

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	24 February 2022
DATE OF PANEL DECISION	23 February 2022
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk and Annelise Tuor
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 14 February 2022.

MATTER DETERMINED

PPSSNH-282 – MOD 2021/0816 – Northern Beaches, Lot 1 DP 5055, 8 Forest Road, Warriewood, Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings (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 observed at site inspections listed at item 8 in Schedule 1.

MODIFICATION APPLICATION

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

The Panel's decision was unanimous.

REASONS FOR THE DECISION

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

The modification application applies to the approved Development Consent N0440/15 granted by the Land and Environment Court for subdivision and the construction of 81 dwellings with associated landscaping and civil works. In 2018, that Court consent was then modified (MOD2018/0019) to introduce a staged construction for the development.

This modification application effectively seeks to reverse the decision of MOD2018/0019 by way of removing all staging elements and reverting a number of modified conditions back to the original court conditions. A number of other conditions are also modified as detailed in the Assessment Report.

Council's assessment of this Section 4.56 Modification Application has found that the changes sought to the consent result in no alterations to the approved built form or 'final product' to be delivered on site, and rather the changes are more administrative in facilitating flexibility in the construction process. The removal of staging requirements reverts the consent to be consistent with the original court consent.

The Panel concurs with Council that the proposed development satisfies appropriate controls and that all processes and assessments have been satisfactorily addressed and approval is in the public interest.

CONDITIONS





The modification application was approved subject to the conditions as recommended in Council's Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered twenty written submissions made during the public exhibition. Issues of concern included: overdevelopment and density, inadequate infrastructure (parking, road networks and sewer), Increased bushfire risk, tree loss and impacts to wildlife and Determination request. These submissions were addressed in detail in Council's Assessment Report.

The Panel concurs with Council that the concerns expressed in those submissions largely revolve around the concept of building on this land entirely, rather than referring to specific aspects of this modification application. Those submissions are concerned about the approved density and subsequent impacts to the existing provision of infrastructure, as well as any tree removal and associated habitat removal caused by the approved development. While the submissions are all genuine concerns of local residents, they fall outside the scope of Council's assessment for this modification to an approved development. It is for this reason that the Panel concluded that a public meeting was not necessary.

The Panel considers that concerns raised in the submissions have been adequately addressed in Council's Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Annelise Tuor

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-282 – MOD 2021/0816 – Northern Beaches
2	PROPOSED DEVELOPMENT	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings
3	STREET ADDRESS	Lot 1 DP 5055, 8 Forest Road
4	APPLICANT/OWNER	8 Forest Road Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • State Environmental Planning Policy (Infrastructure) 2007 • Pittwater Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: Pittwater 21 Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: 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: 14 February 2022 • Applicant's Statement of Environmental Effects (08 October 2021, by Boston Blyth Fleming Town Planners) • Written submissions during public exhibition: 20
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing – 14 December 2021 • Final briefing to discuss council's recommendation: 23 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk and Annelise Tuor ○ <u>Council assessment staff</u>: Adam Mitchell and Brittany Harrison
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report