

Strategic Planning Referral Response

Application Number:	DA2024/0499
Proposed Development:	Demolition works and construction of three residential flat buildings
Date:	16/12/2024
To:	Adam Croft
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

INTRODUCTION

On 16 May 2024, Strategic and Place Planning 2 provided a referral response for this application. At the time, the application was required to be re-submitted identifying 10% of total residential GFA of the development (after the application of any floor space ratio bonus pursuant of the Housing SEPP) to be dedicated as affordable housing to Council, inclusive of the remainder of any required GFA (after dedication of units for affordable housing) to be paid via a monetary contribution to Council in accordance with the Scheme and WLEP 2011.

An updated response is provided based on the additional information received on 19 November 2024. The contribution calculation and conditions will require further amendment if there are changes to the quantum of total GFA and/or changes in the total GFA of dwellings to be dedicated.

SUBJECT SITE

The subject site is 116-120 Frenchs Forest West and 11 Gladys Ave, Frenchs Forest (lot 14 & 24 DP 25713; Lot 1 & 2 DP 213608).

The land is zoned R3 Medium Density residential under the Warringah LEP 2011 and is identified as a site contained within the WLEP 2011 affordable housing contributions scheme map. The site currently contains 4 residential houses.

ASSESSMENT OF DA

The submitted Statement of Environmental Effects (SEE) has been prepared by Boston Blyth Fleming Town Planners.

The SEE advises that the application seeks consent for demolition works, and construction of three residential flat buildings over basement and mezzanine parking comprising a total of 124 units (9 x 1

bedroom units, 77 x 2 bedroom unit and 38 x 3 bedroom units).

Affordable Housing Contributions Scheme

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

Where the contribution is provided as a dedication of dwellings:

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

Where the contribution is provided as an equivalent monetary contribution:

- \$11,000 per square metre*

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

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

The Scheme also identifies a principle that Affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings within the development to which the development application relates, especially in terms of internal fittings and finishes, solar access and privacy.

Warringah Local Environmental Plan 2011

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

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

- (a) *the erection of a new building with a gross floor area of more than 200 square metres,*
or

(b) alterations to an existing building that will result in the creation of more than 200 square metres of gross floor area intended to be used for residential purposes, or

(c) alterations to an existing building and the consequent creation, whether for the same or a different purpose, of more than 100 square metres of gross floor area.

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

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

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

(a) by dedication in favour of the Council of land comprising—

(i) 1 or more dwellings, each having a gross floor area of not less than 50 square metres, with any remainder paid as a monetary contribution to the Council, or

(ii) other land approved by the Council in accordance with the Affordable Housing Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or

(b) if the Council agrees, by monetary contribution paid to the Council.

The application is therefore required to identify the dwellings to be dedicated to Council for the purpose of affordable housing, and provide a monetary contribution for the remainder of any required GFA in accordance with the Scheme and WLEP 2011.

Proposed affordable housing contribution to Council**

The application is for the total residential gross floor area (GFA) of 12,879.2m².

10% of which (1,287.92m²) is to be dedicated to Council as affordable housing, in perpetuity.

A further 15% (1,937.77m²) of total GFA (or 19 apartments) is proposed as affordable housing, to be managed by a community housing provider for a period of 15 years as required by the Housing SEPP, and does not form part of these referral comments.

The application seeks to dedicate over 10% of the total residential GFA to Council, being a minimum of 1,304.8m² via 13 units (see Table 1).

Apartment		Gross floor area (m ²)

CG01	3 bed	335.6
CG02	2 bed	
CG03	3 bed	
C101	3 bed	373.5
C102	2 bed	
C103	2 bed	
C104	3 bed	
C201	3 bed	373.5
C202	2 bed	
C203	2 bed	
C204	2 bed	
BG05	2 bed	222.2
BG06	3 bed	
Total		1304.8

Table 1 - Affordable housing allocation

**Calculations of GFA are based on the information provided in the application and is subject to change once the final quantum of GFA has been determined.

RECOMMENDATION

A. If approval of the DA is being recommended by the Assessing Officer, conditions have been provided

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:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Affordable Housing - Fittings and Finishes

The affordable housing dwellings identified in condition (xxx) must have internal fittings, finishes and services to the same standard as the other dwellings within the development.

Details of all internal fittings, finishes and services must be submitted to Council, and written confirmation received from Council to the effect that it is satisfied that the proposed internal fittings, finishes and services of the affordable housing dwelling(s) are at the same standard as other dwellings within the development prior to the issue of a Construction Certificate.

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

Reason: To ensure a high standard of affordable housing.

Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with Council providing for the transfer of title of the affordable housing dwellings identified in condition [xxx] to Council, at no cost to Council, prior to the issue of a Construction Certificate.

The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council.

Reason: To ensure the affordable housing is dedicated to Council.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Affordable Housing - Dedication of Dwellings

The affordable housing dwellings (shown on Plan A602, issue A dated 11.11.2024) and listed below (including car space) must be dedicated to Northern Beaches Council within 28 days of the later of:

1. the registration of any subdivision of the development creating separate title for the affordable housing dwellings; and,
2. the issue of an Occupation Certificate for those dwellings as outlined below:
 - a. **list units, car spaces, and adaptable units, gross floor area of each unit**

Apartment	Car Space	Gross floor area (m2)
CGO1	1 car space per unit to be allocated	335.6
CGO2	1 car space per unit to be allocated	
CGO3	1 car space per unit to be allocated	
C101	1 car space per unit to be allocated	373.5
C102	1 car space per unit to be allocated	

C103	1 car space per unit to be allocated	
C104	1 car space per unit to be allocated	
C201	1 car space per unit to be allocated	373.5
C202	1 car space per unit to be allocated	
C203	1 car space per unit to be allocated	
C204	1 car space per unit to be allocated	
BG05	1 car space per unit to be allocated	222.2
BG06	1 car space per unit to be allocated	
Total		1304.8

Reason: To ensure the affordable housing is provided in accordance with clause 6.11 of *Warringah Local Environmental Plan 2011*.

Affordable Housing - Fittings and Finishes

Prior to the issue of an Occupation Certificate, written confirmation must be received from Council to the effect that Council is satisfied that the proposed internal fittings, finishes and services are at the same standard as other dwellings within the development.

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

Reason: To ensure a high standard of affordable housing.