

#### *1.1 Applies to Land*

*This section applies to the Frenchs Forest Town Centre (Phase 1 Development), as outlined in Figure 1. The following parts of the DCP do not apply:*

*Part B Built Form Controls*

*Part C1 Subdivision (Requirement 1 only)*

*Part D1 Landscaped Open Space and Bushland Setting*

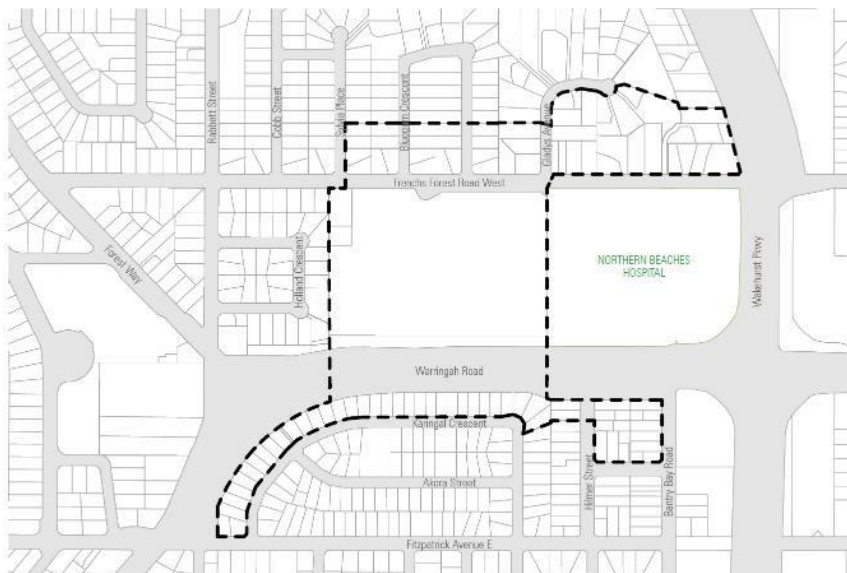
*Part D19 Site Consolidation in the R3 and IN1 zone.*

*All other parts of the DCP apply.*

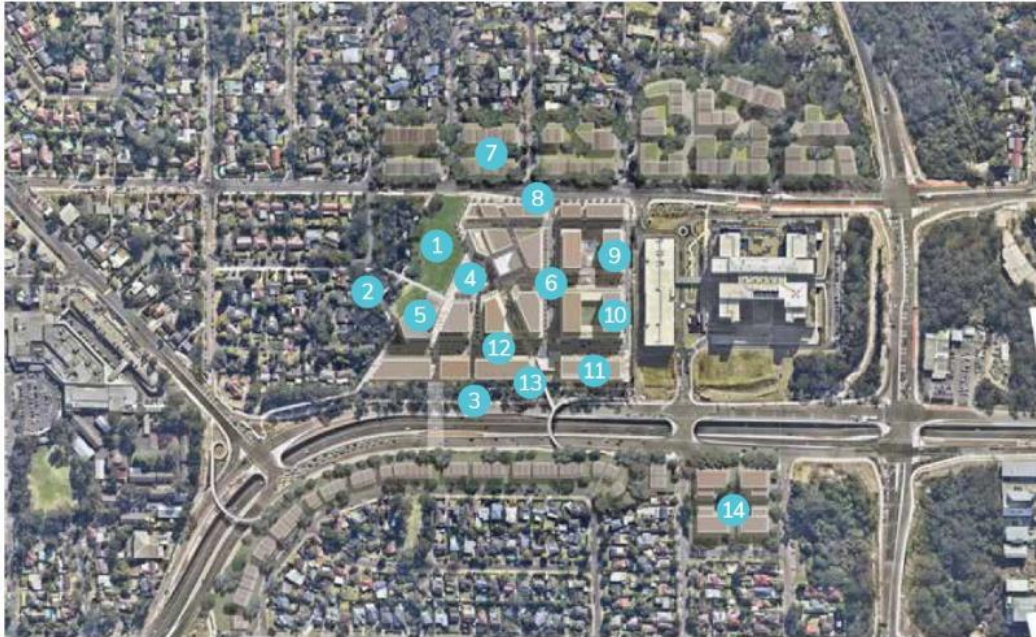
*In the event of any inconsistency between this section and other sections of the DCP, this section will prevail to the extent of the inconsistency.*

*Figure 1 - Frenchs Forest Town Centre outlined in black (Phase 1 Development)*

Relevant provisions of the Warringah DCP are addressed below.



**Figure 10 – 'Figure 1' from Part G the DCP**



**Figure 11 – ‘Figure 2’ from Part G the DCP is titled ‘Explanation – future development will deliver a master planned outcome and be consistent with Figure 2 and below’.**

In response to figure 2, the location of the subject site does not relate to any of the proposed outcomes listed as 1 to 14 within figure 2. Notwithstanding the below image shows the block modelling of the planning controls under the LEP and DCP applied the surrounding land in the context of the proposed development outcome for the site.



**Figure 12 – the proposed development (by the subject DA) within the context of the block modelling of the local planning controls**



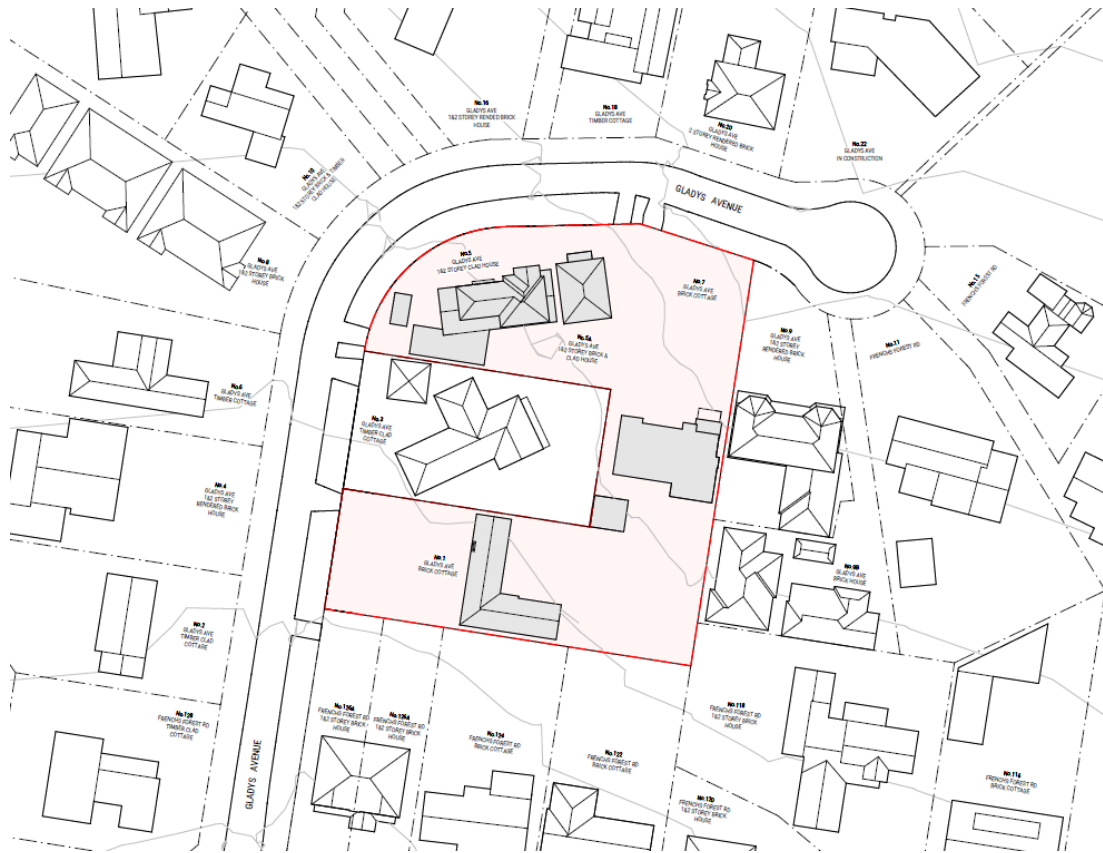


Figure 13 – existing development pattern



Figure 14 – proposed development pattern (by the subject DA and local planning controls)

## 5.2 DCP Part G9 Frenchs Forest Town Centre, Precinct 5 - Frenchs Forest Road West Neighbourhood

Control	Response	Complies?
1 Introduction	Previously addressed.	NA
2 Desired future character	<p><i>Character Statement</i></p> <p><i>'The Frenchs Forest Road West Neighbourhood will provide a contextually appropriate interface to surrounding low density residential areas, whilst increasing housing diversity and activating Frenchs Forest Road West with a range of office, health and medical uses to support the town centre and Hospital. The precinct will be characterised by:</i></p> <p><i>High quality medium rise apartment buildings, up to 6 storeys to create a new urban residential character to the north of Frenchs Forest Road West.</i></p> <p><i>Mixed use buildings with a range of ground floor uses, located directly opposite the town centre on Frenchs Forest Road West to create an active and engaging streetscape.</i></p> <p><i>Non-residential ground floor uses along Frenchs Forest Road West, including medical and health related uses, supporting the Northern Beaches Hospital.</i></p> <p><i>A pedestrian focused street at Frenchs Forest Road West to deliver a high quality streetscape on Frenchs Forest Road West'.</i></p> <p><b>Response -</b></p> <p>The proposed development will provide a contextually appropriate, multi-dwelling housing form, within a landscape setting. The proposed development satisfies the desired future character through its:</p> <ul style="list-style-type: none"> <li>▪ Response / compatibility with the planned scale, layout, and massing or future development within the local R3 zone.</li> <li>▪ Compliant building height, floor space ratio, landscaped area, and compatible building setbacks.</li> </ul> <p>The following characteristics are noted:</p> <ul style="list-style-type: none"> <li>▪ A 6.5m front setback is proposed for the whole site which has a frontage (in two sections) to Gladys Avenue of approximately 105m.</li> <li>▪ The proposal provides 10 townhouses fronting the street, all having pedestrian access points direct from the street providing high accessibility and an appropriate residential streetscape interface.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>NA</p> <p>NA</p>



Control	Response	Complies?
	<ul style="list-style-type: none"> <li>▪ The proposed development provides 44.3% landscape open space and 28.1% deep soil area.</li> <li>▪ 6.5m deep soil front setbacks are proposed to facilitate accommodation of existing endemic trees, provision of suitable land to accommodate replacement tree species and provision for landscape planting to the sites streetscape frontage.</li> <li>▪ An appropriate housing form for the site configuration is proposed. The architects investigated accommodating a Residential Flat Building on the site, but the site proportions are not conducive to the larger footprint required for an RFB. The size, shape, and proportions of the land render it appropriate for medium density, multi-dwelling housing and the associated smaller dwelling footprints which the proposal provides.</li> <li>▪ A high quality, contemporary, low rise medium density housing form is proposed.</li> </ul> <p>The site is not located on Frenchs Forest Road West and therefore various aspects of the DFC are not applicable to the site.</p>	
3 Design principles for the Town Centre	NA	NA
4 Frenchs Forest Town Centre Public Domain	NA	NA

### 5.2.1 Site specific requirements - Precinct 5 Frenchs Forest Road West Neighbourhood

Control	Provisions	Response	Complies?
5.2.3 Building setbacks			
Front setbacks	<u>Front</u> 6.5m required.	6.5m (minimum) proposed to site's Gladys Avenue frontages. Variable ranges from 6.5 to more than 8m	Yes
Side and rear Setbacks	Sides and rear  6.5m for land adjoining the R2 zone; otherwise not specified.  There is a 15m separation between the site and the property boundaries of land within the	<p>Southern building South side – 4.335m North side – 5m East side – 4.5m</p> <p>Middle building East side – 5.21m West side – 4.12m</p> <p>Northern building Rear – variable ranging from: 3.0m for dwelling 29 2.0m for dwelling 30</p>	Merits addressed within section 5.2.3 below

Control	Provisions	Response	Complies?
	R2 zone on the opposite side of Gladys Avenue.	6.0m for dwelling 29 8m – 9.5m for dwellings 23 to 26	
5.2.4 Street wall and upper floor setbacks	Fourth floor 3m inset from the street wall.	The proposed does not include a fourth storey.	NA
5.2.5 Building design	The Development Application is accompanied and supported by a design report prepared by Walsh Architects demonstrating how the proposed building design responds to the environmental conditions of the land and satisfies the provisions of this clause. The following key aspects are noted: <ul style="list-style-type: none"> <li>▪ The proposed building design addresses its street frontages.</li> <li>▪ The proposed multi-dwelling housing form is of an appropriate scale and footprint; shaped to reflect the configuration of the site.</li> <li>▪ the proposed building facades are appropriately articulated and presents an appropriate bulk and scale.</li> </ul>		Yes
5.2.7 Materials and finishes	The Development Application is accompanied and supported by a materials and finishes schedule prepared by Walsh Architects and satisfies the provisions of this clause.		Yes
5.2.8 Landscaped area	Landscaped area control 5.2.8: <ul style="list-style-type: none"> <li>▪ does not set an area requirement for <i>multi-dwelling housing</i>. It states the following: <i>For all residential flat building developments, landscaped area is to be at least 45% of the site area.</i></li> <li>▪ As stated by DCP Part G9 section 1.1 section, section D1 of the DCP does not apply.</li> </ul> <p>Notwithstanding these provisions, the proposed development provides appropriate landscaped area of 1,563 m<sup>2</sup> or 44.3% of the site as shown on architectural plan sheet DA 400.</p> <p>The objectives of the control and merits of the proposed development are addressed within section 5.3.3 of this report below.</p>		Yes
5.2.9 Active frontages	Not applicable to the land.		NA
5.2.10 Parking, basement design and basement access	The Development Application is accompanied and supported by a traffic and parking assessment report demonstrating how the proposed development response to the environmental conditions of the land and satisfies the provisions of this control.		Yes

Control	Provisions	Response	Complies?
<b>Part G9 Frenchs Forest Town Centre – clauses 6 to 10</b>			
6 Parking	<p>Objectives</p> <p><i>'A. To provide adequate on-site parking for a mix of development and vehicle types, including car share, electric vehicles, motorcycles and bicycles.</i></p> <p><i>B. To support the reduction of car trips and encourage the use of sustainable transport'.</i></p> <p>Inter-alia, the clause specifies a maximum car parking rate for development and a minimum parking rate for more sustainable forms of transport.</p> <p>Response -</p> <p>The proposed parking arrangement is addressed within the accompanying assessment prepared by TTPA consultants. It concludes:</p> <p><i>'Accordingly, the maximum car parking 'limit' for residents and visitors for this development is 45 spaces; the minimum car share requirement is 4 spaces.</i></p> <p><i>It is proposed to provide 45 parking spaces in the basement to comply with the above criteria. These will include:</i></p> <ul style="list-style-type: none"> <li><i>• 41 x Residential spaces</i></li> <li><i>• 4 x Car share spaces'</i></li> </ul> <p>Other aspects of the control are addressed with the transport impact assessment report.</p> <p>Based on the above the proposal is assessed as satisfactory in addressing the car parking requirements of the DCP.</p>	Yes	
7 Contamination	The proposal satisfies these requirements as previously addressed within section 4.3.3 of this report.		Yes
8 Sustainability	<p>The proposal satisfies its statutory sustainability requirements as previously addressed within section 4.3.1 of this report. Additional sustainability features of the proposed development include (but not necessarily limited to):</p> <ul style="list-style-type: none"> <li>▪ reduced car parking provision</li> <li>▪ electrical vehicle charging provision within the basement level as indicated on the architectural plans</li> <li>▪ provision of 2 electric vehicle charging spaces</li> <li>▪ selection of native endemic plants within the landscape plan and minimisation / avoidance of exotic species</li> <li>▪ the location of the site near the proposed town centre, established services, and public transport (bus services)</li> </ul> <p>The development application appropriately addresses BDCP sustainability requirements.</p>	Yes	

DEVELOPMENT CONTROL PLAN

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Control	Provisions	Response	Complies?
9 Water management	The Development Application is accompanied and supported by stormwater management plans demonstrating how the proposed development responds to the environmental conditions of the land and satisfies the provisions of this control.		Yes
10 Waste management	A waste management report accompanies and supports the development application satisfying the provisions of this control.		Yes

### 5.3 Building setbacks – DCP control 5.2.3

Part G9, Section 5.2.3 of the DCP states:

1. *Development with frontage to Frenchs Forest Road West shall have a nil side setback to ensure a continuous frontage to the street.*
2. *A minimum setback of 15m is required from Wakehurst Parkway.*
3. *Development adjacent to the R2 Low Density Residential and RE1 Public Recreation Zone must provide a minimum setback of 6m from the side or rear property boundary for the first 2 storeys. Development above 2 storeys is to be set back within a 45-degree angle, projected from a height of 2 storeys.*

In response to requirement 3 of WDCP G9 5.2.3, the site is separated from properties within the R2 zone by the Gladys Avenue road reserve, which is 15m wide.

The site does not directly adjoin residential properties within the R2 zone or RE1 zoned land. Furthermore, the proposed development provides side and rear setbacks that will be compatible with the desired future character of the area and achieve appropriate residential amenity outcomes.

The proposed third storey is sighted within the 45-degree building setback plane, as shown on the architectural plans.

The objectives of the control are repeated and responded to below:

- A. *To provide a consistent streetscape along Frenchs Forest Road West in order to achieve the Desired Future Character and Character Statement for the Precinct.*
- B. *To provide landscaped streetscapes consistent with those of adjacent low-density residential areas for all street frontages other than Frenchs Forest Road West.*
- C. *To ensure spatial separation between buildings that will provide an appropriate interface to adjoining low density residential areas.*

The following justifications in response to the objectives of the control, merits of the proposal and circumstances of the site are provided in support of the design:

#### **In response to Objective A –**

The subject site is not located on Frenchs Forest Road West and therefore objective A is not relevant to development within Gladys Avenue. Notwithstanding the proposed development will be compatible with the existing and desired future character foreshadowed for Gladys Avenue.

The proposed development is consistent with the objectives for development within the Frenchs Forest Precinct for the reasons set-out within this report and the documents that accompany the development application.

The local development character has been considered along with some recent approvals on properties on the opposite side of Gladys Avenue within the R2 zone. The following are noted:

- The approval of 6 Gladys Avenue in a R2 zoning with both storeys approved with a 3m side setback.

- 8 Gladys Avenue is also in an R2 zoning with townhouses approved with a 3m side setback which is noted in the assessment report as a “generous side setbacks”.
- 16 Gladys Avenue which is also R2 zoning was approved with 2m side setbacks. The amended scheme does have 4.0m which is in excess of the requirements of the WDCP B3 and B5 which require a 0.9m side setback and 4m side boundary envelope.

The proposed building form and setbacks appropriately respond to the circumstances of the site. The shape and relatively narrow 21-24m width of the site makes provision for 6.5 metre setbacks impractical to achieve. 6.5 metre setbacks would severely limit the building footprint of the proposed dwellings and make redevelopment of the subject site unviable.

It is evident that 6.5 metre side setbacks are not necessary to achieve appropriate amenity outcomes and satisfy the objectives of the control; addressed further below.

The proposed development comprises a 3-storey building incorporating a recessed, third upper level comprising a room in the roof style building form with dormer windows.

The proposed 3 storey building form is appropriate for the subject site noting the transition from higher development on land to the south to lower density development with an 8.5 metre 2 Storey height limit for land opposite Gladys Avenue to the north.

#### **In response to Objective B –**

The proposed development provides a landscaped streetscape consistent with those of adjacent low-density residential areas for all street frontages. The following key characteristics are observed:

- The proposed development has been designed to retain a treed interface with the adjacent streetscape through a combination of new plantings and retention of existing tree species.
- The proposed development provides a generous front setback along its significant 105 metre street frontage with a minimum dimension of 6.5 metres (that is wider in some sections) and mostly comprises deep soil landscape space.
- Landscape planting is proposed along the site’s street frontage including a significant number of trees and numerous plants, as set out within the planting schedule within the landscaping plan.

#### **In response to Objective C -**

The proposed development provides adequate spatial separation between buildings that will provide an appropriate interface to adjoining low density residential areas. The following key characteristics observed:

The subject site has direct interfaces with neighbouring land:

- to the south at 122 to 126 Frenchs Forest Road – zoned R3
- to the east at 9 Gladys Avenue – zoned R3
- to the west at 3 Gladys Avenue – zoned R3

Gladys Avenue, which adjoins the western and northern boundaries of the site provides a significant 15 metre separation (approximate, measured using – Six Maps) to the front boundary of land within the R2 zone. In addition to this separation, a 6.5 metre front setback is applicable to the subject site and land opposite within the R2 zone. When combined a separation of approximately 28 metres is achieved. This is entirely adequate

to maintain spatial separation, landscaping, and amenity between the subject site and land opposite within the R2 zone.

There are three main buildings proposed above the consolidated basement level. the setbacks to these buildings are documented within the table above and upon the architectural plans.

The proposed third storey is sighted within the 45-degree building setback plane, as shown on the architectural plans.

The proposed development achieves satisfactory solar access to the proposed dwellings as stated in response to control D2 within the table below.

The proposed development achieves satisfactory solar access to the adjoining land as stated in response to control D6 within the table below.

The proposed development achieves satisfactory view sharing as stated in response to control D7 within the table below.

The proposed development achieves satisfactory privacy as stated in response to control D8 within the table below.

Based on the above characteristics and circumstances, the side and rear building setbacks are assessed as appropriate in satisfying the objectives of the control.



## 5.4 Site consolidation

### 5.4.1 *Planning principle - Isolation of site by redevelopment of adjacent site(s)*

Attempts have been made to acquire the land parcel at 3 Gladys Avenue (which is 1,066m<sup>2</sup> in area, 24m wide, and 44m deep) but offers have been unsuccessful. Consideration has therefore been given to the planning principle for site isolation arising from development established in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 at 17-19 and the cases referenced therein. The planning principle raises two key questions, being:

1. *is amalgamation of the sites feasible?*
2. *can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The following responses are made to the provisions of the LEP control and the Court's planning principle:

#### ***Question 1 - is amalgamation of the sites feasible?***

An independent valuation of the land at 3 Gladys Avenue has been undertaken and the valuation report accompanies the development application.

Documentary evidence is provided with the DA to demonstrate that offers have been made based on current market value to the owner of 3 Gladys Avenue. They have declined to accept offers made to-date.

#### ***Question 2 - can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?***

Firstly, the development scheme demonstrates through its design and compatibility with its context, that the property is capable of being developed in isolation from the adjoining land at 3 Gladys Avenue in a manner that satisfies the planning controls applicable to the land.

Secondly, a conceptual redevelopment of the land at 3 Gladys Avenue has been prepared. The project architect has modelled the planning controls to determine two potential development outcomes Land at 3 Gladys Avenue

The site could accommodate a multi-dwelling housing development similar to the subject DA or a Residential Flat Building. In summary, the accompanying architectural plans show a Residential Flat Building comprising:

- 12 units – 11 receive 6hrs, 1 receives 5hrs
- FSR of 1 to 1 which is higher than the subject site and therefore achieves a reasonable development outcome
- Compliant building height (4 storeys) and landscaped area of 67.5%.

The land at of 3 Gladys Avenue benefits from its own 24.3m street frontage and modest gradients providing opportunities for future, independent vehicle access.

In summary -

- The amalgamation of the subject site with adjoining land appears unlikely to be feasible nor necessary.

- There remains sufficient opportunity for the adjoining land holding to be developed in their own-right responsive to the planning objectives for the site.
- Based on the above, the proposed development satisfies the local planning provisions and the Court's planning principle.

#### **5.4.2 Site consolidation – DCP control 5.2.6**

Clause 5.2.6 Site consolidation is applicable to the assessment of the DA. Its provisions are repeated and responded to below.

##### **Objectives**

*'To ensure that the size of new allotments caters for a variety of dwelling and household types and permits adequate solar access, areas for open space, landscaping and car parking.*

*To ensure that new development achieves the Desired Future Character and Character Statement for the Precinct'.*

##### **Requirements**

*'Proposed lots must have dimensions to enable the siting and construction of a buildings that:*

- 1. Protect any natural site features;*
- 2. Address the street;*
- 3. Minimise the impact on neighbours' amenity including access to sunlight, daylight, privacy and views;*
- 4. Provide usable outdoor open space;*
- 5. Provide activities for relaxation, recreation, outdoor dining and children's play areas; and*
- 6. Provide convenient pedestrian, bicycle, motor vehicle access and parking.*
- 7. Shop top housing, residential flat buildings, multi dwelling housing and attached dwellings must have a street frontage.*
- 8. Should a development result in an isolated lot, the applicant must demonstrate that the isolated lot is capable of being reasonably developed without detracting from the character of the surrounding area'.*

##### **Response -**

The proposed development appropriately satisfies the provisions of the control, noting the proposed development of the subject site and the conceptual development at 3 Gladys Avenue:

- does not propose the inappropriate destruction of natural site features
- addresses the street
- provides appropriate amenity impacts on neighbouring land
- provides appropriate private open spaces and landscape areas
- has appropriate street frontages to enable appropriate vehicle and pedestrian access

## 5.5 Landscaped Area – DCP control 5.2.8

The objectives and requirements of the control re repeated and responded to below:

### *Objectives*

1. *To ensure that new development achieves the Desired Future Character and Character Statement for the precinct.*
2. *To retain existing trees, encourage new tree plantings and maximise deep soil areas.*
3. *To ensure communal open space minimises amenity impacts to adjoining neighbours.*

### *Requirements*

1. *For all residential flat building developments, landscaped area is to be at least 45% of the site area.*
2. *Development must retain and protect any significant trees on the site and adjoining sites. Any tree removal will require offset planting at a ratio of 2 to 1.*
3. *Canopy trees must be planted within the front setback of residential flat buildings.*
4. *Building setbacks are to be landscaped and generally free of any structures, basements, car parking or site facilities other than driveways, mail boxes, garbage storage areas and fences.*
5. *Communal open space shall be located to minimise impact on adjoining neighbours' amenity including privacy and noise.*

*Note: To measure the area of landscaped area:*

- a) *Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks etc. and any open space areas with a dimension of less than 2m are excluded from the calculation;*
- b) *The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
- c) *Landscaped areas must be at ground level (finished); and*
- d) *The minimum soil depth of land that can be included as landscaped area is 1m.*

Response -

The proposed development provides appropriate landscaped area of 1,562 m<sup>2</sup> or 44.3% of the site as shown on architectural plan sheet DA 400.

The Development Application is accompanied and supported by a landscape plan demonstrating how the proposed building design responds to the environmental conditions of the land.

The proposed development satisfies the desired future character for the Frenchs Forest Road West Precinct as documented elsewhere within this report and the documents accompanying the DA.

The proposed development has been designed to retain a treed interface, with the adjacent streetscape through a combination of new plantings and retention of existing tree species.

The proposal includes well distributed deep soil areas for planting with landscaped areas provided between the proposed development and the site boundaries.

The proposed development provides a compliant and generous front setback along its significant 105 metre street frontage with a minimum dimension of 6.5 metres, that is wider in some sections, and mostly comprises deep soil landscape space. Planting is proposed along the site's street frontage including a significant number of trees and numerous plants, as set out within the planting schedule within the landscaping plan.

Given the significant number of trees on the site, there is insufficient area to accommodate offset planting at a ratio 2 to 1. Merit assessment of this provision is proposed.

The existing endemic trees are mapped within the accompanying DA documentation.

The projects landscape architect advises:

*Replacement endemic tree species include Acacia floribunda, Banksia integrifolia, Backhousia myrtifolia and Tristanosis laurina 'Luscious'; there are a total of 30. Other native tree species includes Corymbia ficifolia 'Wildfire' and Eucalyptus scoparia; there are a total 17. Smaller trees have been proposed in courtyards with large canopy trees proposed around the perimeter of the property.*

*In relation to shrub and understory planting, there are 14 endemic species, 16 Australian native species and 2 exotic species proposed. These plants have been chosen based on their appropriateness of scale for this development, ability to provide support for local pollinators and general aesthetic appeal.*

The projects landscape architect makes the following comments:

*'The landscape design for this project incorporates biophilic design principles in order to improve the interfaces for residents and to enhance the street appeal. Predominantly indigenous plant species have been selected to support local pollinators and faunal species. Terraced plantings including a mixed strata of trees, shrubs, native grasses and groundcovers to provide habitat and seasonal interest residents and the local community. Extensive tree plantings have been incorporated to provide shading to dwellings and outdoor spaces, with low water use plantings being used throughout to provide a resilient landscape. Permeable paving and gravel has been incorporated to improve the overall water permeability of the site. This will reduce site run off and stormwater loading. Each courtyard has been designed and landscape to provide a green and functional outdoor space for residents.*

*The street interface has been designed to provide mixed plantings between the property boundary and fence line which is set back. Native plant species have been incorporated along this edge to provide a diverse and textural planting mix. Additional plantings have been included behind the fence line to soften the interface of the development with the street. Paired paths to access gates have been incorporated to minimise the number of required crossings and to maximise the plantings along Gladys Avenue'.*

The landscape plan accompanying the proposal incorporates endemic plant species that will enhance the indigenous vegetation on the property.

The design provides appropriate quantity and quality of private open spaces (separately addressed).

No communal open spaces are proposed that would result in inappropriate amenity impacts to adjoining neighbours.

Based on the above it is assessed that the proposed development satisfies the landscape area control.



### 5.5.1 Parts C, D, & E - DCP compliance assessment

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows.

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part C - Siting Factors</b>		
<p>C1 Subdivision</p> <p>In accordance with DCP Part G9 clause 1.1, this provision of the DCP does not apply.</p>	NA	NA
<p>C2 Traffic, Access and Safety</p> <p>The proposal appropriately responds to the provisions of Part C2 and C3 of the DCP. The proposed vehicle access and parking arrangement is supported by an assessment prepared by TTPA consultants. It concludes as follows:</p> <p><i>the traffic generation of the proposed development will not present any adverse traffic implications</i></p> <p><i>the proposed parking provision will comply with the Council's DCP criteria and will adequately serve the development</i></p> <p><i>the proposed access, internal circulation and parking arrangements will be appropriate to AS design criteria'.</i></p> <p>Based on the above the proposal is assessed as satisfactory in addressing vehicle access and parking considerations.</p>	Previously addressed	Previously addressed
<p>C3 Parking Facilities</p> <p>Previously addressed.</p>	Yes	Yes
<p>C3(A) Bicycle Parking and End of Trip Facilities</p> <p>Required: 1 space per dwelling and 1 space per 12 for visitors. Provision is available for bicycle parking within the garage and storage areas allocated to each dwelling within the basement level.</p> <p>The vehicle access and parking assessment report that accompanies the DA states:</p> <p><i>'The proposal to provide 15 motorcycle spaces and 68 bicycle spaces meet the above criteria. It is noted that some motorcycle and bicycle spaces for residents will be provided within the individual enclosed garage'.</i></p>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>The proposal is assessed as satisfying the provisions of the control because the proposal will:</p> <ul style="list-style-type: none"> <li>▪ assist in meeting the transport needs of the community</li> <li>▪ provide bicycle storage areas that are undercover, secure, convenient to access, and connected to the adjoining roadway by safe egress</li> <li>▪ through convenience and safety for bicycle users, facilitate bicycle usage and help reduce reliance on private motor vehicles.</li> </ul>		
<p><b>C4 Stormwater</b></p> <p>The proposal has satisfactorily addressed the provisions relating to stormwater. A stormwater management plan supports the proposal, and these details accompany the Development Application.</p> <p>Based on the above the proposal is assessed as satisfactory in addressing the stormwater drainage considerations of the DCP.</p>	Yes	Yes
<p><b>C5 Erosion and Sedimentation</b></p> <p>A stormwater management plan supports the proposal, and these details accompany the Development Application.</p>	Yes	Yes
<p><b>C6 Building over or adjacent to constructed Council drainage easements</b></p>	Yes	Yes
<p><b>C7 Excavation and landfill</b></p>	Yes	Yes
<p><b>C8 Demolition and Construction</b></p>	Yes	Yes
<p><b>C9 Waste Management</b></p> <p>Waste management is provided for by the proposed development as shown on the architectural plans.</p> <p><b>General waste and recycling</b></p> <p>A garbage bin storage area is located within the ground floor level of the proposed building with direct, level, (at grade) access from the street frontage. The garbage bin area will be accessible to all future residents of the property.</p> <p>Based on the above, operational waste management provisions are satisfied by the proposal.</p>	Yes	Yes
<p><b>Part D - Design</b></p>		
<p><b>D1 Landscaped open space and bushland setting</b></p>	NA	NA

Clause	Compliance with Requirement	Consistent with aims and objectives
In accordance with DCP Part G9 clause 1.1, this provision of the DCP does not apply.		
<p>D2 Private Open Space</p> <p>The control sets a requirement '<i>Multi dwelling housing (not located at ground level)</i>' (10m<sup>2</sup> with minimum dimensions of 2.5 metres), however omits a requirement <i>multi-dwelling housing</i> at ground level which is the circumstance of the subject DA.</p> <p>Response:</p> <p>The majority of the proposed Private Open Space areas and dimensions range from:</p> <ul style="list-style-type: none"> <li>▪ for the southern block - 20 m<sup>2</sup> with a minimum dimension of 4.3m – north facing.</li> <li>▪ for the middle block - east and west facing, 13 m<sup>2</sup> (east) and 17m<sup>2</sup> (west) with a minimum dimension of 4.1m (east) and 3.2m (west).</li> <li>▪ for the northern block - south and north facing, 25 m<sup>2</sup> to 40 m<sup>2</sup> with a minimum dimension of 2m (north) 2- 9.5m south.</li> </ul> <p>Exceptions to the above include:</p> <ul style="list-style-type: none"> <li>▪ dwelling 29 m<sup>2</sup> - 47 m<sup>2</sup> north facing, minimum dimension 3m (south side) and 2m (north side)</li> <li>▪ dwelling 30 - 47 m<sup>2</sup> north facing, minimum dimension 4.3m</li> <li>▪ dwelling 12 – significantly larger PoS area.</li> </ul> <p>In summary, the DCP does not set a minimum requirement applicable to the proposed development. Notwithstanding, the proposed development provides adequate amenity private open spaces.</p>	Yes	Yes
<p>D3 Noise</p> <p>Pursuant to Clause D3 of the DCP the potential for acoustic impacts have been considered in the design and the following aspects are noted:</p> <p>Internal vehicle noise from the car parking area/driveway is not anticipated to be significant, noting that the parking area is enclosed by masonry perimeter walls and the majority of the level is below ground.</p> <p>As a residential development within a residential zone no excessive or inappropriate noise is anticipated from the proposed development.</p>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
Based on the above, the proposal is assessed as satisfactory in addressing potential acoustic impact considerations.		
D4 Electromagnetic radiation	Yes	Yes
D5 Orientation and energy efficiency	Yes	Yes
<p>D6 Access to Sunlight</p> <p>The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading to adjoining land. The proposal is also accompanied by view-from-the sun diagrams to enable assessment of solar access into the proposed and adjoining dwellings.</p> <p>The DCP requires that:</p> <p><i>Development should avoid unreasonable overshadowing any public open space.</i></p> <p><i>At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</i></p> <p>In response:</p> <p><b>Solar access to the proposed dwellings</b></p> <p>The proposed development meets and exceeds the minimum requirement for 50% of the required area of private open space (see response to D2 above) for each dwelling. The following characteristics are noted:</p> <ul style="list-style-type: none"> <li>▪ The southern row of townhouses, 1 to 12, are north facing with their principal private open space to the northern side.</li> <li>▪ Townhouses 13 to 22 have dual aspect orientation with their principal private open space on the eastern side gained compliant solar access during the morning time period on 21 June.</li> <li>▪ Townhouses 23 to 30 also have dual aspect, and they all have generous northern front gardens which will be off the dining area.</li> </ul> <p><b>Potential shadowing impact</b></p> <p>the properties to the south (122 to 126 Frenchs Forest Road West) are part of the precinct. They are earmarked for development with:</p> <ul style="list-style-type: none"> <li>▪ an FSR of 2:1,</li> </ul>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<ul style="list-style-type: none"> <li>▪ a 3.5m setback to the southern boundary,</li> <li>▪ zero setbacks to their side boundaries and a</li> <li>▪ height of 17.5m.</li> <li>▪ commercial land uses are encouraged on the ground floor increasing the potential for rear vehicle access to be provided adjacent to the southern boundary of the subject site</li> </ul> <p>Being to the south of the development site the overshadowing from the subject site development site is unlikely overshadow any future residential dwellings.</p> <p>The architects also investigated the overshadowing to 3 Gladys Ave and under a future RFB proposal, all 12 units have solar access compliance, and 11 of those have a full 6 hours of sun with the last unit having 5 hours. This is great solar access compliance.</p> <p>It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.</p>		
<p>D7 Views –</p> <p>The DCP aims to provide for view sharing for both the existing and proposed development and existing and future residents. New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>There are no non-compliances proposed/foreseen that give rise to unreasonable view impacts. We have not gained access to adjoining properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties.</p> <p>At this stage, it is our opinion that the proposal will not inappropriately impede on any established views from surrounding residential properties or public vantage points.</p>	Yes	Yes
<p>D8 Privacy –</p> <p>In relation to privacy, the DCP requirements state:</p> <ol style="list-style-type: none"> <li>1. <i>Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</i></li> <li>2. <i>Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</i></li> </ol>	Yes	Yes



Clause	Compliance with Requirement	Consistent with aims and objectives
<p>3. <i>The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</i></p> <p>4. <i>The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.</i></p> <p>5. <i>Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.</i></p> <p>In response:</p> <p>The proposed multi dwelling housing is appropriately designed, orientated and separated from each other and adjoining developments. They will not unreasonably impact the visual privacy of the neighbouring properties. The following features of the design are noted:</p> <ul style="list-style-type: none"> <li>▪ The proposal contains no upper floor living spaces (excluding dwelling 30 which has of upper floor living and balconies)</li> <li>▪ The proposal contains no upper-level balconies.</li> <li>▪ The upper level of the proposal is principally for sleeping and bathroom amenities, not living spaces, reducing potential privacy impacts from this level. In this way the proposed housing form presents a lesser potential privacy impact that a 2-storey residential flat building containing living rooms and balconies within the upper level.</li> <li>▪ Appropriate separation, boundary fencing, and landscaping provide a satisfactory privacy outcome to the rear adjoining properties to the south.</li> <li>▪ Side boundary fencing and courtyard landscaping are proposed to screen the private open space area of each townhouse.</li> <li>▪ Deep soil landscaping is provided along the perimeter of the site and will support appropriate vegetation along this site boundary.</li> </ul> <p>Noting these characteristics, the proposal is satisfactory in addressing the objectives of the control and the court's planning principles as they relate to privacy.</p>		
<p>D9 Building Bulk</p> <p>The requirements of the control repeated and responded to below.</p> <p><i>Requirements</i></p>	<p>Yes</p>	<p>Yes</p>

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>1. Side and rear setbacks are to be progressively increased as wall height increases.</p> <p>2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</p> <p>3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:  <i>The amount of fill is not to exceed one metre in depth.</i>  <i>Fill is not to spread beyond the footprint of the building.</i>  <i>Excavation of the landform is to be minimised.</i></p> <p>4. Building height and scale needs to relate to topography and site conditions.</p> <p>5. Orientate development to address the street.</p> <p>6. Use colour, materials and surface treatment to reduce building bulk.</p> <p>7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>8. Articulate walls to reduce building mass.</p> <p>The proposal is appropriately designed and articulated noting that:</p> <ul style="list-style-type: none"> <li>▪ Large areas of continuous wall planes are avoided by the development being 'broken down' into 3 separate buildings with significant 6.2m setbacks between each building. Furthermore the three buildings are vertically delineated into 30 separate dwellings.</li> <li>▪ LEP compliant building height and FSR is proposed.</li> <li>▪ The building floorplates, incorporate appropriate fenestration, use of materials, and articulation. The proposed design treatments are considered effective in reducing the building mass and providing a visually interesting design.</li> <li>▪ A compatible building footprint development extent and landscaped setting is proposed.</li> <li>▪ The proposed building levels relate to the natural topography with steps incorporated within the floorplates of each of the 3 buildings (A, B and C).</li> <li>▪ The design presents an articulated building form within a landscape setting noting its relatively narrow (12.19m) width and articulated townhouse style building forms.</li> </ul>		

Clause	Compliance with Requirement	Consistent with aims and objectives
<ul style="list-style-type: none"> <li>▪ The proposed building height and scale relates to the site conditions including the cross fall of the land and the pattern of medium density development (multi-dwelling housing &amp; residential flat buildings) within the local context.</li> <li>▪ The landscaped quality and character of the site will be enhanced through the removal of the existing structures and development of a coordinated planting regime. Additional planting is proposed within the boundary setbacks. The integrated site landscaping regime will ensure the building sits within a landscape setting and that its 3-dimensional form will not be perceived as inappropriate or jarring when viewed from adjoining land.</li> <li>▪ The street frontage of the building contains pedestrian egress an articulated façade, high quality materials and presents appropriately to the street.</li> </ul> <p>Overall, it is assessed that the proposed building form is appropriately articulated, ensuring that the bulk, and scale of the proposed building is appropriate.</p>		
<p>D10 Building Colours and Materials</p> <p>The proposal will renew and improve the site’s existing built form quality.</p> <p>The proposal will employ appropriate materials and finishes to achieve a compatible streetscape presence to blend with the site’s setting.</p>	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front fences and front walls	Yes	Yes
D14 Site facilities	Yes	Yes
D15 Side and rear fences	Yes	Yes
D16 Swimming Pools and Spa Pools	NA	NA
D17 Tennis courts	NA	NA
<p>D18 Accessibility</p> <p>The application is accompanied and is supported by an assessment of the design against the key access provisions of the Building Code and other relevant legislation.</p> <p>The report finds that the proposal is capable of satisfying access requirements subject to further detailed design and</p>		

Clause	Compliance with Requirement	Consistent with aims and objectives
documentation at the Construction Certificate stage. In conclusion, the relevant accessibility considerations are appropriately addressed and satisfied by the proposal.		
D19 Site consolidation in the R3 and IN1 zone  In accordance with DCP Part G9 clause 1.1, this provision of the DCP does not apply.	NA	NA
D20 Safety and security  Safety and security within the proposed development has been considered and integrated within the architectural design. The accompanying architectural design statement provides further details in response to this aspect.	Yes	Yes
D21 Provision and location of utility services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes

### 5.5.2 Part E - DCP compliance assessment

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows.

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part E - The Natural Environment</b>		
<p>E1 Preservation of Trees or Bushland Vegetation Pursuant to Clause E1 of the DCP 'Private Property Tree Management', the application proposes building within proximity to established trees located on of the property.</p> <p>The application is accompanied and supported by an arborist report. It assesses the impact of the proposed development upon existing vegetation.</p> <p>The application is also accompanied and supported by an landscape plan which proposes a replacement planting regime for the trees that are proposed to be removed</p> <p>The arborist makes recommendations for the management and mitigation of tree impacts which may reasonably form conditions of development consent.</p> <p>Based on the above, the proposed development has made appropriate assessment of vegetation impacts and the provisions of this clause are satisfied by the proposal.</p>	Yes	Yes
E2 Prescribed Vegetation Previously addressed.	NA	NA
<p>E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat</p> <p>As demonstrated on plan sheet DA022 the subject site is not located within the DCP's mapped threatened or high conservation habitat area.</p>	NA	NA
<p>E4 Wildlife Corridors</p> <p>As demonstrated on plan sheet DA022 the subject site is not located within the DCP's mapped wildlife area.</p>	NA	NA
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	NA	NA



E7 Development on land adjoining public open space	NA	NA
E8 Waterways and Riparian Lands As demonstrated on plan sheet DA022 the subject site is not located within the DCP's mapped Waterways and Riparian area.	NA	NA
E9 Coastline Hazard	NA	NA
E10 Landslip Risk	NA	NA
E11 Flood Prone Land	NA	NA

## 5.6 Conclusion – DCP objectives satisfied

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying DCP controls where the objectives of those controls have been satisfied. Accordingly, it is assessed that the proposed development satisfies the relevant objectives of the DCP and is worthy of support, in the circumstances.

## 6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
  
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental Impacts arising from the proposal.
  
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social (and environmental) benefits arising from the increased housing in a suitable location within the planned Frenchs Forest centre, close to jobs, services, public transport, and recreation areas.
  
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the relevant provisions of council’s DCP.
  
- It is compatible with the current and likely future character of development within the local context.
  
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
  
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise, and privacy.
  
- Given the site’s location and established function, the site is assessed as being entirely suitable for the proposed development.
  
- The public interest is best served through the approval of the application.

## 7 Conclusion

The application seeks development consent for the demolition existing structures and development of multi-dwelling housing at 1, 5, 5a, and 7 Gladys Avenue, Frenchs Forest.

The proposed development has been assessed with consideration to the relevant statutory policies. In summary:

- The proposal is a permissible land use and is consistent with the zoning objectives of the LEP
- The proposal will facilitate the consolidation renewal of the land and increased housing in a manner anticipated by the applicable local planning policies.
- The proposal satisfies the development standards under the Warringah LEP
- The proposal satisfies the principal built-form controls under the Warringah DCP.
- The proposal is appropriately separated from neighbouring dwellings. The proposal will not result in any unacceptable physical or amenity impacts.
- The proposal design is responsive to its context and is compatible with the local built form character.
- The proposal has minor environmental impacts, which can be mitigated in accordance with recommendations from the supporting reports.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.



**Michael Haynes**  
**Director BBF Town Planners**