

The Owners Strata Plan 73125
Building 5, 49 Frenchs Forest Road
Frenchs Forest NSW 2086
Ph: 02 9453 1904

8 April 2021

Northern Beaches Council
PO Box 82
Manly
NSW 1655
Att: Ms Lashta Haidar

Via email: council@northernbeaches.nsw.gov.au

**RE: Letter of objection to Requested Modification of Development Consent – Mod 2021/0077
- DA2019/1419 for proposed cancer treatment centre at 49 Frenchs Forest Road East,
Frenchs Forest**

Dear Sir/Madam

We write as Owners of the lots in Strata Plan 73125 or Lot 10 DP 1020015 or more commonly known as Building 5, 49 Frenchs Forest Rd, Frenchs Forest (henceforth referred to “**Building 5**”).

This is a joint submission by all the owners in respect of the modification development application 2021/0077, modifying DA2019/1419 (henceforth referred to “**Mod 2021/0077**”).

Objective of the EPA Act

The objects of the EPA are set out in clause 1.3. Specifically clause 1.3(b) directs;

“to facilitate ecologically sustainable development by integrating relevant economic, environmental and **social considerations** in decision-making about environmental planning and assessment,” (emphasis added).

Mod 2021/0077 requests Council to ignore the Act’s objectives to ameliorate community impacts from development. Mod2021/0077 in simple lay terms is; an avoidance of the requirement by the applicant to provide their adjoining neighbours with dilapidation reports before commencing their impactful development.

Background

DA2019/1419 has approved the construction of a medical centre. It has been established that adjoining neighbours are directly impacted by the development in numerous ways. The Planning Panel in consideration of those impacts, inter alia, inserted condition 23 into DA2019/1419, requiring dilapidation reports for all adjoining neighbours.

In Mod 2020/0592, the applicant sought to vary condition 23 of DA2019/1419 to avoid its neighbourly obligation. Mod 2020/0592 was subsequently withdrawn by the applicant.

The applicant has submitted Mod2021/0077 requesting a different variation to condition 23, again seeking to avoid its neighbourly obligations.

Condition 23 - Dilapidation report objection

Our letter of objection to DA2019/1419 dated 6 February 2020 previously detailed the externalities to be caused by Building 9, 49 Frenchs Forest Rd, Frenchs Forest.

These externalities were re-stated to the Sydney North Planning Panel (henceforth “SNPP”). The SNPP recognised the importance of the central roadway at 49 Frenchs Forest Rd, the impact on the adjoining neighbours and the externalities arising from DA2019/1419. The SNPP imposed a ‘best endeavours’ condition that the applicant seek to have all development egress via either the neighbouring Woolworths site or Warringah Road. No evidence, to date, has been offered to substantiate Building’s 9 progress in meeting its best endeavours obligation.

Mod 2021/0077 seeks to vary condition 23 of DA2019/1419, i.e. the dilapidation report requirements. Building 5 objects to Mod 2021/0077 on the grounds that it fails to pass the required threshold of the social objectives as laid out in 1.3(b) of the EPA Act. At a factual level, Mod2021/0077 fails to address all of the externalities previously considered by the SNPP when it determined condition 23.

In keeping with our 6 February 2020 letter, we request that Council impose a bond on the applicant to be used to remedy future damage caused by the applicant to any adjoining neighbour.

Conclusion

We would be more than happy to explain our concerns in more detail with Council if required.

Yours sincerely

Building 5, 49 Frenchs Forest Rd, Frenchs Forest