

Strategic Planning Referral Response

Application Number:	DA2024/0499
Proposed Development:	Demolition works and construction of three residential flat buildings
Date:	05/05/2025
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

STRATEGIC PLANNING ASSESSMENT
Discussion of reason for referral
<p>This application has been referred as the subject site to clause 35A(1) of the Environmental Planning & Assessment Regulations 2021 (the Regulations). The site is zoned R3 Medium Density Residential under Warringah Local Environmental Plan 2011 (WLEP 2011).</p>
Consideration of Application
<p>ADDITIONAL INFO RECEIVED - 24/4/24</p> <p>Strategic Planning note the updated Architectural Plans, prepared by Brewster Murray, Revision B.</p> <p>Previous comments regarding inconsistencies between the architectural and landscape plans have been addressed.</p> <p>Strategic Planning note that there may be opportunities to enhance the desired future character through the removal of the lightweight post and rail fencing at the Frenchs Forest Road West frontage, and re-consideration of the design of the architectural feature at the main entrance of Building A which protrudes into the 3.5m setback. Fences and other structures are not encouraged within the 3.5m setback.</p>

Notwithstanding the above, the proposal is supported with regards to strategic planning issues.

ADDITIONAL INFO RECEIVED - 24/4/24

Strategic Planning note the following amended plans and documentation:

- Supplementary Statement of Environmental Effects (SEE) prepared by Boston Blyth Fleming, dated 24 April 2024
- Architectural Plans, prepared by Brewster Murray, Revision B
- Landscape Plans, prepared by Conzept, Revision M

The amended design appears to make provision for a 3.5m setback to Frenchs Forest Road West, to allow for the future undergrounding of existing powerlines, deep soil planting, canopy trees and landscaping to contribute to the desired future character. Comment is deferred to Council's DSAP regarding design excellence and Council's Landscape Officer regarding the proposed landscaped design.

Strategic Planning note that there are inconsistencies between the architectural and landscape plans. Whilst the landscape plans do not show structures within the 3.5m setback, the architectural plans indicate the following structures within the 3.5m setback:

- Lower Ground Floor (Drawing A103): 2 x fire stairs associated with Building A
- Ground Floor (Drawing A104): 2 x fire stairs associated with Building A, a hydrant booster associated with Building A, a kiosk substation and associated cable trenching route near the communal open space area, a 1.2m high lightweight post and rail fencing at the Frenchs Forest Road West frontage, an architectural feature at the main entrance of Building A which protrudes into the 3.5m setback.

Strategic Planning requests that the architectural plans are updated to ensure consistency with the landscape plans, aiming to minimise any element encroaching into the 3.5m setback to Frenchs Forest Road West.

PREVIOUS COMMENTS – 12/12/24

Strategic Planning note the Supplementary Statement of Environmental Effects (SEE) prepared by Boston Blyth Flemming, dated 12 December 2024, which responds to clause 35A(1) of the Regulations.

Strategic Planning remains unsupportive due to the following concerns:

Strategic Planning intent

The overall intent of the Frenchs Forest 2041 Place Strategy in relation to the proposed development is the delivery of high quality medium rise apartment buildings which imbue an urban residential character. The proposed development satisfies this intent by providing for three residential flat buildings comprising 124 apartments (9 x 1-bed, 77 x 2-bed, 38 x 3-bed). Of these, 13 will be dedicated as affordable housing to Council and 17 are proposed as affordable housing under the Housing SEPP for a period of 15 years.

The proposed development is considered consistent with the following objectives of the Place Strategy:

- Actions for Frenchs Forest Road West Precinct:
 - o ...include medium rise apartments buildings up to 6 storeys to imbue an urban residential character to the north of Frenchs Forest Road West
 - o Provide an interface to the surrounding low-density residential areas and offer a diversity of housing
 - o Plan for apartment buildings and an urban residential character north of Frenchs Forest Road West
 - o ...no vehicular access from Frenchs Forest Road West.

However, the proposed development is considered inconsistent with the following objectives of the Place Strategy:

- Big Move 5 – Build on the established character of Frenchs Forest to create a place for people

The Supplementary SEE notes that the proposed residential flat development will contribute positively to the character of the area in terms of its architectural quality and integrated landscape outcome. Strategic Planning is of the view that the current design does not contribute positively to the character of the area and note that further design improvements should be explored, which will be addressed by other Council business units.

Design excellence

The Place Strategy notes that design excellence provisions will apply to certain development. Comment is deferred to Council's DSAP regarding this.

Generally, Strategic Planning is concerned with how the overall development responds to the design excellence criteria established by clause 8.5 of Warringah LEP 2011, which has been shaped by the irregular shape of the site and proposed site layout.

The Gladys Avenue entrance is dominated by vehicular access/egress and the pedestrian entrance is not clear for Buildings B and C as they are located a considerable distance from the street frontages. The location of mail boxes and collection areas as per DCP Part G9, Control 5.2.5, Requirements 4 to 4.4 are not identified on the plans.

Desired future character

The desired future character places importance on the incorporation of bushland elements, mature trees, urban tree canopy and creation of tree-lined streets with planting that provides natural shade and habitat. The proposed common open space facing Frenchs Forest Road West adjoining Building B is a positive design response. However, more can be done with Building A's setback to Frenchs Forest Road West and Building C's Gladys Avenue frontage.

Utilities services

The Place Strategy identifies that clause 8.10 of Warringah LEP 2011 requires a developer to give adequate consideration to undergrounding existing powerlines on Frenchs Forest Road West.

As there is no easement in place for the existing 33kV overhead transmission lines along Frenchs Forest Road West, Council's preferred design response is to ensure that buildings are set back at least 3.5m from the property boundary to ensure the safety and maintenance of this powerline.

Fences and other structures are not encouraged within the 3.5m setback. The plans show the following elements encroaching within the 3.5m setback to Frenchs Forest Road West: fences, balconies, hydrant booster in front of Building A, kiosk substation in front of Building B. The location of these elements within the 3.5m setback to Frenchs Forest Road West is not considered a good design response to the future undergrounding of the overhead powerlines, which may require earthworks outside of the subject site to remove the poles and facilitate minor footpath realignment.

ORIGINAL COMMENTS – 21/5/24

The application is for the demolition of the existing dwellings and structures on the site and construction of three residential flat buildings providing 127 apartments (9 x 1-bed, 85 x 2-bed, 33 x 3-bed). Of these, 9 apartments dedicated to Council and 21 apartments dedicated to affordable housing. The two basement levels contain 139 vehicle spaces, 13 visitor and 17 car share are proposed.

Matters for consideration are discussed below.

The Regulations

A response to clause 35A(1) of the Regulations is required. Clause 35A states:

35A Additional requirement for development application in Frenchs Forest Precinct

1. *A person must not apply to a consent authority for development consent to carry out development on land in the Frenchs Forest Precinct unless the application is accompanied by an assessment of the consistency of the proposed development with the Frenchs Forest 2041 Place Strategy.*

The documentation submitted (including the Statement of Environmental Effects) has not demonstrated an assessment of the consistency of the proposed development with the Frenchs Forest 2041 Place Strategy.

The application cannot be supported in its current form unless a response is provided to clause 35A(1) of the Environmental Planning and Assessment Regulation 2021 either in the Statement of Environmental Effects as a new Section titled 'Statement of Consistency', or as a separate supporting document.

The proposal is therefore supported.

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

Strategic Planning Conditions:

Nil.