

24<sup>th</sup> April 2025

The CEO  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Steven Findlay – Manager Development Assessment

Dear Mr Findlay,

**Development Application No. DA2024/0499**  
**Supplementary Statement of Environmental Effects**  
**Demolition and construction of three (3) residential flat buildings**  
**116 – 120 Frenchs Forest Road West and 11 Gladys Avenue, Frenchs Forest**

This Supplementary Statement of Environmental Effects has been prepared in response to the draft reasons for refusal of the development application as outlined in the report to the Sydney North Planning Panel (SNPP) briefing meeting of 16<sup>th</sup> April 2025. This submission details the considered response to the issues raised and is to be read in conjunction with the following amended plans and documentation:

- Architectural plans Revision A and B prepared by BMHP Architects.
- Landscape plans Revision M prepared by Conzept.
- Stormwater management plans Revision G prepared by Hydracore.
- Waste management plan Version 2 prepared by MRA Consulting Group.
- Arborist report Version 5 prepared by Arbor Express.
- Traffic Impact Assessment Version 7 prepared by Genesis Traffic.

The amendments can be summarised as follows:

- The introduction of landscaped roof top communal open space areas, DDA compliant access and associated shade structures.
- A reduction in the height of the lift overruns to ensure strict compliance with the building height standard.
- The removal of paving and built form elements from within the Frenchs Forest Road West setback and a general rationalisation of built form elements within the side setbacks to maximise deep soil tree planting opportunities and facilitate the future undergrounding of power lines.
- Nomination of a bin tug storage/ holding area.

- Nomination of a vegetation bin holding area and outward swinging waste room doors.
- Provision of a roofed waste collection area with increased landscaped curtilage.
- Provision of additional compensatory tree plantings.
- The correction of basement carparking and column drafting errors.
- The provision of a 3.5m height clearance into the basement for an SRV.
- General refinement in the basement to address engineering concerns.

We respond to the draft reasons for refusal as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide.

Particulars:

- i. Due to the inadequate front and side setback treatments and overall landscape outcome, the proposal fails to achieve compatibility with the desired elements of the character of the locality, contrary to Section 20 Design Requirements of SEPP Housing.
- ii. Due to the various non-compliances with the objectives of the ADG, the proposal fails to achieve the following Design Quality Principles at Schedule 9 SEPP Housing:
  - *1: Context and Neighbourhood Character*
  - *5: Landscape*
  - *6: Amenity*
  - *8: Housing Diversity and Social Interaction*
  - *9: Aesthetics*
- iii. The proposal is inconsistent with the following objectives of the ADG:
  - *3A Site Analysis*
  - *3C Public Domain Interface*
  - *3D Communal and Public Open Space*
  - *4O Landscape Design*
  - *4V Water Management and Conservation*
  - *4W Waste Management*

Response: As previously indicated, the architectural and landscape plans have been amended to remove the paving and built form elements from within the Frenchs Forest Road West setback and provide a general rationalisation of built form elements within the side setbacks to maximise deep soil tree planting opportunities and facilitate the future undergrounding of power lines.

The amended landscape plans provide for additional compensatory canopy tree plantings to ensure that the development sits within a landscape setting noting that significant landscape elements have been retained as components of the overall development particularly in the south-eastern corner of the site.

This draft reason for refusal has been appropriately addressed.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.

Response: Based on the amendments made to the proposal to address the balance of the draft reasons for refusal we are of the opinion that the proposal is consistent with the aims of Warringah Local Environmental Plan 2011.

This draft reason for refusal has been appropriately addressed.

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Section 16 and 18 of SEPP Housing, Clause 4.3 Height of Buildings and Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.

Particulars:

- i. The proposed additional building height does not correspond to the proposed additional floor space ratio or the proportion of gross floor area proposed to be used for affordable housing as required by Section 16 and 18 of SEPP Housing.
- ii. The consent authority is not satisfied that the applicant's variation request under Clause 4.6 of WLEP 2011 seeking to justify a contravention of Clause 4.3 Height of buildings has adequately demonstrated that:
  - compliance with the standard is unreasonable or unnecessary, or
  - there are sufficient environmental planning grounds to justify the contravention.

Response: The proposal utilises the full 30% FSR and building height bonuses applicable to infill affordable housing pursuant to Chapter 2 of SEPP Housing. The plans have been amended to ensure strict compliance with the building height standard and accordingly the application does not rely on a clause 4.6 variation request.

This draft reason for refusal has been appropriately addressed.

4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 8.3 Objectives for Development in Frenchs Forest Precinct and Clause 8.5 Design excellence—Sites F, G and I of the Warringah Local Environmental Plan 2011.

Particulars:

- Due to the unacceptable public domain, landscape and character impacts and the various non-compliances with the applicable building height, landscape, amenity and water and waste management controls, the proposal is inconsistent with the following WLEP provisions:
- The objectives of the R3 Medium Density Residential zone,
  - Clause 8.3 Objectives for Development in Frenchs Forest Precinct, and
  - Clause 8.5 Design excellence—Sites F, G and I.

Response: Based on the amendments made to the proposal to address the balance of the draft reasons for refusal we are of the opinion that the development is consistent with the clause 8.3 Objectives for development in the Frenchs Forest precinct and the clause 8.5 Design Excellence provisions of WLEP.

This draft reason for refusal has been appropriately addressed.

5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 8.10 Power lines—Site G of the Warringah Local Environmental Plan 2011.

Particulars:

The inclusion of paving and structures within the setback area to Frenchs Forest Road West do not enable the relocation of the existing power lines underground.

Response: As previously outlined, this draft reason for refusal has been comprehensively addressed.

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C2 Traffic, Access and Safety and C3 Parking Facilities of the Warringah Development Control Plan.

Particulars:

The proposal does not comply with various requirements contained within the following sections of the WDCP:

- o *C2 Traffic, Access and Safety*
- o *C3 Parking Facilities*

Response: As previously outlined, this draft reason for refusal has been comprehensively addressed as detailed on the amended architectural plans and within the amended Traffic Impact Assessment.

7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4 Stormwater of the Warringah Development Control Plan.

Particulars:

i. The proposal does not provide sufficient information in relation to the below matters which are required to demonstrate compliance with Council's Stormwater Policy:

- o DRAINS modelling,
- o The external pipe connection point to the existing Council stormwater inlet pit in Gladys Avenue, and
- o Hydraulic Grade Line Analysis.

ii. As the basement excavation will intercept the groundwater table, in accordance with the principles set down in The Sydney Coastal Council Groups Groundwater Management Manual, the basement is required to be tanked to prevent the continual pumping of groundwater seepage to Councils stormwater drainage system.

Response: These matters have been comprehensively addressed within the updated stormwater management plans with DRAINS modelling emailed to Council under separate cover. No objection is raised to a condition requiring the tanking of the basement.

This draft reason for refusal has been appropriately addressed.

8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C9 Waste Management and D14 Site Facilities of the Warringah Development Control Plan.

Particulars:

i. The proposal fails to comply with Council's Waste Management Design Guidelines in the following ways:

- o No equipment storage area for a bin tug and trailer is identified on the plans,
- o No storage area for vegetation bins is identified on the plans,
- o The doors to the bulking goods store and waste rooms A, B and C must open outwards,
- o The proposal does not demonstrate that Council waste trucks can enter and circulate through the site.

ii. The proposed bin holding area is not designed to minimise visual, odour and noise impacts and does not incorporate adequate landscaping for visual screening.

Response: These matters have been comprehensively addressed on the architectural plans and within the updated waste management plan.

This draft reason for refusal has been appropriately addressed.

9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E1 Preservation of Trees or Bushland Vegetation, Clause E2 Prescribed Vegetation, E4 Wildlife Corridors and E6 Retaining unique environmental features of the Warringah Development Control Plan.

Particulars:

Due to the proposed tree removal and inability to provide sufficient compensatory canopy planting within the proposed landscaped areas, the proposal does not comply with various requirements contained within the following sections of the WDCP:

- o *E1 Preservation of Trees or Bushland Vegetation*
- o *E2 Prescribed Vegetation*
- o *E4 Wildlife Corridors*
- o *E6 Retaining unique environmental features*

Response: As previously indicated, the architectural and landscape plans have been amended to provide additional deep soil compensatory planting opportunity to ensure that the DCP provisions are satisfied.

This draft reason for refusal has been appropriately addressed.

10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause G9 Frenchs Forest Town Centre of the Warringah Development Control Plan.

Particulars:

i. Due to the excessive proportion of paving and structures within the front and side setback areas and subsequent inability to provide adequate landscaping, including canopy trees, the proposal does not comply with the requirements in Clause G9 Frenchs Forest Town Centre of the WDCP:

- *2 Desired Future Character*
- *5.2 Character Statement - Precinct 05 Frenchs Forest Road West Neighbourhood*
- *5.2.3 Building Setbacks*
- *5.2.8 Landscaped Area*

ii. The proposal does not comply with the requirements in Clause G9 Frenchs Forest Town Centre of the WDCP:

- *9 Water Management*
- *10 Waste Management*

Response: These matters have been comprehensively addressed as previously outlined within this supplementary statement.

This draft reason for refusal has been appropriately addressed.

We have formed the opinion that the amendments as detailed within this submission comprehensively addressed the draft reasons for refusal and accordingly there is no statutory impediment to approval of the application subject to appropriate conditions.

Please do not hesitate to contact me to discuss any aspect of this submission.

**Yours faithfully**

Boston Blyth Fleming Town Planners



Greg Boston

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

**Director**