

DATE OF DETERMINATION	26 April 2023
DATE OF PANEL DECISION	26 April 2023
DATE OF PANEL MEETING	26 April 2023
PANEL MEMBERS	Peter Debnam, Brian Kirk, Nicole Gurran, Graham Brown and Annelise Tuor
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 04 April 2023.

MATTER DETERMINED

PPSSNH-332 – Mod2022/0289 – Northern Beaches, 181 Forest Way Belrose, Modification of development consent DA2018/1654 granted for demolition works and construction of a new aged care facility including underground parking (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The Panel determined to approve the modification for the reasons set out below and in Council's Assessment Report.

The Panel considered Council's Assessment Report as well as subsequent written advice from the Applicant and from Council in relation to proposed Condition 11A.

At its 26th April meeting, the Panel was further briefed by Council and Applicant on the modification generally and specifically in relation to Condition 11A.

The Panel notes the proposed modification largely represents a refinement of the internal layout, which have no implications to the development as approved in terms of any further increases in bulk, scale, or streetscape modifications. However, the Panel notes the proposed modification does breach the setback controls that are prescribed by the B2 Oxford Falls locality statement of the WLEP 2000. However, Council's Condition 11A deletes the Applicant's proposed further encroachment within the front setback to ensure an acceptable level of landscape amenity along the subject site's frontage is maintained, consistent with that of the approved DA.

In relation to Condition 11A, the Panel concurred with Council that while the Applicant sought deletion of 11A, adequate planning grounds for deletion of the condition had not been demonstrated. However, the Panel asked Council to review the wording of Condition 11A to ensure it adequately covered any consequential amendments to the proposed modification plans.

In summary, the Panel believed the modification had been properly assessed against relevant planning controls and concurred with Council that, subject to recommended conditions, the proposal would be consistent with the approved built form, is appropriately proportioned, will sit within an appropriate landscape setting and will provide a good level of amenity for occupants and neighbours.

Accordingly, the Panel believes conditional approval of the modification would be in the public interest.

CONDITIONS

The modification application was approved subject to the conditions in Council Assessment Report as amended by Council’s email of 26th April (which included an amendment to Condition 11A to clarify consequential amendments to the approved plans). Condition 11A to read as follows:

The following amendments are to be made to the approved plans:

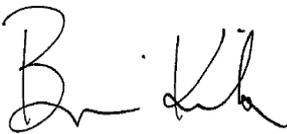
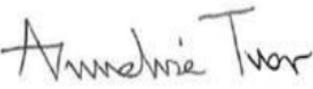
- *The four car spaces (and the aprons which adjoin these car spaces) shown adjacent to the eastern side of the ramp to the basement are to be deleted from the plans (including but not limited to architectural, landscape and stormwater).*

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

Reason: To ensure development minimizes unreasonable impacts upon surrounding land.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 2 written submissions made during the public exhibition of the proposal. Issues raised included additional parking, spa and hairdresser, fencing, construction storage, traffic, noise, and light pollution. The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam	 Brian Kirk
 Nicole Gurrán	 Graham Brown
 Annelise Tuor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-332 – Mod2022/0289 – Northern Beaches
2	PROPOSED DEVELOPMENT	Modification of development consent DA2018/1654 granted for demolition works and construction of a new aged care facility including underground parking

3	STREET ADDRESS	181 Forest Way Belrose
4	APPLICANT/OWNER	Regis Aged Care Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	S4.56 to general development exceeding \$30,000,000.00
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Housing) 2021 • SEPP (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) • State Environmental Planning Policy (Resilience and Hazards) 2021 • Warringah Local Environmental Plan 2000 - Locality: B2 Oxford Falls Valley • Draft environmental planning instruments: Nil • Development control plans: Warringah Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Coastal zone management plan: Nil • Other relevant plans: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report with draft conditions of consent. • Applicant's submission of 19 April 2023 • Council's supplementary memo of 26 April 2023 • Plans • Statement of Modification • Traffic Report • Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 24 August 2022 - Briefing • 26 April 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> • <u>Panel members</u>: Peter Debnam, Brian Kirk, Nicole Gurran, Graham Brown and Annelise Tuor • <u>Council assessment staff</u>: Kye Miles, Adam Richardson, Torin Calf, Joseph Tramonte • <u>Applicant Representatives</u>: Ian Cady, Gemma Bassett, Markam Ralph, Michael Robinson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, subject to amended wording to

		Condition 11A as set out in Council's email of 26 th April.
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