

DATE OF DETERMINATION	20 September 2022
DATE OF PANEL DECISION	14 September 2022
DATE OF PANEL MEETING	14 September 2022
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis
APOLOGIES	Julie Savet Ward, Annelise Tuor
DECLARATIONS OF INTEREST	Graham Brown declared a perceived conflict of interest as he was involved in an original approval associated with this site.

The Panel were briefed by Council and the applicant by teleconference on 14 September 2022, opened at 1pm and closed at 1.30pm.

Papers circulated electronically on 12 September 2022.

MATTER DETERMINED

PPSSNH-303 – Northern Beaches Council – Mod2022/0070 at 8 Forest Road, Warriewood for the 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 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 decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined below and in Council's Assessment Report.

While recognising that the Applicant's formal written request under clause 4.6 is unnecessary, the Panel considered the Applicant's reasons for proposing an increase in the height of the building and found those reasons cogent. Accordingly, the Panel supports the modified design, which includes an increase in the height of the building.

The proposed modifications alter the approved height of buildings in regard to the lift over-run and rooftop air conditioning units on Building D. These elements reach a height of 10.7m as opposed to the approved height of 10.5m, which is also the development standard height.

The Panel notes notwithstanding Clause 4.6 does not apply to Section 4.56 modification applications, the merits of the variation have been assessed by Council with regard to the objectives of the height of buildings development standard and the underlying objectives of the R3 Medium Density Residential zone. The Panel concurs with Council that the proposal is consistent with the objectives of the R3 Medium Density Residential zone.

The modifications sought generally pertain to a refinement of the exterior appearance of the building, a rationalisation of the internal layouts, reinstatement of a loft level, addition of air conditioning units on the roof, a change in the mix of apartments and corresponding changes to conditions.

The Panel notes the modification application has been appropriately assessed against all relevant planning controls.

The Panel noted changes sought under this modification result in a development, which is substantially the same as the originally approved development and the modifications do not materially impact surrounding properties, the environment or the quality of accommodation afforded to future occupants.

Given the proposed improvements to the building design and their appropriate assessment by Council, the Panel believes approval of the application is in the public interest.

CONDITIONS




The Development Application was approved subject to the conditions in Council's Assessment Report with the rewording of Condition B28 to ensure adequate screening of rooftop plant.

Condition B28 is to read *"The areas shaded in light blue on approved plans no. A103.1 Rev. 03 AND A103.2 Rev. 03 are to be encircled for their perimeter by a 1400mm high vertical louver screen, measured from the finished slab level of the roof. Any air conditioning unit, condenser or associated mechanical ventilation components are not to be of a height greater than the screen. Details and dimensions of the screen are to be provided on the cc plans."*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered six written submissions made during public exhibition. The Panel notes issues of concern included construction traffic management and safety measures, ongoing traffic impacts, pedestrian safety, stormwater and flood management

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Brian Kirk	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSNH-303 – Northern Beaches Council – Mod2022/0070
2	PROPOSED DEVELOPMENT	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings
3	STREET ADDRESS	8 Forest Road, Warriewood
4	APPLICANT/OWNER	Architecture Design Studio Pty Ltd Jubilee Developments Pty Ltd and 8 Forest Road Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Section 4.56 Environmental Planning and Assessment Act 1979 ○ Pittwater Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Pittwater 21 Development Control Plan • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 7 September 2022 • Clause 4.6 variation requested to cl 4.3 (Height of Buildings) Pittwater Local Environmental Plan 2014 • Written submissions during public exhibition: 6 • Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council Briefing: 15 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Steve Findlay • Final briefing to discuss council’s recommendation: 14 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis ○ <u>Council assessment staff</u>: Adam Susko

		○ <u>Applicant representatives:</u> Greg Boston, Brendan Wenke
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report