



<b>DATE OF DETERMINATION</b>	31 August 2023
<b>DATE OF PANEL DECISION</b>	31 August 2023
<b>DATE OF PANEL MEETING</b>	30 August 2023
<b>PANEL MEMBERS</b>	Brian Kirk (Acting Chair), Nicole Gurran, David Kitto, Annelise Tuor,
<b>APOLOGIES</b>	Peter Debnam
<b>DECLARATIONS OF INTEREST</b>	Graham Brown declared a perceived conflict of interest as he was involved in the original approval that is now sought to be modified.

Papers circulated electronically on 23 August 2023.

#### **MATTER DETERMINED**

PPSSNH-399 - Mod2023/0201 – Northern Beaches, Lot 1 DP 5055, 8 Forest Road WARRIEWOOD, Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping (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.

#### **Modification 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**

This s. 4.56 Modification Application is referred to the Sydney North Planning Panel ('SNPP') for determination as it is a modification to a regionally significant development pursuant to the Schedule 6 Clause 2 of the State Environmental Planning Policy (Planning Systems) 2021.

The application seeks to modify Development Consent No. N0440/15 granted by the Land and Environment Court for subdivision and the construction of 81 dwellings with associated landscaping and civil works.

The modifications proposed under this application generally relate to new decks in front setbacks, new fencing and minor internal and external alterations to the townhouses and residential flat buildings. There are no changes to the approved number of dwellings on the site.

The Panel is satisfied that the proposed modified development is substantially the same as the development for which the consent was originally granted. The Panel is also satisfied that the proposed modifications do not materially impact the amenity of surrounding properties, significantly alter the approved design, or impact the natural environment.

The Panel concurs with Council's assessment and grants approval to the modification application, subject to the recommended conditions reducing the height of fencing to the residential flat building, scale of the proposed decking and general biodiversity conditions.

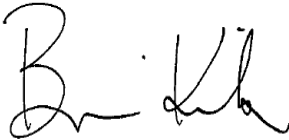


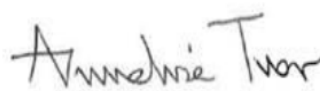
The Panel is satisfied that this modification application has been appropriately assessed against all relevant planning controls.

### CONDITIONS

During the final briefing, Council advised that an amendment to the recommended conditions in Council's Assessment Report was agreed with the Applicant. The amendment consolidates recommended conditions B41 and C35 by deleting B41 and editing C35. The Panel accepts the amendment, and the final and complete set of modified and additional conditions was provided by Council to the Panel Secretariat on 30 August 2023.

### CONSIDERATION OF COMMUNITY VIEWS

The exhibition of the proposal attracted one (1) submission, which raised concerns principally with regards to traffic. In coming to its decision, the Panel considered this submission and is satisfied these concerns have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Brian Kirk (Chair)	 Nicole Gurrán
 David Kitto	 Annelise Tuor

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	PPSSNH-399 - Mod2023/0201 – Northern Beaches
2	<b>PROPOSED DEVELOPMENT</b>	Modification of Development Consent N0440/15 granted for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping
3	<b>STREET ADDRESS</b>	Lot 1 DP 5055, 8 Forest Road WARRIEWOOD
4	<b>APPLICANT/OWNER</b>	The Trustee for Forest Road Unit Trust Jubilee Developments Pty Ltd 8 Forest Road Pty Ltd
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Section 4.56 Modification Application to a Regionally Significant Development pursuant to Schedule 7 Clause 2
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments:               <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulations 2021</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Pittwater Local Environmental Plan 2014</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Draft environmental planning instruments: Nil <ul style="list-style-type: none"> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Pittwater 21 Development Control Plan 2014</li> </ul> </li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>:</li> <li>• Coastal zone management plan: Nil</li> <li>• Other relevant plans: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report with draft conditions of consent.</li> <li>• Architectural Plans</li> <li>• Landscape Plans</li> <li>• Thermal Comfort and BASIX Assessment (Issue. E)</li> <li>• Written submissions during public exhibition: 1</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 02 August 2023 - Briefing</li> <li>• 30 August 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Brian Kirk (Acting Chair), Nicole Gurrán, David Kitto, Annelise Tuor</li> <li>○ <u>Council assessment staff</u>: Maxwell Duncan</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	The conditions in Council's email on 30 August 2023